

STATE OF GEORGIA

CITY OF JONESBORO

**ORDINANCE NO. 2016-004**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, BY REPEALING CHAPTER 52 (SIGNS) IN ITS ENTIRETY AND BY ENACTING ARTICLE XVI (SIGNS) IN CHAPTER 86 (ZONING); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the “City”) is the Mayor and Council thereof; and

**WHEREAS**, the City has the power to regulate the display of outdoor signage within its limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of the State of Georgia, including but not limited to Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph III; the authority granted by the General Assembly of the State of Georgia, including but limited to O.C.G.A. § 36-70-3; the authority granted under the Charter of the City of the Jonesboro, including but not limited to Sections 1.12 and 1.13(4), (11) (23) and (30); as well as the general police powers of the City and other authority provided by federal, state, and local laws applicable hereto; and

**WHEREAS**, the City previously exercised such power, having adopted a comprehensive code governing the manner in which people may display outdoor signs that presently is codified in Chapter 52 of its Code of Ordinances; and

**WHEREAS**, the United States Supreme Court’s recent opinion in *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), clarified the meaning of content neutrality as a central

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requirement of the First Amendment’s protection of free speech with respect to the regulation of certain types of signs; and

**WHEREAS**, the *Gilbert* Court reaffirmed that ordinances which regulate certain signs by category according to the type of information conveyed are content-based and subject to strict scrutiny analysis, the most exacting form of judicial review and one that is exceptionally hard to satisfy; and

**WHEREAS**, the *Gilbert* opinion also makes clear that regulations which apply to all signs and use content-neutral standards, such as size, material composition, lighting, moving parts, and portability, would not be subject to strict scrutiny review under the First Amendment and, therefore, would likely to be upheld if challenged; and

**WHEREAS**, the City desires to revise its sign regulations in light of the *Gilbert* opinion by repealing Chapter 22 (Signs) of the Code of Ordinances in its entirety and enacting Article XVI (Signs) in Chapter 86 (Zoning); and

**WHEREAS**, the public health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA, and by the authority thereof:

**Section 1.** The Code of Ordinances of the City of Jonesboro, Georgia is hereby amended by repealing in its entirety Chapter 52 (Signs) and by enacting Article XVI (Signs) in Chapter 86 (Zoning), which is more particularly set forth in Exhibit “A” attached hereto and made a part hereof by reference.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF JONESBORO, GEORGIA**

\_\_\_\_\_  
**Joy Day, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Ricky L. Clark, Jr., City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Steven M. Fincher, City Attorney**

**EXHIBIT A**  
[See Attached]

“Chapter 86 – ZONING  
ARTICLE XVI – SIGNS

Section 86-475. - Short title.

This article shall hereafter be known and cited as the "Sign Ordinance of the City of Jonesboro."

Section 86-476. – Findings and purpose.

(a) *Findings.* The governing authority of the City of Jonesboro hereby finds as follows:

- (1) The explosive growth experienced in the entire Atlanta metropolitan area over the past two decades has impacted the City. Significant infrastructure improvements in the area have included the expansion of Tara Boulevard and other major thoroughfares within the municipal limits of the City. As a result of these improvements, the City has witnessed a dramatic increase in traffic and the addition of numerous signs within its limits. Uniform regulation of signage providing information to the motoring public is essential to minimize hazards to pedestrians and vehicle operators.
- (2) Exterior signs have a substantial impact on the character and the quality of a community. This is particularly true in the City as very few areas within its limits are distinctly residential or distinctly commercial and homes are often found in close proximity to commercial areas. Moreover, the unique character of the historical areas of the City is especially vulnerable to the impact of exterior signs. A plethora of unregulated signs will have a negative impact on the visual characteristics of the community. Regulation of signs will protect property values and the aesthetic character of the City, maintaining it as a desirable place in which to live and to work.
- (3) A variety of businesses are located within the municipal limits of the City. Their need to advertise products and services must be balanced by the City's obligation to restrict clutter, maintain an aesthetically pleasing environment, protect property values, minimize risks to pedestrians and motor vehicle operators, and enhance public safety.
- (4) Signs provide an important medium through which individuals, organizations, institutions, and businesses may exercise their right to freedom of speech and expression and convey a variety of messages.
- (5) The provisions in this article which regulate signs on the basis of size, height, shape, design, spacing, placement, and distance, but not on the content of any message conveyed therein, provide an appropriate balance between the right to freedom of speech and expression via the sign medium and the protection of the substantial governmental purposes stated above.

(b) *Purpose.* The purpose and intent of the governing authority of the City in enacting this article are as follows:

- (1) To protect the health, safety, and general welfare of the citizens of the City of Jonesboro, and to implement the policies and objectives of the comprehensive development plan of the City of Jonesboro through the enactment of a comprehensive set of regulations governing signs within the municipal limits of the City.
- (2) To regulate the erection and placement of signs within the City of Jonesboro in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.
- (3) To preserve the value on property on which signs are located and from which signs may be viewed.
- (4) To maintain an aesthetically attractive city in which signs are compatible with the use patterns of existing zoning districts.
- (5) To establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the City.
- (6) To provide fair and reasonable opportunities for the identification of businesses which are located within the city, and to provide for the identification of the availability of products, goods or services which are available upon site so as to promote the economic vitality of businesses which are located within the City.
- (7) To ensure the protection of the right to freedom of speech and expression provided under the Constitutions of the United States and the State of Georgia and, in no event, place restrictions that apply to any given sign dependent on the communicative content of the sign.
- (8) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts.
- (9) To allow certain signs that are small, safe, unobtrusive, and incidental, subject to the substantive requirements of the article but without a requirement for permits.
- (10) To provide for Temporary Signs in limited circumstances, without regard to the communicative content of the sign.
- (11) To place reasonable controls on Nonconforming Signs that are by definition contrary to the public health, safety, and welfare while protecting the constitutional rights of the owners of said Nonconforming Signs.
- (12) To continue to encourage the display of public art as a vital part of the urban landscape, while imposing reasonable restrictions on such art in order to protect

public safety and to avoid the abuse of a public art exemption as a means for evading the purpose and effect of these sign regulations.

