ORDINANCE NO. OR 13-335

AN ORDINANCE OF THE CITY OF STOCKBRIDGE AMENDING THE CODE OF THE CITY OF STOCKBRIDGE, GEORGIA SO AS TO COMPREHENSIVELY REVISE THE CITY'S SIGN ORDINANCE; TO PROVIDE FOR SEVERABLITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. Ordinance. That Title 8, Chapter 8.12 (Sign Regulations) of the current Code of the City of Stockbridge, Georgia be amended by striking Chapter 8.12 in its entirety, and a new Title 8, Chapter 8.12 be added to the Code of the City of Stockbridge, Georgia, so as to read precisely as contained in Exhibit "A" attached hereto, and such Exhibit "A" is hereby incorporated herein by reference.

SECTION 2. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Codification and Severability.

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

(b) It is hereby declared to be the intention of the City 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 City 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 section, paragraph, sentence, clause or phrase 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 City 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 sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

SO ORDAINED this 11 day of November, 2013.

MARK A. ALARCON, Mayor

ATTEST:

Rhonda A Blackmon (SEAL)
RHONDA A. BLACKMON, City Clerk

APPROVED AS TO FORM:

WILLIAM J. LINKOUS, III, City Attorney
6898.00001/866976v1

Chapter 8.12 SIGN REGULATIONS

Sections:

8.12.010 Purpose.

8.12.020 Definitions.

8.12.030 Applications and permits.

8.12.035 Signs which require no permit

8.12.036 Prohibited signs.

8.12.040 Construction standards—All signs.

8.12.045 Sign measurement.

8.12.050 Special requirements; All signs.

8.12.060 Special limitations by sign type.

8.12.070 Special requirements by zoning classification. (see 8.12.080 Charts for additional requirements.)

8.12.080 Charts.

8.12.090 Unsafe and unlawful signs.

8.12.100 Nonconforming signs.

8.12.110 Penalties.

8.12.120 Sign setbacks and restrictions.

8.12.130 Conflict and Severability

8.12.010 Purpose.

The purpose of this ordinance is set forth as follows herein.

a. A comprehensive sign regulation is necessary because of the current burgeoning growth in Stockbridge and Henry County in general and because two major interstate highways run through the city and attract signs that are unrelated to business uses inside the city, leading to poor aesthetics and dropping property values.

b. To prevent the further deterioration of the city and to ensure that it remains an attractive residential area as well as a viable commercial area, it is necessary to maintain a visually satisfying environment. A plethora of signs of a certain size and nature, no matter how tasteful, can have an undesirable effect upon traffic safety and the well-being of the entire community. The city is more likely to attract commercial enterprises and permanent residents if it improves and maintains its appearance. City residents will ultimately benefit from enhanced retail and commercial environments and improvements in the quality of life as a result of these regulations. It is a rational desire of the community, and most specifically of those who live therein from day to day, to plan their physical surroundings in such a way that unsightliness is minimized.

c. Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and sustain stability of neighborhoods, to protect property against blight and deprivation, and to encourage the most appropriate use of land, buildings and other structures throughout the city.

d. Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city council hereby imposes the sign regulations contained in this article.

e. The city council finds that signs provide an important medium through which individuals and entities may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. The city council intends by enacting this ordinance to:

1. Balance the rights of individuals and entities to convey their message 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, and the aesthetics of the city;
3. Reduce traffic and pedestrian hazards;
4. Maintain the historical image of the city;
5. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
6. Promote economic development; and
7. Ensure the fair and consistent enforcement of sign regulations.

8.12.020 Definitions.

For the purposes of this article, the definitions contained in this ordinance shall control. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

Aerial View Sign. Any sign which is designed primarily to be viewed from the sky from an airplane, helicopter, etc. This includes, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.

Aggregate Signable Area. The sum total of the signable area of any and all signs, for a given lot. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate signable area.

Animated sign. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, hand-powered, or electronic means.

Awning or Canopy sign. Any sign on a cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure. See also mounted signs.

Back to back sign. A sign with two parallel sign faces oriented in opposite directions.

Banner sign. A flexible substrate on which copy and graphics may be displayed, attached to buildings or freestanding structure.

Bench sign. A sign applied or affixed to the seat or back of a bench.

Building Façade. The portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

a. **Primary Facade.** The exterior wall of the building that faces the main parking area or street and includes the primary entrance into the building. If the building faces more than one parking

area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

b. **Secondary Facade**. Any exterior wall of a building with street frontage that does not contain the primary entrance to the building.

Building Frontage. The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Business Frontage. That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage.

Business subdivision. A single parcel on which multiple businesses are located, or multiple connected parcels on which businesses are located and where the owners of the parcels share any common property.

Candela or Candle. The basic unit of measurement of light.

Changeable copy sign. A sign with the capability of content change by means of manual or remote input, includes the following types: 1) Manually Activated – Changeable sign whose message copy can be changed manually on a display surface. 2) Electronically Activated – Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.

Copy. The graphic content or message of a sign.

Decal. A picture, design or label made to be transferred (as to glass, wood, metal or any other hard object) from specially prepared paper.

Decision date. The date upon which the City Planner or the designated representative or the city council makes a final decision on the approval or denial of a sign.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Entrance sign. Any sign placed at the intersection of a public street and a public or private entryway into an apartment complex, condominium complex, office complex, industrial complex, residential subdivision, or other building or buildings with multi-family residential dwelling units or multiple commercial units.

Erect. To build, paint, construct, attach, hang, place, suspend, assemble or affix.

Externally Illuminated signs. Any sign illuminated by an external light source directed primarily toward such sign.

Feather flag sign. A temporary banner sign installed on a single post and manufactured of lightweight material designed to move with the wind.

