

AN ORDINANCE TO AMEND AND ADOPT THE CITY OF PEACHTREE
CORNERS, GEORGIA SIGN ORDINANCE AND RATIFYING ALL PRIOR
AMENDMENTS TO SAME.

WHEREAS: the City of Peachtree Corners is a duly constituted Municipality of the State of Georgia incorporated pursuant to H.B. 396 of the 2011 Session of the Georgia General Assembly; and

WHEREAS: pursuant to its powers under Home Rule, the Mayor and City Council intend to adopt the Sign Ordinance as attached hereto and incorporated herein by this reference, and as may be further amended by subsequent actions of this Council, showing the regulations governing signs within the City of Peachtree Corners, Georgia; and

WHEREAS: That the Public Hearing on this Ordinance in accordance with the Georgia Zoning Procedures Act was held on February 28, 2016 and was properly advertised.

WHEREAS: This Ordinance shall become effective upon its adoption.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA HEREBY ORDAINS that the Sign Ordinance for the City of Peachtree Corners is hereby adopted and approved as attached hereto, incorporated and referenced herein. These items shall be spread upon the minutes of this meeting and direction is given that these items shall be accessible and made available to the public.

ORDAINED AND EFFECTIVE this the 28th day of February, 2016.

Approved:



Mike Mason, Mayor

Attest:



Kym Chereck, City Clerk (Seal)



STATE OF GEORGIA
COUNTY OF GWINNETT
CITY OF PEACHTREE CORNERS

ORDINANCE 2016-02-70

Approved as to Form and Content:



William F. Riley, City Attorney



Chapter 54 - SIGNS

Sec. 54-1. - Findings and purpose.

The city council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard, a detriment to property values, to the city's general public welfare, as well as create an aesthetic nuisance. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly located entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners. Holiday decorations, such as strings of light, are not signs, but rather seasonal ornamentation not controlled by this chapter. By enacting the ordinance from which this chapter is derived, the city council intends to:

- (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Protect the public health, safety, and welfare of the citizens and others within the city;
- (3) Reduce traffic hazards, pedestrian hazards, and other hazards;
- (4) Promote and maintain the aesthetic qualities of the city;
- (5) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (6) Promote economic development;
- (7) Ensure the fair and consistent enforcement of sign regulations.

(Ord. of 7-1-2012, § 86-100; Ord. No. 2012-07-62, § 1, 7-24-2012)

Sec. 54-2. - Definitions.

Except as specifically defined herein, all words used in this chapter shall be as defined in the most recent edition of The Illustrated Book of Development Definitions (Rutgers). Words not defined herein or in the above-referenced text shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and section in which they occur. For the purpose of this chapter, certain words or terms used herein shall be defined as follows: The word "erected" includes the word "constructed," "moved," "located" or "relocated"; The term "lot" includes the word "plot" or "parcel."

Accessory ground sign means a permanently affixed sign which is wholly independent of a building for support, and which is accessory and subordinate to a primary ground sign.

Accessory structure means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Aggregate sign area means the combined sign surface area of all signs on a lot, excluding the area of one face of all double-faced signs.

Animated sign means any sign or portion thereof involving motion, flashing, blinking, scrolling rotation or varying light intensity.

Banner means a piece of fabric or similar material, intended to be temporary in nature, that is attached to a pole, enclosed in a frame, or mounted in some manner as a temporary sign. Flags meeting the definition of this chapter are excluded from the definition of the term "banner."

Billboard. See Oversized signs.

Building means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals, or property of any kind.

Building space, gross, means the sum of the gross horizontal areas of the several floors of a building from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is less than six feet.

Changeable copy sign means a sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols, and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Tri-vision signs and LED signs are specifically excluded from the definition of changeable copy sign.

City means the geographic boundaries of the City of Peachtree Corners, Georgia.

County means Gwinnett County, Georgia.

Department means the city department of planning and development, and any associated subordinate divisions, sections, and units thereof.

Director means the director of the department of planning and development, who may act through designees.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Entrance sign means a permanent sign located at the public street or private driveway entrance to a residential development, residential subdivision development or nonresidential subdivision development.

Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing sign. See Animated sign.

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

Ground sign height means the distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Indirectly illuminated sign means a sign illuminated by an external light source directed primarily toward such sign.

Interior project directional sign means a sign located no closer than 100 feet from the exterior public street entrance of a nonresidential project, at a street intersection of private streets, or along a private driveway within the project. The purpose of this sign is to provide more definitive directional information concerning the whereabouts of the tenants.