Section 86-477. - Definitions.

(a) For purposes of this article, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular. The word "shall" is mandatory and not discretionary.

(b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

2005 Zoning Ordinance means the provisions contained in Chapter 86 of the Code of Ordinances, City of Jonesboro, Georgia, as adopted and from time to time amended.

A-Frame Sign means a moveable sign not permanently secured or attached to the ground or surface upon which it is located.

Administrator means the individual employed by the City as the "code enforcement officer" or his/her designee. In the absence of such employment, the term shall mean the individual designated by the mayor and council to oversee the enforcement of this article.

Animated Sign means any sign with action, motion, changing colors, or having characteristics that require electrical or mechanical energy, including wind-activated elements such as spinners and aerial devices.

Area of Sign. Both sides of a Double-Faced Sign shall be used in computing the area.

- (1) Ground Sign/Monument Sign. The area of a Ground Sign or Monument Sign shall mean and shall be computed as the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, although one trademark, insignia, coat of arms, or other similar identifying mark may be affixed to the frame, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed. A Ground Sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures. The area of Monument Signs shall be computed as provided for Wall Signs.
- (2) Wall Sign. The area of a Wall Sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof,

that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a Wall Sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs.

- (3) Three dimensional sign. The area of a three dimensional sign shall be determined by a contiguous perimeter drawn around the three dimensional sign enclosing the limits of the three dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. The three dimensional sign shall be treated as a double sided sign for purposes of sign area; therefore, the area of the above described perimeter shall be doubled, which product shall be the area of the sign for purposes of this sign ordinance.

Awning and Canopy Sign means a sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property.

Banner means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically hung or displayed on buildings or suspended in midair across streets, passageways, and other areas visible to the general public.

Bench Sign means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing.

Building Face Projection means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a Planned Center, the Building Face Projection shall be that portion of the front facade that the applicant occupies.

Building Line means a line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

Changeable Copy Sign means a sign on which panels of copy may be changed manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed.

City means the City of Jonesboro, Georgia.

City Code means the Code of Ordinances, City of Jonesboro, Georgia.

Decision Date means the date upon which the Administrator makes a final decision to approve or to deny an application for authorization to erect a sign.

Designated Agent means an individual who is licensed as a real estate broker or sales agent by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

District means a zoning district.

Double-Faced Sign means a sign which has two display areas against each other, where one face is designed to be seen from one direction and the other face from another direction, and where the two display areas are no more than 19 inches apart at any location on the displays.

Electronic Message Center Sign (EMC) means a computer programmable sign capable of displaying words, symbols, figures, or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign. Said messages are displayed through the use of LED, LCD, plasma or other similar type panels or screens. If any indoor EMC sign is visible from outside the building or other structure in which it is located, it will be subject to all conditions and standards of this article.

Erect means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of a Wall Sign or other graphics.

Exposed Neon means neon tubing left uncovered or exposed to view on exterior of structure or a building.

Flag means a sign consisting of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.

Flashing Sign means a Sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

Ground Sign means a permanently affixed sign, which is wholly independent of a building for support.

Height of a Ground Sign or Monument Sign means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Signs with a height of greater than six feet are prohibited, except that the structure of the monument may extend to seven feet above normal grade.

Historic District means any of the following zoning districts in the City as categorized in the 2005 Zoning Ordinance: H-1 (Historic District); H-2 (Historic District); and Historical Residential Overlay.

Illuminated Sign, External means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

Illuminated Sign, Internal means a sign illuminated by an internal light source.

Lot means a parcel of land which meets all requirements of the City, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

Mobile Sign means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle.

Monument Sign means a free standing sign mounted directly upon the ground and not raised by vertical supports.

Multiple Frontage Lots means Lots that have frontage on two or more public streets.

Neon means a lamp or tube filled with electrically charged gas thereby creating a light source.

Neon Accents means neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings.

Non-Residential Zoning District means any of the following zoning districts in the City as categorized in the 2005 Zoning Ordinance: H-1 (Historic District); H-2 (Historic District); MX (Mixed Use District); O-I (Office and Institutional District); C-1 (Neighborhood Commercial District); C-2 (Highway Commercial District); M-1 (Light Industrial District); Tara Boulevard Overlay; Assembly Overlay; and Historical Residential Overlay. For purposes of this article, Lots zoned for mixed residential and commercial use shall be considered to be located in a Non-Residential Zoning District.

Nonconforming Sign means signs, which, on the effective date of the original sign ordinance, which were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of the original sign ordinance or this article.

Outparcel means a Lot carved from a Planned Center which is in compliance with all City requirements and ordinances for legal stand-alone Lot on which a free standing building is constructed which building meets all City setback requirements.

Pennant mean several small flags connected to a single line. See Spectacular Signs.

Person means any individual, association, corporation, firm, organization, partnership, trust, or any other entity.

Planned Center means a group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or Units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting Outparcels.

Primary Arterials means roads designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within urban areas. Arterials form the skeleton of the roadway network, linking urban centers such as the central business district, industrial parks, commercial centers, major residential developments and other key activity centers. Primary Arterials are designed to carry between 45,000 and 75,000 trips per day. The City of Jonesboro has only one Primary Arterial and that is Tara Boulevard (Highway 19/41).