Flag. A usually rectangular piece of fabric of distinctive design that is used as a symbol of a nation, as a signaling device or as a decoration.

Flashing sign. Any sign whose message or appearance scrolls, flashes, rotates or changes, or whose illumination changes in intensity more often than once every fifteen (15) seconds, including but not limited to reader boards.

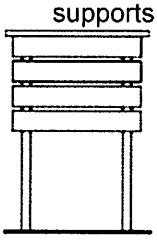
Ground sign. Any sign principally supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building. May also be referenced as Freestanding or monument sign.

a. **Monument sign - .** A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground providing a solid and continuous background for the sign face from the ground to the top of the sign. The structure shall be

at least as wide as the sign and shall be constructed of brick, stone, or an architectural masonry material. Does not include pole or pylon signs.

Monument

b. **Pylon or Pole Sign** - A freestanding sign, usually double-faced, mounted on one or two supports above ground level.



Pole/Pylon

Hand held signs. Any sign larger than six (6") inches by six (6") inches carried by a human appendage or prosthesis including but not limited to picket signs, shields or sandwich boards. Also called portable signs.

Hanging Sign - a sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign. See also mounted signs.

Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Inflatable signs. A sign that is intended to be expanded by air or other gas for its proper display except balloons of three cubic feet or less.

Internal Development signs. Signs not visible from a public right of way, including but not limited to signs such as parking lot information, directional, and safety signs; signs delineating internal sub-components of the overall development; and/or signs providing other similar miscellaneous information.

Internally Illuminated signs. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

Interstate sign. Any sign located on private premises and situated such that the content of the sign is directed to attract the attention of the traveling public on Interstate 75 and/or Interstate 675.

Lot. A single tax parcel as shown on Henry County's tax map.

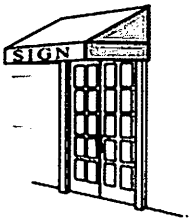
Marquee sign. See flashing sign.

Mobile Sign. Any sign that is either part of or otherwise affixed to any trailer or vehicle, whether motorized or non-motorized.

Monument sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground providing a solid and continuous background for the sign face from the ground to the top of the sign. The structure shall be at least as wide as the sign and shall be constructed of brick, stone, or an architectural masonry material. Does not include pole or pylon signs. See also ground signs.

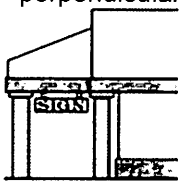
Mounted Sign - a sign permanently attached to a building.

i. **Awning or Canopy Sign** - Any sign on a cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure.



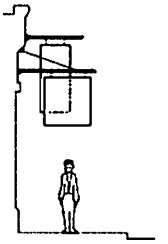
Canopy

ii. **Hanging Sign** - a sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign.



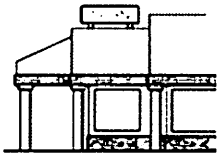
Hanging

iii. **Projecting Sign** – Any sign which is attached perpendicular to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Also called a shingle sign.



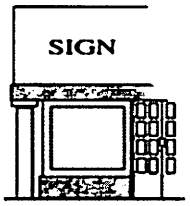
TYPICAL PROJECTING SIGNS

iv. **Roof Sign** – Any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.



Roof

v. **Wall Sign** – Any sign which is attached parallel to or painted on an exterior building wall, which may include a door. Also called a Fascia Sign.



Wall

Multi-faced sign. A sign with sign face surfaces that are parallel and are back to back or where the interior angle formed by the faces is forty-five (45°) degrees or less.

Non-combustible material. Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) and will not continue to burn or glow at that temperature.

Nonconforming sign. Any sign which does not conform to the provisions of this article at the date of adoption of same.

Portable signs. A sign designed to be transported or easily relocated and not permanently attached to the ground and not otherwise permanently affixed to it as otherwise required by the building code. See Temporary sign.

Primary Facade. The exterior wall of the building that faces the main parking area or street and includes the primary entrance into the building. If the building faces more than one parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

Projecting sign. Any sign which is attached perpendicular to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Also called a shingle sign. See also mounted signs.

Pylon or Pole sign. A freestanding sign, usually double-faced, mounted on one or two supports above ground level. See ground signs.

Reflectors. Any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

Residence. A home, abode, or place where an individual is actually living on a non-temporary basis.

Roof sign. Any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. See also mounted signs.

Searchlight. See temporary sign.

Secondary Facade. Any exterior wall of a building with street frontage that does not contain the primary entrance to the building.

Sidewalk sign. A movable sign with the structure constructed in an a-frame or easel design that is not secured or attached to the ground or surface upon which it is located by a permanent foundation. Also called a sandwich sign.

Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing different elements that are organized, related, and composed to form a unit shall be considered to be one sign. Where different elements are displayed in a random manner without an organized relationship to each other, or where there is reasonable doubt as to the relationship of different elements to each other, each element shall be considered to be a single separate sign.

Signable Area. The total area upon which a message is displayed on any sign The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one continuous polygon.

Snipe sign. Any sign of any material whatsoever that is attached in any way to or placed upon a utility pole, tree, mailbox or similar structure situated on public or private property.

Stake sign. Any temporary sign supported by at least one upright placed into the ground, and not supported by or suspended from any building with signable area not greater than eight (8) square feet.

Standard Informational Sign. A sign not permanently installed in the ground with an area of not greater than four (4) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three (3) feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1 1/2) inches.

Store Front. The primary facade of a single, undivided unit located within a commercial center or business park.

Submission date. The date stamped on a sign application indicating the date the application was actually received.

Suspended sign. See projecting sign or swinging sign.

Swinging sign. Any sign which is mounted such that the sign may freely move back and forth.