Internally illuminated sign means a sign illuminated by an internal light source.

Landscape strip means land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind, whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this chapter, an LED sign is not considered a form of changeable copy sign.

Lot means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Map or zoning map means the zoning map of the city.

Monument-type sign means a permanent ground sign designed so that the base of the sign face is flush with the supporting base, and the supporting base is flush with the ground and extends the full width of the sign face.

Multi-faced sign means a sign structure with more than two sign faces situated so that each sign face is facing a different direction.

Nonconforming sign means any sign lawfully existing on the effective date of the ordinance from which this chapter is derived, or any amendment thereto, but that would not be permitted under the terms of this chapter or any subsequent amendment.

Oversized signs means a ground sign which exceeds 30 feet in sign height and/or 300 square feet of sign surface area.

Parkway means a divided or undivided classified roadway, including Peachtree Parkway (Ga. Hwy. 141).

Person includes the terms "individual," "firm," "partnership," "corporation," "association," and all other legal entities except governmental bodies.

Planned commercial/office/industrial development means a contiguous area or subdivision of land, planned and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, office or industrial uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses (i.e., office park, shopping center, industrial park).

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs posted on the roofs or truck beds of vehicles, signs converted to "A" or "T" frames, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business for purposes other than signage.

Primary ground sign means a permanently affixed sign which is wholly independent of a building for support.

Principal use means the primary or predominant purpose for which a lot is occupied and/or used.

Projecting sign means a sign projecting more than six inches from the outside wall or walls of any building upon which it is located.

Road frontage means the distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the city or its predecessor Gwinnett County for vehicular traffic or over which the city or county may hold a prescriptive easement for public access, and including designated and numbered U.S. and state highways.

Roof sign means a sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof.

Sidewalk (sandwich) sign means a moveable sign not secured or attached to the ground or surface upon which it is located.

Sign means an object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign face means the area or display surface of a sign which is used for the message and is part of the sign surface area.

Sign, off-premises, means a real estate sign which advertises or directs attention to property other than on the premises on which the sign is located.

Sign structure means poles, beams, columns, posts, foundations, or other means providing structural support for the sign surface area to which the sign is affixed.

Sign surface area means the smallest square, rectangle, triangle, circle or combination thereof, which encompasses the entire sign inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Special use permit means a use listed in the zoning resolution as being permitted, if it meets stated conditions and is approved by the city council of city.

Standard informational sign means a sign with an area not greater than 4.5 square feet, with a sign face for short-term use, containing no reflective elements, flags, or projections, and which, when erected, stands at a height no greater than 2.5 feet, and is mounted on a wooden stake or metal frame with a thickness or diameter not greater than 1.5 inches.

Streamer means any long, narrow flag, banner, tinsel or roping which is hung or strung from any structure to another structure or the ground.

Structure means anything constructed or erected on the ground or attached to something on the ground.

Subdivision directional sign means an off-premises sign which provides directions to property. Subdivision directional signs are placed at intersections, directing traffic to a specific project.

Temporary sign means a sign of a non-permanent nature, including portable signs, weekend directional signs and sidewalk (sandwich) signs, as defined by this section.

Trailer sign means any sign which is mounted on wheels and which may be moved from one location to another.

Tri-vision sign means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation. For purposes of this chapter, a tri-vision sign is not a changeable copy sign.

Used or occupied includes the term "intended, arranged or designed to be used or occupied."

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six inches from the outside wall of such a building or structure.

Weekend directional sign means an off-premises sign which provides directions to property.

Window sign means a sign installed flush with the interior or exterior of a window and intended to be viewed from the outside.

Yard, front, means an open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building

projected parallel to the street to the side lines of the lot. Corner lots shall be considered to have two front yards.

Yard, rear, means an open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, side, means an open, unoccupied space on the same lot with a principal building or use located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zoning board of appeals means the zoning board of appeals of the city.

(Ord. of 7-1-2012, § 86-101; Ord. No. 2012-07-62, § 2, 7-24-2012)

Sec. 54-3. - General provisions.

It shall be unlawful for any person to post, display, alter the structure, or erect a sign without a sign location permit or temporary sign permit. A change in the copy of a sign or advertising device shall not constitute an alteration.

(Ord. of 7-1-2012, § 86-102; Ord. No. 2012-07-62, § 3, 7-24-2012)

Sec. 54-4. - Sign permit application.