Residential Zoning District means any of the following zoning districts in the City as categorized in the 2005 Zoning Ordinance: R-2 (Single Family Residential District); R-4 (Single Family Residential District); R-C (Cluster Residential District); R-A (Single Family Attached Residential); and R-M (Multifamily Residential District).

Roof Sign means any sign erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline.

Sandwich Sign. See: A-Frame Sign.

A Shopping Center is a Planned Center.

Sidewalk Sign. See: A-Frame Sign.

Sign means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, three-dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view. For the purpose of this article, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered Window Signs; additionally the term Sign shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.

Sign Face means the part of a Sign that is or can be used to convey information visually.

Special Event means any planned occurrence which does not take place on a daily, weekly, or monthly basis and is designed as a celebration or an irregular occurrence to attract business or raise money. Examples of a Special Event include: grand openings, seasonal sales, liquidations, going-out-of business sales, vehicle shows/displays, craft shows, rummage sales, bake sales, and festivals.

Spectacular Sign means an Animated Sign, Streamer, Pennant, balloon and other air or gas filled device, search light, laser, beacon, or other light projecting device.

Stake Sign means any Temporary Sign with supported by uprights which are placed into the ground, and not supported by or suspended from any building with signable area not greater than five square feet. A Stake Sign may not be more than four feet high to the top of the Sign component, when placed and standing in ground. A Stake Sign may not be placed within the right-of-way.

Streamers mean several small flags connected to a single line. See Spectacular Signs.

Swinging or Projecting Sign means a Sign projecting perpendicularly more than 12 inches from the outside wall or walls of any building or supports upon which it is located.

Temporary Sign means any Sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Trailer Sign. See: Mobile Sign.

Unit means a portion of a Planned Center which by city ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the Planned Center by 360 degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.

Vehicle Sign means any Sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.

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 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this article.

Window Sign means any type of Sign located entirely within the interior of a building or structure, and placed near a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises.

Section 86-478. - Administration.

The provisions of this article shall be administered by the Administrator.

Section 86-479. - Enforcement.

The Administrator or a police officer of the City may issue citations for violation of this article. The citation shall be returnable to and tried before the municipal court of the City. Any Person violating any provision of this article shall, upon conviction, be fined in an amount, and/or imprisoned for such term, as authorized by the City's Charter and Code. Each day any said violation shall continue shall constitute a separate offense.

Section 86-480. – Authorization to erect a sign and permit.

(a) Except where specifically excluded by a provision in this article, it shall be unlawful for any Person to post, display, substantially change, change or modify Sign Face or face panels, alter, or erect, reconstruct, replace or reset a Sign within the limits of the City without first having obtained an authorization to erect a Sign and thereafter a permit in the manner prescribed herein.

(b) An existing Sign which conforms to the provisions of this article that would be required to obtain authorization to erect a Sign and a subsequent permit under this ordinance must register with the City within 90 days of the effective date of this article. The information provided for such registration will be the same information required in an application under section 86-481. No fee shall be required for the registration of an existing Sign.

Section 86-481. – Application.

An application for authorization to erect a Sign shall be made upon forms provided by the Administrator, and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the property owner and applicant;
- (2) Address of building, structure, or Lot to which or upon which the Sign is to be attached or erected;
- (3) Written consent of the property owner, or the property owner's agent, granting permission for the placement of the Sign on the property and permission to enter the property to maintain said Sign;
- (4) Position of the Sign in relation to nearby buildings or structures, other Signs, setbacks from right-of-ways, property lines and easements;
- (4) One accurate scale drawing of the Sign plans, specifications, and method of construction and attachment to the building or ground for the Sign as well as a scale drawing of the site showing driveways, structures, existing and proposed Signs and any other limiting site features;
- (5) A survey, prepared by a registered land surveyor or professional engineer, of the Lot upon which the proposed Sign is to be erected;
- (6) Name of Person erecting the Sign;
- (7) Name of any business or other activity at the address where the Sign is to be erected;
- (8) Complete calculations establishing the area of the Sign; and

- (9) A written description of all other Signs located on the Lot indicating the Sign type, size and placement.

Section 86-482. – Fees.

Fees for an authorization to erect a Sign and for a permit shall be fixed from time to time by the mayor and council.

Section 86-483. - Time for consideration and notification.

The Administrator shall process an application for authorization to erect a Sign within 45 days of the City's actual receipt of a completed application and all necessary fees as required under section 86-482. The Administrator shall give notice to the applicant of the decision of the City by hand delivery, by mailing to the address on the application, or by fax to the designated telephone number provided on the application on or before the 45th day after the City's receipt of the completed application and fee. Notice shall be deemed to have been given upon the date of mailing (if mailed), date of faxing (if faxed), or date of hand delivery (if hand delivered). If the Administrator fails to act within the 45-day period, applicant shall notify the Administrator in writing of the failure and the Administrator shall issue or deny the authorization sought by the application within 10 business days after the notification. If the Administrator fails to act upon the application within this 10 business day period, the authorization to erect the Sign shall automatically be granted; however, the applicant must follow the final permit procedures set forth in section 86-484.

Section 86-484. – Decision on application and issuance of permit; violations.

(a) *Denial.* In the event the Administrator determines that the applicant has not properly completed the application for authorization to erect the proposed Sign or that the application contains any false material statement, he shall promptly notify the applicant of such fact and shall automatically deny the application. In the event the Administrator determines that all requirements for approval of the application have not been met, he shall deny the application.