Temporary sign. Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure. These signs include, but are not limited to balloons and banners.

Tenant frontage. The horizontal distance in feet between the left side wall and the right side wall or building end wall of a tenant space fronting on a street.

Vehicular sign. Any sign placed on, mounted on, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended. Also referred to as a mobile sign.

Wall sign. Any sign which is attached parallel to or painted on an exterior building wall, which may include a door. See also mounted signs.

Window sign. Any sign displayed to an outside observer on or through a window or covering a window, which may include a door.

Zoning district. The use classification of parcels of land as defined under the city's zoning map generally.

8.12.030 Applications and permits.

A. Application Requirements. All applications for sign permits must be complete and contain all required information as set forth in this article.

B. Permit Application. Application for permits to erect signs shall be made upon forms provided by the City Planner or the designee and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant;
2. Address of building, structure, or lot to where the sign is to be attached or erected, as well as the zoning district in which the proposed sign is located within and a statement of compliance of all requirements of the zoning district as stated in this ordinance;
3. The proposed sign type as defined in this ordinance;

4. Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the lot showing compliance with all setback lines required by the city;
5. Three (3) sets of accurately scaled color drawings of the plans, contents, specifications, and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures, landscaping, and any other limiting site features, including the computation of total area and dimensions of proposed sign, and an indication of whether the sign will be illuminated and description of illumination;
6. Name of person, firm, corporation, or association erecting the sign (i.e. contractor or builder);
7. Written consent of the owner of the building or lot upon which the sign is to be erected;
8. A written list describing all other signs located on the lot indicating the sign type, size, and placement including photographs of existing building frontage and signage on lot; and
9. Such other information as may reasonably be required for the permitting process relating to the sign to be permitted, the lot upon which the sign is to be placed, and/or the placement of the sign and the effects thereof on traffic patterns, pedestrians, and/or general aesthetics.

C. Permit Required. It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign as defined in this article, except for those signs identified under Section 8.12.035.

D. Incomplete Applications; False Information. Any application that is incomplete, inaccurate, that contains false material statements or omissions, or that is submitted for a sign which would violate any standard within this Article shall be rejected within thirty (30) business days of receipt of said application.

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

F. Required Fees. No permit shall be issued until the appropriate application has been filed and fees as set from time to time by approved Resolution have been paid.

G. Issuance and Denial of permits.

1. All sign permit applications shall be processed within forty-five (45) business days of the department's actual receipt of a complete and accurate application and remittance of the appropriate sign permit fees.
2. The City Planner or the designee shall give notice to the applicant of a decision to approve or deny the sign permit by hand delivery, electronic mail (email), or certified mail return receipt requested to the address on the permit sent on or before the forty fifth (45) business day.
3. Provided that the sign application is complete and accurate, all fees have been paid, and the proposed sign and the lot upon which the sign is to be placed are within all the requirements of this article and all other ordinances of the city and other applicable laws and building codes, the City Planner or the designee shall approve the sign permit application.
4. Failure to provide a decision within the forty fifth (45) day period shall be deemed an approval of the permit. If notice is mailed in conformity with this Article, notice shall be deemed to have been given upon the date of mailing. Any application not meeting the standards of this Article shall be denied.

H. Time period. If the work authorized under a permit has not been initiated within six (6) months of the date of issuance, or if such work does not comply with building code and construction standards listed in Section 8.12.040, the permit shall become null and void.

I. Display of Identification Number. Every sign constructed, erected, or maintained for which a permit is required by this article shall be plainly marked with the identification number issued by the City Planner

or the designee for the structure firmly affixed to the sign in such manner that the identification number shall be readily visible, accessible for inspection and durable.

1. Altering Identification Number. Displaying an identification number that has been tampered with, altered, or mutilated, or displaying a sign without an identification number shall be a misdemeanor offense punishable in Municipal Court. The penalties for such a violation are provided in Section 8.12.110.

J. Appeals.

1. The grant, rejection or denial of a permit by the City Planner or the designee may be appealed to the city council pursuant to the Variance procedures. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed. If a final decision by City Council is not rendered within the ninety (90) day period, the decision sought to be appealed shall be affirmed.

2. Any appeal of a decision of the City Council under this Chapter shall be via petition for a writ of certiorari to Superior Court.

(Ord. 02-46 § 2 (part), 2002)

8.12.035 Signs Which Require No Permit.

a. The following signs shall not require a permit provided, however, that such signs shall be subject to all other provisions of this article:

1. Wall or window signs one (1) square foot and smaller.

2. The replacement of removable sign panels within a sign structure such that the sign structure is not replaced or modified in any way. This includes replacement of a panel within a multi-tenant sign, or replacement of a panel within a wall sign when the replacement of such panels does not require replacement or modification of the sign structure.

3. Temporary stake signs not exceeding four (4) square feet, memorial signs or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

4. Standard informational signs:

a. Residential lots. Each lot may display two (2) standard information signs without a permit.

b. Nonresidential lots. Each lot having one (1) business may display two (2) standard information signs, and each lot having more than one (1) business may display four (4) standard information signs without a permit.

b. The following signs are exempt from all provisions of this article:

2. Signs required to be posted by federal law, state law or by the Code of Ordinances of Stockbridge, Georgia.

3. Decals affixed to or signs painted on equipment, fuel pumps or other types of vending equipment used for dispensing retail products, provided that such decals or signs have a signable area not exceeding four (4) square feet on any single piece of equipment.