Applications for sign permits shall be submitted by the sign owner or his agent upon official forms furnished by the department. Applications shall be complete and shall include the following:

- (1) The type of sign, and cost of sign construction.
- (2) The street address of the property upon which subject sign is to be located. In the absence of a street address, a method of location acceptable to the department shall be used.
- (3) For ground signs: A site plans drawn to scale, showing the proposed location of all primary and accessory ground signs on subject property. The site plan includes, at a minimum, a closed boundary survey of the property, gross acreage, the proposed sign location, street right-of-way lines, public or private easements, driveway locations and parking spaces.
- (4) Sign details, including a scaled elevation of the size and height and of the proposed sign from ground level and adjacent street level.
- (5) The square foot area per sign and the aggregate square foot area, if there is more than one sign face.
- (6) The gross building space of all buildings on the property.
- (7) The names and addresses of the owners of the real property upon which the sign is to be located.
- (8) Written consent of the property owner, or his agent, granting permission for the placement and/or maintenance of subject sign. The signature of consent may be electronic subject to the requirements of state law.
- (9) The name, address and phone number of the sign contractor.
- (10) Where other signs are already in existence on the property, the application must state the locations, dimensions and height of said existing signs, as well as the type or nature of the signs.

(Ord. of 7-1-2012, § 86-103; Ord. No. 2012-07-62, § 4, 7-24-2012)

Sec. 54-5. - Expiration date.

A sign location permit shall expire if the sign for which the permit was issued has not been erected, installed and completed within six months after the date of permit issuance; provided, however, that one six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

(Ord. of 7-1-2012, § 86-104; Ord. No. 2012-07-62, § 5, 7-24-2012)

Sec. 54-6. - Sign permit fees.

A sign location permit or temporary sign permit shall not be issued until the appropriate application has been submitted, the fees have been paid, as established by resolution of the city council, and a review is conducted by the city within the timeframe dictated by this chapter and it is determined that the application and sign comply with the appropriate provisions of this chapter.

(Ord. of 7-1-2012, § 86-105; Ord. No. 2012-07-62, § 6, 7-24-2012)

Sec. 54-7. - Labels required on signs.

- (a) For each wall or ground sign, other than temporary signs, an official sticker bearing the same number as the permit will be issued. It shall be the duty of the permit holder or his agent to affix the sticker to the sign so it will be easily read from ground level. The absence of an official sticker shall be prima facie evidence that the sign has been, or is being, erected or installed in violation of the provisions of this chapter.
- (b) For each temporary sign permit, the permit holder or permit holder's agent shall keep the official permit on file at the premises as evidence of permit issuance. The absence of an official permit shall be prima facie evidence that the sign has been, or is being, displayed in violation of this chapter.

(Ord. of 7-1-2012, § 86-106; Ord. No. 2012-07-62, § 7, 7-24-2012)

Sec. 54-8. - Permit approval, denial or revocation.

(a) Procedure.

- (1) An action by the department to approve or deny a sign permit shall be taken within 30 days of receipt of a complete sign permit application.
- (2) The director shall deny permit applications for signs that do not comply with the provisions of this chapter, incomplete applications, and applications containing any false material statements. A violation of any provision of this chapter and any other applicable state laws or city ordinances will be grounds for revoking a permit granted by the county or city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter, the director shall revoke the permit. Should the director deny or revoke a permit, the reasons for the denial or revocation are to be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application, postmarked on or before the 30th business day after the director's receipt of the application, or by hand delivery to the applicant at time of denial. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, not the date of the original submission. A permit shall not be denied or revoked except for due cause, being the violation of the provisions of this chapter, other applicable ordinances, state or federal law, or

the submission of an incomplete application or an application containing false material statements.

- (b) Appeal. A person whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the director of planning and development to the zoning board of appeals within 20 days of the receipt of the letter of denial. Notice upon receipt of the appeal, the board of zoning appeals shall hear the appeal application within 30 days of the receipt of the appeal, unless the appellant otherwise requests, and shall make its decision to affirm or reverse the denial within 45 days of the date of the hearing. Notice of the ZBA hearing shall be given to the appellant in writing no later than ten days prior to the hearing and a sign identifying said appeal hearing shall be placed on each of the property frontages facing a public roadway. The signs shall be the size and color as determined by the director of planning and development and shall be placed on the property no later than ten days prior to the hearing and shall be at the expense of the appellant.
- (c) Certiorari. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the city zoning board of appeals, they may petition for writ of certiorari to the superior court of the county, as provided by law.

(Ord. of 7-1-2012, § 86-119; Ord. No. 2012-07-62, § 8, 7-24-2012)

Sec. 54-9. - Nonconforming signs.