(b) *Issuance of an authorization.* Upon the filing of an application for authorization to erect a Sign that contains all information required under section 86-481 and the payment of all necessary fees as required under section 86-482, the Administrator shall examine all plans and specifications submitted and the premises upon which the proposed Sign is to be erected. If it shall appear to the Administrator that the proposed Sign is in compliance with all requirements of this article and all other ordinances and laws of the City, and if a business, that the business has registered and paid any tax due pursuant to the City's occupation tax chapter, the Administrator shall then issue an authorization to erect the Sign pursuant to the application and any conditions placed upon the authorization by the City. If the work authorized thereby has not been completed within 180 days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit may be issued.

(c) *Request for final permit.* Within ten days after completion of the erection of a Sign pursuant to an approved application, and within 180 days of the issuance of an authorization to erect a Sign, the applicant shall deliver to the Administrator a written request for a final permit along with current and dated color photographs of each face of the Sign (at least three-inch by five-inch in size) and a signed affidavit that the photographs are current and accurate photographs of the Sign Faces as of the date on the photographs, that the Sign was and is erected as described in the application as conditioned and authorized by the City, including the size, location; building materials, height and lighting. Within ten business days of the filing of a

request for a final permit, the Administrator shall issue the final permit or deny the final permit because of the applicant's failure to properly and timely submit the written permit request, failure to properly and timely document the request, or failure to properly and timely erect the Sign as described in the application conditioned and authorized by the City. Notification of a denial shall be effectuated pursuant to section 86-483. Failure of the Administrator to approve or deny the application for a final Sign permit within said ten business days of the applicant properly and timely filing with the City a fully and properly documented written permit request shall constitute an approval of the final permit.

(d) *Violations and Noncompliance.* An applicant who fails to complete the erection of a Sign within 180 days of the issuance of an authorization or who fails to request a final permit within ten days of erection of a Sign pursuant to an authorization or who fails to apply for a final permit within 180 days of the issuance of an authorization or whose request for a final permit is denied, shall remove the Sign or parts of the Sign within 30 days of notice from the Administrator to remove the Sign or parts of the Sign. Failure to so remove the sign shall constitute a separate ordinance violation for each day that the sign or part of the Sign is not removed from the proposed site and upon conviction, the applicant and/or owner or tenant of the Sign site shall be guilty of an ordinance violation and shall be subject to fines or imprisonment as authorized by the City's Charter and Code. Furthermore, if the Sign and all parts thereof are not removed within said 30 days, the City may remove the Sign and all parts thereof and charge the applicant and/or owner of the site the cost of removal and disposal.

Section 86-485. – Appeals.

(a) An applicant who is dissatisfied by a decision of the Administrator rendered under section 86-484 or 86-493 may appeal such decision to the mayor and council. Any such appeal shall comply with the procedures set forth in Article XI of the 2005 Zoning Ordinance, subject to the following:

- (1) The notice of appeal shall be in writing and shall be filed with the Administrator on or before the 10<sup>th</sup> day following the date notice of the decision of the Administrator is given. In the event that no appeal is filed within this 10-day period, the decision of the Administrator shall become final. In the event that an appeal is filed, the administrator shall transmit to the mayor and council all documents constituting the record upon which the action appealed from was taken.
- (2) The mayor and council shall schedule the matter for hearing within 45 days of the appeal being filed and, at such meeting, may continue the matter for ten days for further investigation to determine whether to affirm, reverse, or modify the decision of the Administrator. The mayor and council shall make its final determination on the appeal on or before ten days of the close of the hearing.
- (3) The review of the decision by the mayor and council shall be limited to a determination of whether or not the decision of the Administrator was clearly erroneous.

(b) Any appeal of the decision of the mayor and council shall be taken to the Superior Court of Clayton County by a petition for a writ of certiorari.

Section 86-486. - Variances.

a) The mayor and council can authorize upon appeal in a specific case such variance from the terms of this article as will not be contrary to the public interest when, due to special

conditions, a literal enforcement of the provisions of this article will, in an individual case result in extreme and unusual hardship, so the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a Nonconforming Sign shall not constitute a valid reason to grant a variance. A variance shall be granted in an individual case of extreme and unusual hardship not self-imposed only upon a finding by the mayor and council that the following conditions exist:

- (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
  - (2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other similar properties in the City;
  - (3) Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the City;
  - (4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare;
  - (5) The variance is not a request to permit a type of Sign which otherwise is not permitted in the zoning districts involved;
  - (6) The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy;
  - (7) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of Ground Signs or Wall Signs authorized by this article for the Lot in question, so as to reasonably set-off for the additional Signs.
- (b) All requests for such variances shall be in written form and filed for review by the mayor and council at its next regular meeting at least ten days prior to said meeting.
- (c) No change may be made in the location, shape, color, height, size, copy or text of any Sign subject to a variance unless the Sign is brought into compliance with the provisions of this article and a Sign permit is granted.
- (d) A change in the owner, lessor, lessee, or user of property served by a Sign subject to a variance shall negate the variance, and the Sign shall be removed or brought into compliance with the provisions of this article and a new Sign permit granted.
- (e) A Sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.
- (f) When a Sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the Sign shall not be re-established:
- (1) If the value of the Sign as damaged is 50 percent or less of the value of the Sign prior to the damage;
  - (2) If the estimated cost of repairing the above ground portion of the Sign is more than the value of the Sign in its damaged condition; or
  - (3) Value shall be established by the Administrator and shall be based upon the value of the Sign's materials above ground with no allowance for the intrinsic value of the Sign or the value of the right to have a Sign at that location.

Section 86-487. - Prohibited signs.