(Ord. 02-46 § 2 (part), 2002)

8.12.036 Prohibited signs.

It shall be unlawful for any person to erect the following signs in the City of Stockbridge:

a. Animated signs or attention getting devises, including flashing, action, motion, or changing color or light intensity;

b. Aerial view signs;

c. Pole or Pylon signs;

d. Roof signs;

e. Mobile signs visible from any public right-of-way, unless the trailer or vehicle is used in the normal day to day operation of the business owning and operating the mobile sign, in which case said mobile sign vehicle or trailer shall be parked in a designated parking spot to be not visible from the right-of-way, if possible, or as far from the right-of-way as possible;

f. Imitation traffic signs;

g. Inflatable signs;

h. Snipe signs;

i. Neon illuminated signage;

j. Any signs placed in or extending into public right of way;

k. Any abandoned or non-maintained signs in visible disrepair;

l. Signs depicting any obscene or illegal activity material;

m. Beacons, search lights; lasers;

n. Signs located on the railroad right of way; or

o. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters

(Ord. 02-46 § 2 (part), 2002)

8.12.040 Construction standards — All signs.

A. Building Code Compliance. All signs shall be constructed and maintained in accordance with the provisions of the city's building code.

B. Materials Required. All ground signs for which a permit is required by this article, except those covered by Section 8.12.070 of this article and temporary signs, shall be constructed of brick, stone, stucco, or architectural masonry material.

C. Illumination

1. Nonresidential districts. No sign shall be illuminated by neon lights, by lights that flash, move, change in intensity, or turn on intermittently more than once per day, except letters or numbers that are not greater than 12 inches in height and do not have a display area greater than two square feet which may change no more than one time every 60 seconds. To prevent glare visible from a public street or adjoining property, the beam of any light shall be directed so as not to be visible beyond the sign at which it is directed, and the light source shall not be visible from any point on an adjacent property or the public right-of-way. Light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties or vehicular traffic on adjacent roadways.

2. Residential districts. Signs located in residential districts shall not be illuminated other than signs at the entrance of the subdivision.

3. Internal Illumination. Signs internally illuminated shall not exceed twenty foot (20) candles of incandescent light measured at a distance of ten (10) feet from such structure.

4. External Illumination. Signs externally illuminated shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition.

D. Construction Near or on a Lot Containing an Existing Billboard, Pylon, or Off Premises Sign.

1. Construction of any structure, building, or appurtenance adjacent to, or on a lot containing an interstate sign, pylon or ground sign under the standards of this provision shall require that:

a. No buildings, structures, or appurtenances may be constructed within the "fall zone" of such sign. A "fall zone" is defined as an area equal to one hundred thirty-three percent (133%) of the height of the sign in every direction.

b. No subdivision of a parcel containing a billboard shall be permitted unless the subdivided lot containing the billboard is large enough to encompass the "fall zone" of such billboard.

2. Construction of any interstate sign, pylon or ground sign on a lot containing any structure, building or appurtenance under the standards of this provision shall require that:

a. No sign may be constructed where a building, structure or appurtenance will be located within the "fall zone" of the sign. A "fall zone" is defined as an area equal to one hundred thirty-three percent (133%) of the height of the sign in every direction.

b. No subdivision of a parcel containing an interstate sign, pylon or ground sign shall be permitted unless the subdivided lot containing the sign is large enough to encompass the "fall zone" of such sign.

E. Maintenance Required. All signs, together with all supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

(Ord. 03-78 § 1, 2003; Ord. 02-46 § 2 (part), 2002)

8.12.045 Sign Measurement.

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

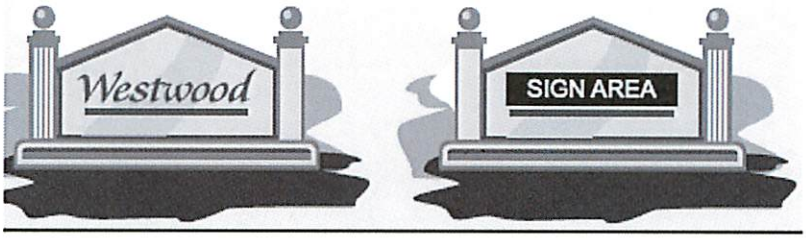
B. *Height.* The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade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

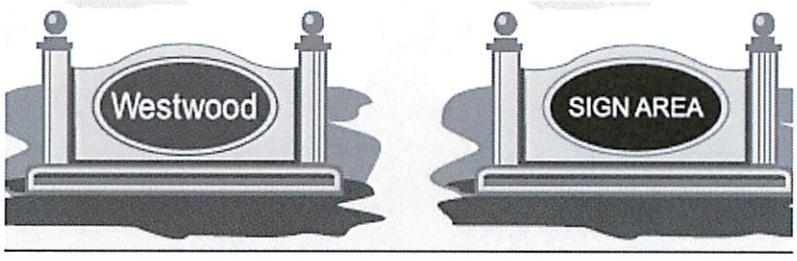
(surveyor's certificate required). At no time shall any sign's overall height exceed the zoning district's height limitations. Any portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign shall be included when computing sign height.

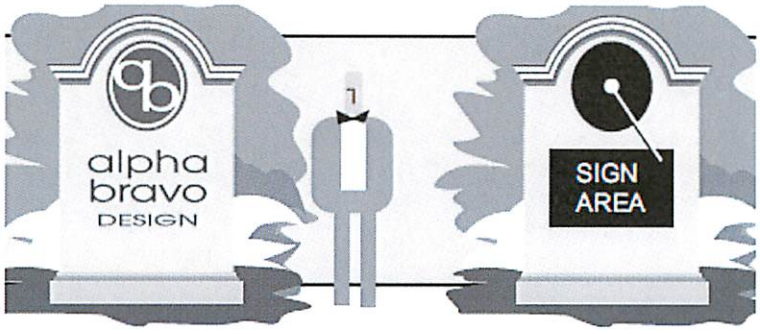
C. *Structure.* The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those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