- (a) The lawful use of a permanent sign existing at the time of the adoption of this chapter may be continued in nonconformance with the requirements of this chapter, except that the nonconforming sign shall not be enlarged, altered, modified, improved or rebuilt. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.
- (b) No structural repair or change in shape, size or design shall be permitted except to make a nonconforming sign comply with all requirements of this chapter. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size, or design. However, if a nonconforming sign is rendered structurally unsound due to an act of God, such as tornadoes, hurricanes, floods, etc., the owner of said sign may repair the sign without bringing said sign into compliance with the Code, so long as the owner does not expand or change the nonconformity in any way.
- (c) A nonconforming sign structure may not be replaced by another nonconforming sign structure, except where changed conditions beyond the control of the owner warrant the signs repair.

(Ord. of 7-1-2012, § 86-107; Ord. No. 2012-07-62, § 9, 7-24-2012)

Sec. 54-10. - Prohibited signs.

- (a) The following types of signs or advertising devices are prohibited in all zoning districts of the city:
 - (1) Roof signs.
 - (2) Streamers.
 - (3) Portable signs.
 - (4) Multi-faced signs.
 - (5) Animated signs.
 - (6) Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs which serve an official public purpose.

- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure, except as may be set forth herein.
- (8) Any sign placed or erected on property without the permission of the owner.
- (9) Individual or aggregate window signs exceeding 20 percent of the window area per building elevation.
- (10) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80.
- (11) Signs which simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign.
- (12) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
- (13) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.
- (14) Signs which advertise any activity, service, or product prohibited by the laws or regulations of the United States. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.
- (15) Signs which obstruct any fire escape, any means of egress or ventilation, or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape.
- (16) Signs which do not conform to applicable building and electrical codes.
- (17) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign.
- (18) Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be created.
- (19) Any sign constructed of non-durable material, including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than 60 days. Nothing herein shall prohibit such a sign from being replaced by an identical sign. This provision does not apply to temporary signs as governed by this chapter.
- (20) Signs located on any substandard lot created after the enactment of the ordinance from which this chapter is derived, which is created solely for its utilization for signage purposes and is not otherwise a permitted lot, by right or by permit, exception or variance by the zoning ordinance, unless the substandard lot is created as the result of governmental action.
- (21) Abandoned commercial signs. Commercial signs, including sign structures, shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for 90 days. The sign face on said abandoned signs must be replaced with either a blank face, if the sign is capable of said substitution, or rendered in a non-message format until a new tenant is available. If the abandoned sign is composed of more than just the sign face, this provision shall not be construed as requiring the removal of the remaining structure of the sign.
- (22) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
- (23) Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

(Ord. of 7-1-2012, § 86-108; Ord. No. 2012-07-62, § 10, 7-24-2012)

Sec. 54-11. - Temporary signs.

- (a) The following types of signs or advertising devices shall be permitted only by issuance of a temporary sign permit allowing use of this type advertising for a period of 21 consecutive days. A temporary sign permit may not be issued for the same premises at less than three-month intervals. In no case shall the same premises be allowed a temporary sign permit more than four times in a 12-month period. A fee, as established by the city council, shall be paid for each temporary sign permit. Upon expiration of the temporary sign permit, the permittee shall remove the air or gas filled device, searchlight, or banner, including any temporary supporting structure.
- (1) Air or gas filled devices not exceeding:
 - a. 20 feet in height and 150 square feet of area in a nonresidential zoning district.
 - b. Four feet in height and 16 square feet of area in a residential zoning district.
 - (2) Except as exempted under section 54-12, banners which display a message, logo, statement, or commercial message shall be regulated as follows:
 - a. Each banner shall not exceed 16 square feet.
 - b. Each banner must be individually attached to a pole, mast, arm, or other structure.
 - c. For any lot, banners shall be limited to one banner per public street frontage.
 - d. Banners must be maintained in good condition.
 - e. Noncommercial banners are excluded from determination of aggregate sign area.
 - (3) Search lights and similar devices.
- (b) Signs on single-family residential parcels. All signs erected on single-family residential parcels in the city shall comply with the following provisions:
- (1) The aggregate sign area of all signs on a single-family residential parcel shall not exceed 16 square feet; provided that during the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on residential parcels.
 - (2) No sign shall be erected to a height greater than four feet.
 - (3) Freestanding signs are allowed subject to the limitation of one per parcel.
 - (4) Parcels may contain standard informational signs, subject to the aggregate sign area allowance, without a permit or fee, placed so that they are located entirely on private property.
 - (5) In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain no more than one permanent sign per entrance. Such signs may be lighted by single-flood, indirect lighting only, which may not be directed onto the street or vehicular traffic.
 - (6) All signs erected shall be supported by independent means by use of a wooden stake or metal frame inserted directly into the ground.
 - (7) Window signs are allowed subject to the limitation of one per single-family residential parcel, covering no more than 50 percent of the window. Window signs shall be included in the aggregate sign area for any property designed for residential use.
 - (8) No sign erected on a single-family residential parcel may be illuminated except as allowed under subsection (b)(5) of this section.