The following Signs are prohibited in all zoning districts of the City:

- (1) Air and gas filled devices;

- (2) Awning and Canopy Signs, except as authorized in section 86-495;
- (3) Banners, except as authorized in section 86-494;
- (4) Bench Signs;
- (5) Flashing Signs;
- (6) Mobile Signs or Trailer Signs;
- (7) Roof Signs;
- (8) A-Frame Signs;
- (9) Signs on a public right-of-way or on City property;
- (10) Signs that due to color, shape, size, height, lighting, location, and/or position appear to be in imitation of or may be confused by motorists or pedestrians for an official traffic control device or signal;
- (11) Signs that impede the view of an official traffic control device or signal;
- (12) Signs which emit or utilize in any manner any sound capable of being detected on any public right-of-way by an individual with normal hearing;
- (13) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
- (14) Signs that contain Exposed Neon or Neon Accents;
- (15) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, an emergency exit, or any fire escape;
- (16) Spectacular Signs;
- (17) Swinging or Projecting Signs, except as authorized in section 86-495;
- (18) Signs which obstruct sight of motorists or pedestrians so as to create safety hazards for motorists or pedestrians;
- (19) Vehicle Signs with a total Sign area in excess of ten square feet, when the vehicle upon which the Sign is painted, drawn, or otherwise affixed meets the following:
  - a. Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any street right-of-way;
  - b. The vehicle is visible from any street right-of-way;
  - c. The vehicle is not being actively loaded or unloaded;
  - d. If the vehicle is parked on a non-residential Lot, the vehicle is not being used for the purpose of providing transportation for the owner, employees, inventory, merchandise, supplies, or materials concerning a business operated on that Lot; and
  - e. There are other available and accessible locations on or about the Lot where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such.

Section 86-488. - Exempt signs.

The following Signs are allowed and exempt from the authorization and permit provisions in this article but, notwithstanding, must comply with all other applicable requirements in this article, the 2005 Zoning Ordinance, and the Code:

- (1) Except as limited by section 86-495, Window Signs so long as they do not exceed 25 percent of the total window area exposed to view to the public.
- (2) Flags. In Non-Residential Zoning Districts, each Lot that is less than five acres in area shall be allowed a maximum of two Flags and each Lot that is greater than five

acres in area shall be allowed a maximum of four Flags. In Residential Zoning Districts, each Lot shall be allowed a maximum of two Flags.

- (3) Each Lot is entitled to one Sign that is less than 36 square inches in area and that must be placed in any of the following areas:
  - a. On the front of every building, every Unit in a multiple unit building, residence, or structure;
  - b. On each side of an authorized United States Postal Service mailbox; or
  - c. On one post which measures no more than 48 inches in height and 4 inches in width and shall not be placed in a public right-of-way.
- (4) Temporary Signs that meet the following criteria:
  - a. For each Lot during the period that it is being developed under an active building permit issued by the City, one Sign that is no more than twelve square feet in area, is no more than six feet in height to the top of the Sign component when placed and standing in ground, and is not placed within a public right-of-way.
  - b. For each Lot in a Residential Zoning District, one Temporary Sign that is no more than five square feet in area, is no more than four feet in height to the top of the Sign component when placed and standing in ground, and is not placed within a public right-of-way.
  - c. For each Lot of less than five acres in a Non-Residential Zoning District, one Temporary Sign that is no more than five square feet in area, is no more than four feet in height to the top of the Sign component when placed and standing in ground, and is not placed within a public right-of-way. For each Lot of more than five acres in a Non-Residential Zoning District, two Temporary Signs, each Sign shall be no more than five square feet in area, no more than four feet in height to the top of the Sign component when placed and standing in ground, and not placed within a public right-of-way.
  - d. For each Lot during the period in which it is listed for sale or for rent, one Temporary Sign that is no more than twelve square feet in area, is no more than six feet in height to the top of the Sign component when placed and standing in ground, and is not placed within a public right-of-way.
  - e. For each Lot, additional Temporary Signs that, collectively, have a total area of no more than thirty-two square feet, do not exceed four Signs in number at any one time, are not placed within a public right-of-way, and are removed within 90 days after being erected.

Any Sign erected under this section shall not be calculated as part of the overall signage allowed per Lot by any other provision of this article.  
Section 86-489. - General regulations.

- a) Messages. Any Sign allowed under this article may contain any message.
- (b) Non-Residential Zoning Districts. In Non-Residential Zoning Districts Signs shall be permitted in the following combination of Wall and Ground Signs subject to the provisions hereinafter stated:
  - (1) Lot with one building, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the City.
    - a. Combination of one Wall Sign and one Ground Sign equal to five percent of the Building Face Projection (subject to the size limitations in section 86-490).
    - b. Single building on Multiple Frontage Lots are allowed a total of 7.5 percent of the building facade, and may have one additional Wall Sign, and one additional Ground Sign (subject to the size limitations in section 86-490). When calculating their allowed square footage, buildings on Multiple Frontage Lots shall base their calculations on the facade with the primary entrance and/or architectural features of the building. Otherwise, the facade used shall be that facade which faces the public road of the greatest capacity. The classification of streets in the 2005 Zoning Ordinance shall be the basis for determining street capacity.
  - (2) Lots of less than three acres in Non-Residential Zoning Districts shall be entitled to one Stake Sign, which shall not be placed within a right-of-way.
- (c) Planned centers.
  - (1) A Planned Center shall be entitled to one Monument Sign on each street right-of-way fronted. These permitted signs shall be limited to 45 square feet with a maximum height of six feet from grade. No portion of the Sign shall include an area for changeable letters.
  - (2) A Planned Center shall be entitled to one Ground Sign per entrance which shall not be designed or placed so as to be read from a public road. Each such Ground Sign may have multiple face panels. Each face panel shall be of the same size, color, and font and shall be no more than 108 square inches in area. No portion of the Sign or any face panel shall include an area for changeable letters.
  - (3) Each building or Unit with a separate entrance, not accessible by other tenants, located in a Planned Center shall be permitted one Wall Sign with a maximum area of five percent of the building facade which it is mounted upon (see the definition of "building facade"), but not to exceed 150 square feet. Additional Wall Signs per section 86-490(b) are not allowed for multiple facade frontages. If two or more tenants, as in the case of an office building, share an entrance to a building, Wall Signs on the exterior of the building are not permitted. As an example: a building constructed as a Shopping Center will be allowed Wall Signs. A building constructed as an office building will not be allowed Wall Signs.
  - (4) No permits shall be issued for buildings or Units in a Planned Center unless and until a master signage plan for the Planned Center has been submitted and approved by the Administrator. The master signage plan shall indicate how all signage will be consistent in:
    - a. Lighting.