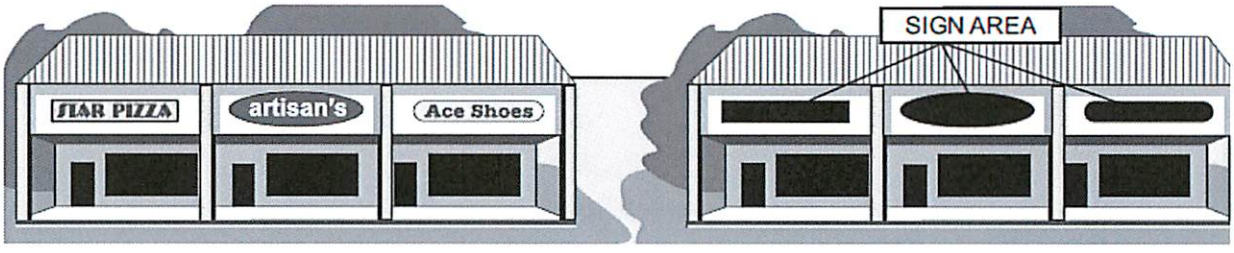
D. *Multi-faced signs.* For multi-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign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

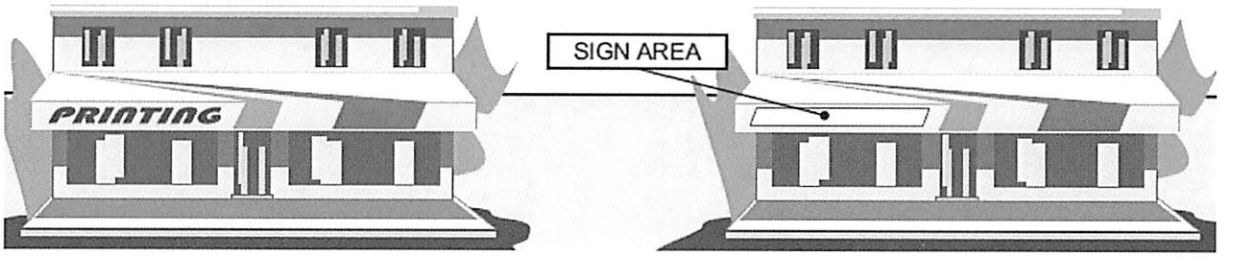
E. Sign Area Examples:











8.12.050 Special requirements; all signs.

a. All signs must be placed upon a Lot. No sign may be placed on any lot, which lot does not meet the minimum requirements of the Zoning Ordinance and subdivision regulations of the Code of Stockbridge, Georgia.

b. Obstruction to doors, windows, or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape; nor shall any sign be attached to any stand pipe or fire escape.

c. All signs located adjacent to a walkway shall be placed so that the bottom of the sign is at least eight (8) feet above the walkway on private property over which it is erected, and no sign shall extend nearer than one (1) foot from the curb line.

d. Sign not to constitute traffic hazard. No sign or other structure regulated by this Article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision from vehicles thereupon; or be placed at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device; or make use of the words "STOP", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse motorists.

e. Posting on trees, poles, etc. No sign shall be allowed to be tacked, painted, posted, marked, or otherwise affixed on trees, utility poles, or other similar structures, or on rocks, the ground itself, or other natural features.

f. No Posting on Supports. No message or advertisement may be displayed on any portion of the structural supports of any sign.

g. Maintenance. 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.

h. Special situations. Those developments which include at least one building of three (3) stories or more may be permitted wall signs in sizes not exceeding one hundred (100) square feet per primary and secondary facade. The sign allowance provided under this subsection shall be exempt from the aggregate signage allowed per lot.

i. No Simulation of Public Signal. No sign shall be erected which simulates an official traffic control device, warning sign, or public service signal.

j. Signs during construction. One (1) temporary construction sign shall be allowed on the lot during construction or renovation. The sign shall not be internally illuminated. The sign shall not exceed 20 square feet in area and five feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a certificate of occupancy or installation of a permanent

sign, whichever occurs first. The sign shall be removed if construction discontinues for more than sixty (60) days.

8.12.060 Special limitations by sign type.

In addition to the limitations set forth in the other sections of this article, the following limitations shall apply to these specific types of signs:

a. Wall Signs. 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.

b. Window Signs. Window signs must not exceed 25% of the total area of each window in which a sign is placed.

c. Ground Signs.

1. All ground signs must be constructed as a monument style sign. Pole and pylon signs are prohibited.
2. The structure of the monument sign shall be at least as wide as the sign face.
3. A monument sign shall have a three (3) foot landscape strip planted around its base.
4. For all commercial, office, industrial, and multifamily developments, address numbers shall be posted on the top of the faces of the monument signs at the main entrance of the development. For developments that contain multiple addresses and/or building numbers, the range of addresses and/or building numbers shall be on the face of the monument. The numbers shall be six (6) inches in height and the color shall contrast with the sign faces so as to be readily identifiable.

d. Projecting Signs.

1. No projecting sign may be placed over streets, alleys, or ways available for vehicular traffic, or extend into the public right of way.
2. All projecting signs must be installed at a ninety degree (90°) angle to the building facade.
4. Projecting signs must vertically clear sidewalks by at least eight (8) feet and may project no more than six (6) feet from a building.
5. Projecting signs must not project above the roof line, or exceed ten (10) feet in height.

e. Temporary Signs.