(Ord. of 7-1-2012, § 86-109; Ord. No. 2012-07-62, § 11, 7-24-2012)

Sec. 54-12. - Flags.

- (a) All flags shall be displayed on purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles. In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential districts shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.
- (b) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the flagpole. In addition, flags are subject to the following limitations:

Pole Height	Maximum Flag Size (total square feet)
Up to 30 feet	30 square feet
30 to 50 feet	60 square feet
50 feet or greater	150 square feet

- (c) Each lot or parcel shall be allowed a maximum of one flagpole.
- (d) A maximum of two flags shall be allowed per flagpole.
- (e) Flags displaying a logo, message, statement, or commercial message and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
- (f) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (g) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (h) This section shall not be construed to restrict the right to display eligible flags as banners or noncommercial signage as provided elsewhere in this chapter.
- (i) A sign permit is not required for flags.
- (j) Noncommercial flags are excluded from the determination of aggregate sign area.

(Ord. of 7-1-2012, § 86-110; Ord. No. 2012-07-62, § 12, 7-24-2012)

Sec. 54-13. - Signs exempt from specified provisions of this chapter.

The following types of signs are exempt from the requirements of this chapter unless otherwise expressly prohibited under section 54-9. However, all of these signs shall abide by the height and setback requirements as specified in section 54-16 (Sign Table).

- (1) Non-illuminated temporary freestanding signs (excluding banners which are regulated in accordance with section 54-11). For each residential or nonresidential lot, the quantity of these signs shall be limited to either one sign that is 16 square feet in area or up to four signs, the aggregate of which may not exceed 16 square feet. In addition, each sign shall not be greater than three feet above ground level. These signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of curb of a public roadway.
- (2) Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law. Such signs shall be no more than four inches per numeral in residential districts and 12 inches per numeral in commercial and industrial districts.
- (3) Signs erected by, or on the order of, a public officer in the performance of his duties.
- (4) Signs on private property prohibiting trespassing in accordance with state law.
- (5) Any sign not visible from public thoroughfares.
- (6) Window signs not exceeding 20 percent of the available window space per building elevation.
- (7) One official sign per road frontage, as required by the state, identifying vehicle emissions inspection stations licensed by the state, not to exceed four square feet.
- (8) Swinging or projecting signs not exceeding three square feet or projecting more than four feet and attached under the eave or awning of a building above a business entrance.
- (9) Signage on courtesy benches, trash receptacles, newspaper boxes, automated teller kiosks and phone booths, not exceeding eight square feet of sign area and not located within the required front yard setback for the zoning district. Limited to one bench sign and one trash receptacle sign per lot.
- (10) Signage on coin-operated beverage dispensers, limited to three per lot and not located within the required front yard setback for the zoning district.

(Ord. of 7-1-2012, § 86-111; Ord. No. 2012-07-62, § 13, 7-24-2012)

Sec. 54-14. - Maintenance and appearance of signs.

- (a) All signs shall be maintained in good condition, so as to present a neat and orderly appearance. Neglected or dilapidated signs shall be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy. The director may require the sign be removed after due notice for any sign which shows gross neglect or becomes dilapidated.
- (b) The department shall give the owner a minimum of ten but not more than 30 days written notice to correct the deficiencies or to remove the sign. If the owner refuses to correct the deficiencies or remove the sign, the department may have the sign removed at the expense of the owner.

(Ord. of 7-1-2012, § 86-112; Ord. No. 2012-07-62, § 14, 7-24-2012)

Sec. 54-15. - Illumination of signs.

- (a) No sign shall give off light which glares, blinds or has any other such adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. No illuminated sign shall be constructed or maintained within 75 feet of the property line of any single-family residential lot.

- (b) No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.
- (c) Colored lights shall not be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
- (d) Illumination of signs in residential districts shall be prohibited with the exception of project identification signs and nonresidential uses, including, but not limited to, institutional or commercial use. Illuminated signs located within any residential district may only be indirectly illuminated.
- (e) LED signs shall be prohibited.