- b. Colors.
  - c. Fonts.
  - d. Building materials.
  - e. Location in relation to the primary building.
  - f. Proportions.
- (d) Other allowable signs.
- (1) Changeable copy shall be limited to Ground Signs, unless expressly allowed or prohibited by another provision in this article.
  - (2) Notwithstanding any other provision of this article, no Sign, whether permitted as a regulated Sign or an exempt Sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the mayor and council. In considering such application, the mayor and council shall approve such a location only upon a determination that the proposed Sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.
  - (3) Subdivisions shall be permitted one double-sided Ground Sign, each side of which shall not exceed 35 square feet of signage area, or two one-sided Signs, each Sign not to exceed 35 square feet of signage area. The height of the Sign shall not exceed six feet. Each Sign shall be placed on private property and may not be placed within ten feet of a public right-of-way.
  - (4) Subdivision homeowner associations may have one 25 square feet changeable copy or glass covered Sign located adjacent to the entrance to the subdivision's intersection with the public right of way and located within the common area owned by the homeowner's association but not interfering with sidewalks or streets, and the Sign Face directed toward motorist and pedestrians who have entered the subdivision. These Signs may not be placed on individual Lots. The homeowner association Sign shall be the responsibility of the elected officials of the homeowner's association. Subdivisions without elected homeowner association officers must have a designated individual responsible for the Sign.
  - (5) An apartment complex, a condominium complex, a non-subdivided industrial or commercial complex, or any other building with multiple residential dwelling units or multiple commercial units shall be permitted one double-sided Ground Sign at its entrance. Each side of such Ground Sign shall not exceed 35 square feet signage area. The height of the sign shall not exceed six feet.
  - (6) In Non-Residential Zoning Districts, each Lot that is less than five acres in area shall be allowed a maximum of two Flags and each Lot that is greater than five acres in area shall be allowed a maximum of four Flags. In Residential Zoning Districts, each Lot shall be allowed a maximum of two Flags.
  - (7) The owner or the owner's Designated Agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision Lots may obtain a permit, effective for up to one year, to display within the

subdivision under development one temporary double-sided Ground Sign with no more than 16 square feet of Sign Face per side. A Planned Center with one out-parcel is not a subdivision for purpose of this subsection. The Sign may not be placed within ten feet of a right-of-way.

- (8) In Non-Residential Zoning Districts within the Tara Boulevard Overlay District, as defined in section 86-109 of the 2005 Zoning Ordinance, the following shall apply:
- a. A Lot with one building facing a Primary Arterial, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the City, shall be permitted one double-sided Sign to be located within 100 feet of the right of way of the Primary Arterial, each side of which shall not exceed 150 square feet signage area. The height of the Sign shall not exceed 35 feet.
  - b. A Planned Center, facing a Primary Arterial, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the City, shall be permitted one double-sided Sign to be located within 100 feet of the right of way of the Primary Arterial, each side of which shall not exceed 400 square feet signage area. The height of the Sign shall not exceed 35 feet.

Section 86-490. - Regulated signs.

- (a) Ground Signs, which are permanent, shall be permitted in Non-Residential Zoning Districts. No Ground Sign shall have a height greater than six feet above normal grade, or an area greater than 35 square feet for Lots with a single building and 45 square feet for Planned Centers. A Ground Sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other Sign, structure or building. Changeable copy shall not exceed 20 percent of the area of the Sign Face. Ground Signs are allowed only on Lots upon which there is a building which is currently occupied pursuant to a current and valid certificate of occupancy issued by the City or which is currently being developed under an active building permit issued by the City.
- (b) Wall Signs shall be permitted in Non-Residential Zoning Districts. Permitted area of Wall Signs shall not exceed 150 square feet. No single building or unit shall be permitted more than one Wall Sign except for Multiple Frontage Lots as provided in section 86-490(b)(1). Wall Signs are allowed only upon a building which is currently occupied pursuant to a current and valid certificate of occupancy issued by the City or which is currently being developed under an active building permit issued by the City.
- (c) Electronic Message Center Signs are permitted freestanding Signs in a Non-Residential Zoning District subject to the following:
  - (1) A maximum of one Electronic Message Center Sign is allowed per Lot;
  - (2) An Electronic Message Center Sign shall not exceed 40 percent of the total sign area of the freestanding Sign on which the Electronic Message Center Sign is located;
  - (3) Each message displayed on an Electronic Message Center Sign shall remain static for at least 10 seconds following the completion of its transition from the previous message. As used in this subsection, "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or intensity;

- (4) Electronic Message Center Signs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night so as to comply with the provisions stated in section 86-493(j) and (k); and
- (5) Electronic Message Center Signs are permitted in the following zoning districts:
  - C-1 Neighborhood Commercial District
  - C-2 Highway Commercial District
  - O&I Office and Institutional District
  - MX Mixed Use District
  - M-1 Light Industrial District

Section 86-491. – Nonconforming signs.