1. A permit is required for all temporary signs unless otherwise specified in Section 8.12.035.
2. Temporary signs must be removed from the premises within thirty (30) days from the date the sign is first placed on the lot.
3. No lot may have more than 2 temporary sign elements on the lot at one time, subject to the maximum aggregate square footage allowed in section 8.12.80.
4. No business may receive more than four (4) temporary sign permits in any one (1) calendar year under this subsection.
5. All temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the building code, electrical code or as promulgated by the city council or its designated representative.
6. If any temporary sign is erected or maintained in such a manner so as to be in violation of this article or any other ordinance or law of the city, the city may give written notice to the owner thereof and to the owner of the property and premises upon which the sign is located

that the sign must be removed within three (3) days. If the sign is not thereafter removed, the city council may cause its removal and impose the cost of the removal as a lien upon the property upon which the sign sits.

f. Awning/Canopy Signs.

1. Signs must be painted or installed directly on the valances of the awning or canopy.
2. Awning signs shall not have lettering or graphics exceeding ten (10") inches in height.
3. No awning sign may be internally illuminated.
4. The signable area of any awning sign shall not exceed twenty-five (10%) percent of the surface area of the awning or canopy.
5. Awnings must be constructed of durable fabric or non-rigid material on a supporting framework.
6. Awnings must vertically clear sidewalks by at least eight (8) feet and may not extend further than one (1) foot of the curb line.

g. Entrance or Subdivision sign. All entrance signs shall be placed on private property and may not be placed in the right-of-way.

h. Flags.

1. In-ground. A flag may be flown from a metal pole permanently placed in the ground. The pole shall not exceed two and five eighths (2 5/8") inches in diameter, nor twenty (20') feet in height. The flag flying from such pole shall not exceed three (3') feet in width and five (5') feet in length.
2. Projecting. A flag may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or door frame. The pole shall not exceed six (6') feet in length, nor one (1) inch in diameter. The flag flying from such pole shall not exceed three (3') feet in width and five (5') feet in length. Additionally, the flag displayed in such manner shall not impede pedestrian or vehicular traffic.
3. Limit. One flag (either ground, projecting or hanging) may be flown or displayed on each property which shall not count against the allocation of the ground, projecting or window signage permitted for each property as described in Section 8.12.080. Any additional flags beyond the first flag flown on each property will count against the allocation of the ground, projecting, or window signage permitted for the property as described in Section 8.12.080.
4. Nothing contained in this section shall be interpreted to prohibit or restrict the right to display eligible flags as banners or non-commercial signage as allowed elsewhere in the Code of Ordinances of the City of Stockbridge.

i. Changeable Copy Signs.

1. In districts where changeable copy is allowed, it shall be limited to the ground sign only and may incorporate up to twelve (12) square feet of the allowable sign area.
2. A parcel or lot is limited to one changeable copy sign per lot.
3. No changeable copy sign may contain more than three (3) horizontal pieces of information that shall change. Signs must contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message.
4. Changeable copy shall not change more than once every twenty-four (24) hours except where allowed in Section 8.12.040.

j. Hand Held signs. All hand held signs shall meet the following regulations:

1. No hand held signs shall be placed or carried which extend beyond the width of the carrier's body or that extend more than twenty-four (24") inches above the carrier's head.

2. All persons carrying any such signs, shields or sandwich boards shall remain at least ten (10') feet apart, shall remain at least ten (10) feet away from any doorway, driveway or street intersection and shall not interfere with the general flow of traffic, whether pedestrian or vehicular.

3. All hand held signs are exempt from the permitting requirements of Section 8.12.030.

k. Internal development signs.

Internal development signs (signs not visible from a public right-of-way) are permitted adjacent to internal road(s) serving the development. Internal development signs include but are not limited to signs such as parking lot information, directional, safety, and directional signs associated with hospitals and other emergency care facilities. Internal development signs shall not exceed ten (10) square feet and four (4) feet in height except that signs associated with hospitals and emergency care facilities shall not exceed 20 square feet in area.

l. Banners on City Property.

1. Banners shall be considered temporary signs as defined in Section 8.12.020 of the Sign Ordinance.

2. In addition to the special limitations found in Section 8.12.060 (e) of the Sign Ordinance, banners placed on city property shall be further regulated as follows:

a. Banners can be displayed for no more than forty-eight (48) hours after the event;

b. No person shall be permitted to display more than one (1) banner on the premises, and only one (1) banner shall be displayed on the premises at any given time; and

c. No banner shall be any larger than sixty (60) square feet.

8.12.070 Variances.

This section shall provide the exclusive procedures for granting variances to the requirements of this article.

1. Upon application by the property owner of a lot zoned O-I, C-1, C-2, C-3, M-1 or M-2, covering more than ten (10) contiguous acres, the city council may grant a variance to allow the maximum sign area for a monument sign to increase up to an additional ten (10) percent provided the applicant has shown that:

A. All signs and structures within the business development are in conformance with this article; and

B. The variance, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of this article; and

C. The city council shall consider the following factors:

1. The size of buildings constructed on the subject lot;

2. The number of different tenants occupying the buildings;

3. Whether there exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the area;

4. Whether granting a variance requested would confer upon the property of the applicant any significant privileges that are denied to other similar properties.

Furthermore, peculiar conditions or circumstances which are the result of actions of the current or former owner(s) of the property covered by the application cannot be considered as grounds to justify a variance.

2. Variances may not be granted for sign height.

(Ord. 02-46 § 2 (part), 2002)

8.12.080 Requirements by Zoning Classification.

In addition to all other regulations in this article, all signs must conform to the requirements contained in this section.

A. Lots Zoned RA, R-1, R-2, R-3, RD, and (RMH and RM (where a single residence is on the lot).

1. The total of all signs shall not exceed four (4) signs of any allowed type per residential lot.

2. The following signs are prohibited:

a. Projecting signs;
b. Roof signs;
c. Awning signs;
d. Changeable copy signs;
e. Pole or Pylon signs;
f. Monument signs (except when used as Subdivision Entrance Sign); and
g. Wall signs.