(Ord. of 7-1-2012, § 86-113; Ord. No. 2012-07-62, § 15, 7-24-2012)

Sec. 54-16. - Maximum heights, maximum sizes, setback requirements and quantity of signs permitted.

Signs incorporated in the city shall be permitted and regulated in accordance with the following sign table, unless otherwise regulated, prohibited or exempted herein:

SIGN TABLE

Type of Sign Purpose or Use		Maximum Height	Setback from Right-of-Way ⁽¹⁾	Maximum Size per Sign Allowed		Quantity and Type Permitted
1.	Primary signs for an individual establishment on an individual nonresidential lot.	5 Ft. 10 Ft. 20 Ft.	0 - 5 Ft. > 5 Ft. or < 20 Ft. 20 Ft. or >	Ground Signs Gross Building Space Sign Size	Max.	Ground Signs
				0 - 10,000	75 Sq. Ft.	One sign structure per road frontage not to exceed maximum allowable square footage.*
				10,001 - 50,000	100 Sq. Ft	
				50,001 - 100,000	150 Sq. Ft.	
				100,001 - >	200 Sq. Ft.	

			Wall Signs Gross Building Space	Wall Signs		
			Max Sign Size Per Elevation	Signs may not exceed 33% of the total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage lists.		
			Agg. Total All Elevations			
			0 - 2,500 36 Sq. Ft. 72 Sq. Ft.			
			2,501 - 15,000 60 Sq. Ft. 120 Sq. Ft.			
			15,001 - 50,000 100 Sq. Ft. 200 Sq. Ft.			
			50,001 - > 200 Sq. Ft. 400 Sq. Ft.			
2.	Accessory ground signs for an individual establishment on an individual nonresidential lot.	3 Ft.	0 - 5 Ft.	Ground Signs Gross Building Space Sign Size	Max.	Ground Signs
			0 - 10,000	3 Sq. Ft.		Two sign structures per entrance.
			10,001 - 50,000	4 Sq. Ft.		

				50,001 - 100,000	5 Sq. Ft.	
				100,001 - >	6 Sq. Ft.	
3.	Primary signs for an individual building on an individual building residential lot.	5 ft.	0 Ft.	Ground Signs Lot Acreage	Max. Sign Size	Ground Signs
				0 - 3 acres	12 Sq. Ft.	One sign structure per road frontage not to exceed maximum allowable square footage.
				3 - 5 acres	24 Sq. Ft.	
				5 or greater	48 Sq. Ft.	
				Wall Signs Lot Acreage	Max. Sign Size	Wall Signs
				0 - 3 acres	3 Sq. Ft.	Signs may not exceed one placed on the front elevation.
				3 - 5 acres	9 Sq. Ft.	
				5 or >	18 Sq. Ft.	
4.	Accessory ground signs for an individual building on an individual residential lot.	3 Ft.	0 Ft.	Ground Sign Lot Acreage	Max. Sign Size	Ground Signs
				0 - 3 acres	12 Sq. Ft.	Two sign structures

					per entrance.
			3 - 5 acres	4 Sq. Ft	
			5 or >	6 Sq. Ft	
5.	Signs for individual establishments, shops, etc., within a planned commercial center.	Not greater than height of wall	N/A	Wall Signs	Ground Signs
			Gross Building Space Elevation	Max. Sign Size Per Bldg.	Not allowed.
			0 - 2,500	36 Sq. Ft.	Wall Signs
			2,501-15,000	60 Sq. Ft.	Signs may not exceed 50% of the total permitted square footage of any building elevation. The total of all wall signs on all elevations shall not exceed the total square footage listed.
			15,001—50,000	100 Sq. Ft.	
			50,001- >	200 Sq. Ft.	
			Gross Building Space	Aggregate Total of All Wall Signs	

			0 -2,500	72 Sq. Ft.	
			2,501-15,000	120 Sq. Ft.	
			15,001-50,000	200 Sq. Ft.	
			50,001- >	400 Sq. Ft.	
6.	Signs for individual offices, etc., within a planned office or industrial center.	not greater than height of wall	N/A	20 Sq. Ft. or 5 percent of the wall areas, whichever is greater	Ground Signs Not allowed. Wall Signs One per building elevation per tenant.
7.	Primary ground sign for planned office, commercial, industrial or retail center.	5 Ft. 10 Ft. 20 Ft.	0 5 Ft. > 5 or > 20 Ft. 20 Ft. or >	Ground Signs	
			Gross Building Space	Max. Sign Size	Ground Signs
			0 - 10,	75 Sq. Ft.	One sign structure per road frontage not to exceed maximum allowable square footage.
			10,001-50,000	100 Sq. Ft.	
			50,001-100,000	150 Sq. Ft.	
			100,001 - >	200 Sq. Ft.	

