

**AN ORDINANCE TO AMEND ARTICLE II, SECTION 2.6, "SIGNS," OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF CERTAIN DEFINED TERMS RELATED TO SIGNS; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF OTHER PROVISIONS RELATED TO CERTAIN TYPES OF SIGNS; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and Council of the City of Alpharetta ("City Council") is charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta ("City"); and

WHEREAS, Section 2.6 of the Unified Development Code of the City of Alpharetta, Georgia (the "Sign Ordinance") currently regulates the use of signage throughout and within the municipal boundaries of the City of Alpharetta, Georgia ("City"); and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in Reed v. Town of Gilbert, 2015 WL 2473374 (June 18, 2015) ("Reed decision"), a case involving government regulation of signs, which ostensibly expanded First Amendment rights and further limited the restrictions that a government may constitutionally place on the use of signs; and

WHEREAS, due to the Reed decision, the City desires to amend Section 2.6 of the Unified Development Code by deleting, modifying and/or adding certain provisions regulating the placement of signs; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law.

**NOW, THEREFORE,** The Council of the City of Alpharetta hereby ordains, as follows:

**Section 1:** Subsection 2.6.3, "Definitions," of Article II of the Unified Development Code is hereby amended by deleting the terms and definitions for "Animated Sign," "Arcade, Directory or Mall Sign," "Changing Sign," "Flashing Sign," "Tag Sign," and "Weekend Sign," and inserting the following terms and definitions in their appropriate alphabetical order:

"Animated Sign. A sign which changes colors or physical position by movement or rotation or which gives the visual impression of such movement or rotation."

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

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

"Weekend Sign. A temporary sign that is placed after 12:01 a.m. on Thursday and removed prior to 11:59 p.m. on Sunday."

**Section 2:** Subsection 2.6.8, “Prohibited Signs,” of Article II of the Unified Development Code is hereby amended by deleting the last sentence of Paragraph 4, such that Paragraph 4 reads as follows:

“4. Animated and intensely lighted signs—no sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination.”

**Section 3:** Subsection 2.6.8, “Prohibited Signs,” of Article II of the Unified Development Code is hereby further amended by deleting Paragraph 32 of said Subsection.

**Section 4:** Paragraph 2 of Subsection 2.6.11(B), “Illumination of Signs,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 2, to read as follows:

“2. No sign shall have blinking, flashing or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.”

**Section 5:** Paragraph 1 of Subsection 2.6.11(C), “Weekend Signs,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 1, to read as follows:

“1. Weekend signs shall be permitted between 12:01 a.m. on Thursday and 11:59 p.m. on Sunday. No weekend sign may be placed for a period longer than ninety-six (96) hours.”

**Section 6:** Paragraph 1 of Subsection 2.6.11(D), “Flags, Banners and Streamers,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 1, to read as follows:

“1. Flags, banners, streamers, and similar devices shall be permitted on private property during special events.”

**Section 7:** Subsection 2.6.11(F), “Changeable Copyboard Signs,” of Article II of the Unified Development Code is hereby amended by deleting same and replacing in lieu thereof a new Section 2.6.11(F), to read as follows:

“F. Changeable Copy Board Signs. Any ground sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.”

**Section 8:** Paragraph 8 of Subsection 2.6.12(A), “Signs Permitted in Strip Shopping Centers,” of Article II of the Unified Development Code is hereby amended by deleting same.

**Section 9:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 10:** This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the 28<sup>th</sup> day of September, 2015.



Attest

Coty Thigpen  
Coty Thigpen, City Clerk  
(Seal)

Approved:

David Belle Isle  
David Belle Isle, Mayor

Approved as to Form:

C. Sam Thomas  
C. Sam Thomas, City Attorney

Council Members  
[Signature]  
[Signature]  
[Signature]  
[Signature]