	Window Sign	Temporary	Subdivision Entrance Sign
Max height		3'	6'
Max width			
Max sq. ft. of signable area	4	4	32
Total aggregate of all signs	16	16	
Max number of signs per Lot	2	4	1 per entrance

Required minimum setback from right of way		1'	6'
Required minimum setback from electrical transmission lines			10'

B. Multi-Family Residential Lots Zoned RM.

1. The total aggregate signable area allowed per lot must not exceed sixty-four (64) square feet.
2. The following signs are prohibited:
   a. Pole or Pylon signs;
   b. Projecting signs;
   c. Wall signs;
   d. Roof signs; and
   e. Changeable copy signs.

	Window Sign	Temporary Sign	Monument Entrance Sign
Max height			6'
Max width			
Max sq. ft. of signable area	4	16 total (aggregate of all signs)	32
Total aggregate of all signs	16	16	
Max number of signs per unit	2	2	1 per entrance
Required minimum setback from right of way			5'
Required minimum setback from			10'

electrical transmission lines			

C. Commercial Lots Zoned C-1, C-2, and C-3. (Multiple business per lot or business subdivision)

1. One principal freestanding sign is permitted per lot, except as allowed per section 8.12.150.
2. One wall sign is permitted per primary exterior entrance for each business or building per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located.
3. The following signs are prohibited in commercial districts:
   a. Pole or Pylon signs; and
   b. Roof signs.
4. All panels in multi-tenant monument signs must have equal signable area.

	Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Max height	8′			8′		10″ lettering
Max width				8′		Building width
Max sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	24	Not to exceed the smaller of 10% per tenant wall area or 100 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, except 2 if permitted by Section 8.12.120	1 per tenant, per street frontage	1 per primary exterior entrance,	2	3	1 per tenant, per street frontage

			per street frontage See Section 8.12.080.C.2			
Required minimum setback from right of way	5′			5′		
Required minimum setback from electrical transmission lines	10′	10′		10′		
Max projection from wall		6′				

D. Commercial Lots Zoned C-1, C-2, and C-3. (Single business per lot)

1. Each lot is permitted one principle freestanding sign, except as allowed per section 8.12.120, and one wall sign for each street-facing wall.

2. The following signs are prohibited in this district:
   a. Pole or Pylon signs; and
   b. Roof Signs.

	Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Max height	8′			8′		10″ lettering

Max width				8′		Building width
Max sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	24′	Not to exceed the smaller of 10% per wall area or 100 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, except 2 if permitted by Section 8.12.120	1	1 per primary facade, 1 per secondary facade	2	3	1
Required minimum setback from right of way	1′			1′		
Required minimum setback from electrical transmission lines	10′	10′		10′		
Max projection from building		4′				

E. Industrial Lots Zoned M-1 and M-2. (Multiple business per lot or business subdivision)

1. One principal freestanding sign is permitted per lot, except as allowed per section 8.12.120.
2. One wall sign is permitted for each business per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located.
3. The following signs are prohibited in industrial districts:
   a. Pole or Pylon signs;
   b. Roof signs; and
   c. Changeable copy signs.

	Monument Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Max height	8′		8′		10″ lettering
Max width			8′		50% of Building width
Max. sq. ft. of signable area	1 sq. ft per linear foot of Building Frontage up to 64 sq. ft.	Not to exceed the smaller of 5% per tenant wall area or 150 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of Awning space
Max number allowed	1, except 2 if permitted by Section 8.12.120	1 per tenant, per street frontage	2	3	1 per tenant, per street frontage
Required minimum setback from right of way	5′		5′		

Required minimum setback from electrical transmission lines	10′		10′		

F. Industrial Lots Zoned M-1 and M-2 (Single business per lot)

1. Each lot is permitted one principal freestanding sign, except as allowed per section 8.12.120, and one mounted sign for each street-facing wall.

2. The following signs are prohibited in this district:
   a. Pole or Pylon signs;
   b. Roof signs; and
   c. Changeable copy signs.

	Monument Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Max height	8′		8′		10″ lettering
Max width			8′		50% of building width
Max sq. ft. of signable area	1 sq. ft per linear foot of Building Frontage up to 64 sq. ft.	Not to exceed the smaller of 5% wall area or 150 square feet	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, 2 if permitted per Section 8.12.120	1 per street frontage	2		1
Required minimum setback	5′		5′		

from right of way					
Required minimum setback from transmission lines	10′		10′		

G Office and Institutional Lots zoned O-I.

1. One principle freestanding sign is permitted per lot, except as allowed per section 8.12.120.
2. One wall sign is permitted per primary exterior entrance for each business or building per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located.
3. The following signs are prohibited in this district:
   a. Pole or Pylon signs;
   b. Roof signs; and
   c. Changeable copy signs.

	Monument Sign	Projecting Sign	Wall Sign	Window Sign	Awning Sign	Temporary Sign
Max height	8′				10″ lettering	8′
Max width			Building width		Building width	8′
Max Sq. Ft. of signable area	32 sq. ft.	10 sq. ft.	Not to exceed the smaller of 5% of the wall area or 100 sq. ft.	25% of the area of each window in which a sign is placed	10% of awning space	32 total (aggregate of all signs)

Max number allowed	1, 2 if permitted per Section 8.12.120	1 per street frontage	1 per street frontage	3	1 per street frontage	2
Required minimum setback from right of way	5′					1′
Required minimum setback from electrical transmission lines	6′					
Max projection from building		4′				

I. Master Sign Plan

The intent of the Master Sign Plan is to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.