8.	Accessory ground sign for planned office, commercial, industrial or retail center.	3 Ft.	0 - 5 Ft.	Ground Signs		
				Gross Building Space	Max. Sign Size	Ground Signs
				0 - 10,000	3 Sq. Ft.	Two sign structures per entrance.
				10,001 - 50,000	4 Sq. Ft.	
				50,000 - 100,000	5 Sq. Ft.	
				100,001 - >	6 Sq. Ft.	
9.	Permanent entrance sign for a nonresidential subdivision.	8 Ft. (excluding embellishments which shall not exceed 2 Ft. above the maximum height of the sign structure)	0 Ft.	50 Sq. Ft.		Two sign structures per entrance.
10.	Permanent entrance sign for a residential development or subdivision.	8 Ft. (excluding embellishments which shall not exceed 2 Ft. above the maximum height of the sign structure)	0 Ft.	32 Sq. Ft. per sign (sign structure must be constructed of brick, stone, masonry or equal architectural material).		Two sign structures per entrance.
11.	Interior project direction sign (see section 54-19).	4 Ft.	0 Ft.	32 Sq. Ft.		One per internal intersection.

12.	Permanent sign for a subdivision recreation area.	5 Ft.	0 Ft.	Ground Signs - 24 Sq. Ft.	Ground Signs
				Wall Signs - 9 Sq. Ft.	One sign structure per road frontage not to exceed the maximum allowable square footage.
			>		Wall signs
					Wall signs shall not exceed one placed on the front elevation.

(1) No sign shall be located closer than 10 feet to the back-of-curb of a public roadway.

* Properties with multiple road frontages may transfer a maximum of 50 percent of the allowable square footage from one road frontage to the other.

(Ord. of 7-1-2012, § 86-114; Ord. No. 2012-07-62, § 16, 7-24-2012)

Sec. 54-17. - Oversized signs.

Oversized signs shall be permitted subject to the following restrictions:

- (1) Oversized signs may be permitted as an allowed use within the C2, C-3, and M-2 districts, or by special use permit within the M-1 district, if located on properties that are adjacent to principal arterials, major arterials or state or national highways. Oversized signs shall be prohibited along parkways or roads designated as residential arterials as shown in the city comprehensive plan, as adopted and amended. If the city has not yet adopted a comprehensive plan, the currently existing county comprehensive plan shall control for the purposes of this section.
- (2) Oversized signs shall not be placed within 500 feet of a dwelling, residential zoning district, city or county building, church, school, day care, park, cemetery, or right-of-way of a parkway.
- (3) Oversized signs shall not be less than 1,250 feet from the limits of any overlay zoning district where they are prohibited, or from any other oversized sign in any direction, on either side of the same right-of-way or along another right-of-way.
- (4) Oversized signs shall be completely independent of any building or other structure, excluding the sign structure.
- (5) Oversized signs shall meet the area, public street frontage, side yard, and rear yard requirements of the zoning district in which located.

- (6) The maximum sign area of all display surfaces shall not exceed 672 square feet per sign structure. For double-faced signs, these maximum sign areas shall apply to each side of the sign structure.
- (7) No oversized sign shall contain more than one face per side, nor more than two sides.
- (8) The maximum height and minimum front yard setback from the street right-of-way for oversized signs are:

Sign Face in One Direction	Maximum Height	Minimum Front Yard Setback
350 square feet or greater	40 feet	75 feet
300-349 square feet	30 feet	50 feet

(Ord. of 7-1-2012, § 86-115; Ord. No. 2012-07-62, § 17, 7-24-2012)

Sec. 54-18. - Convenience stores and service stations with pump islands.

Convenience stores and service stations with pump islands may have additional signage subject to the following limitations:

- (1) Two signs per canopy face with a maximum of eight square feet per sign.
- (2) Spreader bars (signs located under canopy over pumps islands) shall be limited to no more than two signs per spreader bar, not to exceed four square feet per sign. However, total square footage for all spreader bars shall not exceed 24 square feet.
- (3) For an accessory car wash, if a separate drive-through car wash building is on site, two additional wall signs may be allowed not to exceed eight square feet each.

(Ord. of 7-1-2012, § 86-117; Ord. No. 2012-07-62, § 18, 7-24-2012)

Sec. 54-19. - Interior project directional sign.