Non-conforming Signs may continue in existence subject to the following restrictions:

- (1) No change may be made in the location, shape, height, size, or design of any Nonconforming Sign, or replacement of or change in the face or message panel of a Nonconforming Sign except to bring the Sign into compliance with the provisions of this article, and a Sign permit granted.
- (2) A Nonconforming Sign may not be reconstructed, replaced, or reset if the owner or agent for the owner for any reason removes it.
- (3) Any Sign erected in violation of this article may be removed from any public right-of-way by duly authorized employees of the City, and the responsible party may be cited for such violation.
- (4) No additional Sign shall be erected on the same Lot with an existing Nonconforming Sign until the Nonconforming Sign has been removed or brought into conformity with this article.
- (5) No Sign permit may be granted to any applicant, where there exists on the subject Lot a Nonconforming Sign, as defined in this article, an illegal Sign, an unpermitted Sign, a damaged Sign, a Sign in need of repair or painting, or a Sign in violation of section 86-492.
- (6) A Nonconforming Sign may not be replaced by another Nonconforming Sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the Sign's repair.
- (7) A Nonconforming Sign may not be expanded or altered in any manner that increases the degree of nonconformity.

Section 86-492. - Removal of certain signs.

- (a) Any Sign within the right of way which has become dilapidated, or any Sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any Sign which has been erected in a manner which fails to meet the requirements of this article as a legal or a recognized Nonconforming Sign may be removed by the Administrator provided some reasonable attempt has been made to have such Sign removed by the owner thereof, and provided further that such removal can be made without damage to any property or sign, except for the cutting or severing of supports for the Sign at or near the ground or its attachment to any wall or structure. Any Sign removed under the foregoing provision shall be stored by the City at the expense of the Sign owner or owner of the Lot upon which the Sign is located.
- (b) In the case of a Sign which cannot be removed without risk of property damage and in the case of Signs removed and stored as provided herein, the Administrator shall cause

notice of the same to be mailed to the owner of the Sign if the same may be determined or to the owner of the property upon which said Sign be located of the impending action pertaining to said Sign. Owners shall be given 30 days from the date of receipt of such notice to take appropriate remedial action.

- (c) If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, the permit for such Sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in section 86-479.
- (d) After notification as herein prescribed, the Administrator shall cause such Signs to be removed and disposed of in the manner provided by law for the disposition of abandoned personal property.
- (e) No Sign removed after the provisions hereof shall be returned to the owner until all expenses incurred in the removal and storage of the same has been paid.

Section 86-493. - Construction and maintenance requirements.

- (a) No Sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exists from any sidewalk or building or any windows, doors, fire escapes. Each Sign shall be securely erected and free of any protruding nails, tacks and wire.
- (b) No Sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- (c) A Sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- (d) No Wall Sign or its supports shall protrude more than 15 inches from the wall on which it is mounted.
- (e) All Signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.
- (f) No wood, metal or any other type of supports for Ground Signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
- (g) Wood Signs shall be framed on the two sides attached to the supports, except for hanging and projecting Signs allowed in the Historic District. Supports can be considered framing if the Sign is so designed with supports as part of framing on both Sign Face areas.
- (h) UL, FM or similar approval is required where applicable.
- (i) All Signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the City.
- (j) The illumination of internally Illuminated Signs shall not exceed 20 foot candles of incandescent light measured at a distance of ten feet from such structure.
- (k) Externally Illuminated Signs shall be lighted so as to shine on the Sign itself, and that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians or on residences as to create a hazardous or dangerous condition.
- (l) No Wall Sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

- (m) All Signs erected under section 86-494 shall be securely installed, and shall meet all applicable safety standards as prescribed by the City's current building code or electrical code.
- (n) All Ground Signs and Monument Signs shall be placed on private property and may not be placed within ten feet of a right-of-way.
- (o) All Lots, buildings, structures or property owned or operated by the City shall be exempt from all requirements of this article.
- (p) Except for Ground Signs described in section 86-489(c)(4), all Signs must be placed upon a Lot, as defined in the 2005 Zoning Ordinance and the subdivision regulations. No Sign may be placed on any Lot that does not meet the minimum Lot requirements of the 2005 Zoning Ordinance and the subdivision regulations.
- (q) No message may be displayed on any portion of the structural supports of any Sign.
- (r) All Signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the Signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.
- (s) No Sign shall be illuminated either internally or externally, in any Residential Zoning District except that a Ground Sign located at the entrance of a subdivision, an apartment complex, a condominium complex, or other building with multiple dwelling units may be externally illuminated from dusk until dawn.

Section 86-494. - Special events.

Additional Signs are authorized for any Lot in a Non-Residential Zoning District during the period that a Special Event occurs on that Lot but only under the following conditions and subject to the following requirements:

- (1) Prior to the Special Event and the erection and placement of any Sign under this section, an application for a permit shall be filed with the Administrator. The application shall specifically describe all Signs as to their construction and/or composition.
- (2) Any Sign erected under this section sign shall meet the definition in this article of a Temporary Sign or a Banner.
- (3) The maximum size allowance for all signs erected under this section shall not exceed 32 square feet.
- (4) Any sign erected under this section may be attached to the exterior wall or walls of a building or beneath a canopy or attached to the ground.
- (5) Any Sign erected under this section shall not be placed within ten feet of a public right-of-way or in any other way as to obstruct the view of motorists or pedestrians.
- (6) A Lot shall be eligible for additional Signs under this section for a maximum of two Special Events per year.
- (7) A permit issued under this section shall be valid for 30 consecutive days, starting from the date of issuance.