1. Approval required. Approval of a master sign plan shall be required as part of the development review process in any district zoned PTD, Planned Town Development, multi-business lot greater than 5.0 acres, or where any new construction or redevelopment project includes more than one freestanding building. All signs erected or maintained shall conform at all times to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed; any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved.
2. *Master sign plan application.* An application for a master sign plan shall include the following information:
    a. All information as outlined in Section 8.12.030 (b) of this Article;
    b. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;

c. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;

d. An elevation drawing or photo depicting the proposed location of signs on buildings, walls or windows;

e. Computation of the maximum total sign area. For buildings with two or more separate businesses, computations shall identify the total maximum area each individual business will be allowed;

f. Plans, including window signage should indicate the areas of the windows to be covered;

g. Master sign plans must be signed by all owners or their authorized agents.

3. *Master sign plan review.* An application for a master sign plan shall be reviewed as part of the development review process.

4. *Individual sign permits.* Individual sign permits are required for all signs contained within an approved master sign plan.

5. *Amendments.* A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements in this section.

6. *Significant development exceptions.* An exception for one (1) additional freestanding sign may be granted under the master sign plan for significant developments which meet at a minimum all criteria set forth below:

   a. The development is located on a single tract, parcel, or lot;

   b. The parcel is to be used for commercial;

   c. The tract size is a minimum of 15 acres and the primary frontage of the lot is at least five hundred (500) linear feet or more; and

   d. The lot has two (2) or more entrances on the street on which it has its primary frontage.

   One (1) maximum sixty four (64) square foot monument sign along the primary frontage may be substituted for two (2) single-faced freestanding signs not to exceed thirty-two (32) square feet and six (6) feet in height.

(Ord. 02-46 § 2 (part), 2002)

8.12.090 Unsafe and unlawful signs.

a. If the City Planner or the designee finds that any sign regulated herein is unsafe or unstable, or is a menace to the public health or safety, or is abandoned, or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, the city planner or the designee shall notify the permittee, owner, or occupant of the property on which the sign is located by certified mail of such violation. Said notice shall include a brief and complete statement of the violations to be remedied. If the permittee, owner, or occupant of the property where the sign is located cannot be located, notice shall be effected by the city council or its designated representative affixing the notice to the sign or to the building on which the sign is erected.

b. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) 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 8.12.110 of this article.

c. In any case in which a sign is an immediate threat to the physical safety of persons or adjoining property, the city planner or his or her designee may cause such structure to be removed summarily

and without notice and cause the cost of same to be placed as a lien on the property upon which the sign sits.

(Ord. 02-46 § 2 (part), 2002)

8.12.100 Nonconforming signs.

a. The following provisions shall apply to signs which, on the effective date of this article, were approved and legally erected under previous sign restrictions and which became nonconforming with respect to the requirements of this article's restrictions:

   1. The owner of the sign shall secure a permit for the continuation of the sign subject to the restrictions of this section. Application for such permit must be filed within ten (10) days of the notice of nonconformance. There shall be no charge for this permit. Failure to apply for such permit within ten (10) days shall result in waiver of the protections afforded nonconforming signs by this section and the display of such sign shall be thereafter unlawful.

   2. No change shall be made in the size of any nonconforming sign, nor shall any structural changes be made in such a sign unless the sign is brought into compliance with the provisions of this article.

   3. Except as provided in this article, any sign erected on any public property or right-of-way in violation of this article may be removed therefrom by duly authorized employees of the city or Henry County, and the responsible party may be cited for such violation.

b. The substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.

c. No conforming sign shall be permitted or erected on any lot which has located thereupon an existing nonconforming sign until the nonconforming sign has either been removed or brought into compliance with this ordinance.

d. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article.

e. No change in shape, size or design shall be permitted on a nonconforming sign except to make the sign comply with all requirements of this article.

f. Grandfathering. Nonconforming signs must be removed from site when any of the following conditions occurs:

   i. The advertised business ceases at that location for a period of more than 90 days and/or the sign is not used for a period of more than 90 days;

   ii. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly or unkempt; or

   iii. The sign has been damaged to such extent that more than minor repairs (greater than 25 percent of the replacement cost of the existing sign) or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this chapter. This subsection shall not apply to signs located adjacent to an interstate highway, or otherwise positioned so as to be visible from the interstate highway.

8.12.110 Penalties.

1. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions herein.
2. Any person found in violation of any of the provisions of this article shall be subject to a fine not to exceed five hundred dollars ($500.00) per day.
3. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue. Any sign erected or maintained in violation of this ordinance for more than thirty (30) days shall also be subject to removal by the city at the owner's or permittee's expense.

(Ord. 02-46 § 2 (part), 2002)

8.12.120 Sign setbacks and restrictions.

A. All signs shall be required to be located within the required front yard of a principal structure, and shall not be permitted to extend beyond the front property line into the street right-of-way. The location of signs shall not interfere with the view of a traffic signal or traffic vision. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 15 feet along both street side property lines from their intersection.

B. When the restrictions in Section 8.12.080 make reference to this subsection, in order to erect a second sign a use must have frontage on two (2) publicly dedicated streets with each street including a legal curb cut. In addition, there must be a minimum lot area of one (I) acre to permit a second such sign to be erected. In those instances where one (1) of the street frontages is on a street serving a residential subdivision, a second sign shall be prohibited.

(Ord. 02-46 § 2 (part), 2002)

8.12.130 Conflict and Severability.

A. *Conflict.* If any part of this chapter is found to be in conflict with any other ordinance of this county or any state or federal statute, the most restrictive or highest standard shall prevail. If any part of this sign ordinance is explicitly prohibited by state or federal statute, that part shall not be enforced.

B. *Severability.* This chapter is declared to be severable. In the event any section, subsection, sentence, clause or phrase of this chapter shall be declared or adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this chapter, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The county hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.