Interior project directional signs are authorized in all developments or planned subdivisions of land within any nonresidential zoning district subject to the following:

- (1) May not be located within 100 feet of an entrance to a project.
- (2) Maximum sign area shall not exceed 32 square feet.
- (3) Maximum sign height shall not exceed four feet.
- (4) Setback from right-of-way may be zero feet.
- (5) Only one such sign may be located at each internal intersection of private driveways or public streets within the project.
- (6) The purpose of the sign is to provide more definitive directional information concerning the whereabouts of tenants within the development.

(Ord. of 7-1-2012, § 86-118; Ord. No. 2012-07-62, § 19, 7-24-2012)

Sec. 54-20. - Variances.

- (a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals pursuant to procedures set forth including, but not limited to:
 - (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area.
 - (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated.
 - (3) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
 - (4) The exceptional circumstances are not the result of action by the applicant.
 - (5) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
 - (6) Granting of the variance would not violate more than one standard of this article.
 - (7) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.
- (c) The staff or community development department shall conduct a site inspection of, and shall prepare an analysis of, each application for variance applying the criteria and standards set forth in this section. Said staff shall present its findings and recommendations in written form to the board at least seven days prior to the public hearing thereon.
- (d) Relief from the application of the provisions of this chapter by use of variances granted by the board shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed and a final decision rendered by the board using the same time frames and notice requirements as for appeals under this chapter.
- (e) In the event of dissatisfaction with the decision of the zoning board of appeals, a person may petition for a writ of certiorari to the superior court of the county as provided by law.

(Ord. of 7-1-2012, § 86-120; Ord. No. 2012-07-62, § 20, 7-24-2012)

Sec. 54-21. - Enforcement and penalties.

The provisions of this chapter shall be administered and enforced by the director of planning and development.

- (1) The director or designee may issue a citation for violation of this chapter by any person, including, if applicable, the owner, manager or tenant of the lot on which a sign is located; for a sign erected, altered, maintained, converted, or used in violation of this chapter; or in violation of any other applicable ordinance, including, but not limited to, building or electrical codes.
- (2) Any person violating any provision of this chapter shall be guilty of an offense, and, upon conviction by a court of competent jurisdiction, shall be subject to a penalty of not less than \$25.00 nor more than \$1,000.00, or by confinement in jail for a total time not to exceed 180 days, or both, and may not be stayed or suspended.
- (3) The city may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this chapter or other city ordinances.

- (4) The director or his designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

(Ord. of 7-1-2012, § 86-121; Ord. No. 2012-07-62, § 21, 7-24-2012)

Sec. 54-22. - Severability.

In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The city council declares that it would have enacted the remaining parts of this chapter if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The city council declares its intent that should this chapter be declared invalid, in part or in whole, signs are to be subject to regulations applicable to structures contained in other ordinances, including the zoning ordinance.

(Ord. No. 2012-07-62, § 22, 7-24-2012)

Sec. 54-23. - Subdivision directional signs.

Subdivision directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound manner, and are removed at the owner's expense. They are intended to encourage parties involved in subdivision development projects in proximity to one another to work together and place directional information for multiple projects on one sign or sign structure. Subdivision directional signs may be allowed for a period of time from the beginning of the project until ten days following the sale of the final property. Subdivision directional signs shall be subject to the following requirements:

- (1) Shall not be located within ten feet of the pavement of any street and shall not be permitted on any public right-of-way.
- (2) Shall not be illuminated or affixed in any manner to trees, street or light poles, utility poles, other signs or sign structures.
- (3) Shall be made of wood.
- (4) Shall include the name, address and phone number of the owner or party responsible for the removal and maintenance of the sign. This information must be written in weatherproof ink or paint on at least one face of the sign in letters not exceeding one-half-inch in height.
- (5) Shall be located no greater than two miles or two intersections as shown on the long range road classification map, whichever is greater, from the project or property to which they refer, as measured along existing streets.
- (6) Signs prohibited under this chapter shall not be used as a subdivision directional sign.
- (7) Subdivision directional signs shall not exceed 24 square feet in total sign area per face with no one project allowed more than four total square feet per face (four projects per face) and shall not exceed eight feet in height, excluding embellishments which shall not exceed two feet above the maximum height of the sign structure.
- (8) Subdivision directional signs shall be limited to four per intersection with no more than one per corner.

(9) Subdivision directional signs shall be located within 200 feet of an intersection but no closer than 20 feet from the intersection.

(10) These signs require a sign permit.

(Ord. of 7-1-2012, § 86-116)