Section 86-495. - Historic district.

The purpose of this section is to ensure that signage in the Historic District is harmonious in proportion, form, color, and materials to the character of said district. Visual relatedness is crucial to the goal of an integrated Historic District, and Signs play a key role in helping to preserve the Historical District's sense of time and place, and to achieve the desired effect of charm and compatibility. No Sign shall be erected, altered, restored or moved within the Historic District until an application for a certificate of appropriateness as to exterior

architectural features and signage has been reviewed and approved by the historic preservation commission. All proposed changes requiring a certificate of appropriateness shall comply with the applicable design standards in the 2005 Zoning Ordinance.

- 1) Applicability. This section shall apply only to those building structures and uses within the geographical boundaries of the Historic District.
- (2) Compatibility. As to Signs, buildings, structures, and uses within the Historic District, when a provision of this section conflicts with any section in the balance of this article, the provision of this section shall control. Otherwise, to the extent reasonably possible, the provisions of this section shall be interpreted consistent with the provisions of the balance of this article.
- (3) Signage standards.
  - a. General. Signage shall complement the architectural details of the building, and shall not violate or otherwise obscure the architecture of the building to which it is attached. Signs, lettering, or boxed graphics shall not cut across columns, cornices, windowsills, arches or balconies, nor extend above the roofline of any building to which it is attached.
  - b. Lettering, size, and content. Letters can be painted or mounted directly on a signboard, storefront, wall or window, if in proportion to the storefront. Lots in the H-1 Historic District are allowed the same amount of signage as Lots outside of the H-1 Historic District. In the H-1 Historic District, Canopy Signs and hanging or suspended Signs may be utilized. Provided, however, in no case may the total signage area exceed ten percent of the Building Face to which the Sign is attached. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, dimensional plastic, acrylic, or high-density polystyrene foam. The overall design of all signage shall be compatible with the turn-of-the-century theme of the Historic District.
  - c. Materials. Signs may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials that have the same appearance of the aforementioned natural materials due to their finish. All materials shall be compatible with the building's architecture, and should be colorfast and resistant to corrosion. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the Sign framed out and/or sealed.
  - d. Lighting. All Signs in the Historic District, whether Ground Signs or Wall Signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect the design aesthetics of the Historic District.
  - e. Colors. The historic preservation commission shall approve the color or colors of all Signs as well as the color or colors of all lettering, symbols, marks, pictures, figures, embellishments, frames or the like contained therein.
  - f. Awning and Canopy Signs. Awnings or canopies over doors, entrances, windows or outside service areas are permitted in the H-1 Historic District. Professionally applied forms, graphics, symbols, lettering, or other visual presentation may be incorporated into the awning or canopy valance/drop flap, but are restricted to 20 percent of the awning field. Size of the signage shall be computed as for a Wall Sign. Signage pursuant to this subsection shall be included within the overall amount of signage allowed under section 86-489. Awnings or canopies shall

clear sidewalks by seven feet in height, and project no more than six feet from the building. Canvas or synthetic look-alike canvas, is the only material permitted for awnings and canopies. Metal or vinyl may be approved for awnings or canopies if the overall design is consistent with the H-1 Historic District's turn-of-the-century theme. Awnings or canopies may not be backlit.

- g. Hanging or suspended Signs. Hanging, suspended, or projecting Signs are permitted and shall clear sidewalks by seven feet in height, and project no more than 36 inches from the building. Hanging or suspended Signs should project from the wall at a 90-degree angle. Hanging or suspending Signs over driveways, alleys, or parking areas is prohibited. Hanging, suspended, or projecting Signs shall be limited to a maximum size of six square feet, and if double sided, shall be calculated as only one Sign. One hanging, suspended, or projecting Sign per building street frontage is permitted, and shall be calculated as part of the total signage area allowed under section 86-489. Attractive hardware for hanging is encouraged.
  - h. Window Signs. Interior Window Signs shall not exceed 25 percent of the total window area exposed to public view. Window Signs shall not be included within the overall amount of signage allowed under section 86-489.
  - i. Special Events. Additional signage is permitted in the Historic District under section 86-494, provided that all such additional signage conforms to the aesthetic standards of the Historic District.
  - j. Ground Signs. Ground Signs may hang or suspend from a horizontal support that is affixed to the ground by vertical post.
- (4) Any Lot in the H-2 Historic District that is used as residential property shall comply with the residential provisions of this article. Any Lot in the H-1 Historic District or the H-2 Historic District for which a business license is maintained shall comply with the non-residential provisions of this article and obtain approval of the historic preservation commission before the display of any Sign.

Section 86-496. – Substitution clause.

The owner or the permittee of any Sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Section 86-497. – Severability.

- (a) It is hereby declared to be the intention of the mayor and council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, were upon their enactment, believed by the mayor and council to be fully valid, enforceable, and constitutional.
- (b) It is hereby declared to be the intention of the mayor and council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article is severable from every other part, section,

subsection, paragraph, sentence, clause, phrase, term, or word of this article. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word in this article is mutually dependent upon any other part, section, subsection, paragraph, sentence, clause, phrase, term or word in this article.

Sec. 86-498. – Other ordinances regarding signage.

It is the intention of this article to regulate signage. Where additional ordinances regulate Signs in the Code, such other regulations shall be harmonized herewith. If such provisions are in conflict with this article, the provisions of this article shall be deemed to prevail. Specifically, all other references to signage found in the 2005 Zoning Ordinance shall be considered superseded by section 86-475 et seq. as provided hereinabove.”