

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND CHAPTER 21, ARTICLE I, SECTION 21-2 (DEFINITIONS) TO ADD A DEFINITION FOR FREESTANDING SIGN; TO ADD A NEW SUBPARAGRAPH (4) TO CHAPTER 21, ARTICLE III, SECTION 21-65 (RESTRICTIONS IN RESIDENTIAL ZONING DISTRICTS) TO PROHIBIT FREESTANDING SIGNS IN RESIDENTIAL ZONING DISTRICTS; TO AMEND CHAPTER 21, ARTICLE III, TO ADD SECTION 21-85 (FREESTANDING SIGN) TO ESTABLISH REGULATIONS FOR FREESTANDING SIGNS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest is authorized to exercise the power of zoning Ga. Const. Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City’s Charter, the City's general police powers, and by other powers and authority provided by federal, state and local laws applicable hereto; and

WHEREAS, the City of Stonecrest continues to exercise its zoning powers to provide comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, as the City of Stonecrest experiences growth and gains knowledge through the exercise of these powers, it is necessary to and, amend, and/or remove certain requirements in the Zoning Ordinance; and

WHEREAS, the City of Stonecrest would like to allow freestanding signs in commercial and industrial districts for the benefit of commercial and industrial businesses; and

WHEREAS, the City of Stonecrest recognizes necessity of implementing regulations which protect the health, safety and welfare of its citizens; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq., provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: In order to define freestanding sign, The Code of the City of Stonecrest, Georgia, Chapter 21, Article I, Section 21-2 is hereby amended as following definition:

Freestanding sign means a sign not attached to a building or any structure other than its own support, supported by one or more columns, uprights or braces in or upon the ground, and that does not extend over any portion of a building.

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38 **Section 2:** In order to prohibit freestanding signs in residential districts, Chapter 21, Article
39 III, Section 21-65 of The Code of the City of Stonecrest, Georgia, is hereby amended to read as
40 follows (any deletions are struck through and additions are bolded):

41 Sec. 21-65. – Restrictions in residential zoning districts.

42 The following regulations shall pertain to lots located in RE, RLG, R-100, R-85, R-75, R-60,
43 RSM, MR-1, MR-2, HR-1, HR-2, HR-3, MHP, and RNC zoning districts:

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45 (1) There shall be a maximum of two monument signs per entrance into any residential
46 subdivision or real estate development in a residential district;

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48 (2) Ground signs are prohibited, with the exception of monument signs;

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50 (3) No sign in any residentially zoned district may be illuminated, except for monument
51 signs, subject to the provisions of section 21-76. No monument sign may be internally
52 illuminated;

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54 (4) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet
55 in height;

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57 (5) Reserved; ~~and~~

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59 (6) No electronic signs are allowed in any residential zoning district if that district is
60 designated by city as an historic district. No electronic signs shall be allowed in any other
61 residential zoning district except one electronic sign per property for a place of worship,
62 private elementary, middle, or high school provided such sign meets all other
63 requirements of this chapter; **and**

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65 (7) **Freestanding signs are prohibited**

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67 **Section 3:** In order to clarify and establish regulations for freestanding signs, Chapter 21, Article
68 III, of The Code of the City of Stonecrest, Georgia, is hereby amended to add Section 21-85. –
69 Freestanding signs. to read as follows:

70 Sec. 21-85. – Freestanding signs.

71 (a) Freestanding signs may be located ten (10) or more feet from the nearest wall of the
72 principle structure. If a building existing before January 2021 is located in such a way
73 that there is no place on the lot more than ten (10) feet from the building and if a
74 freestanding sign would otherwise have been permitted on such lot, then the director shall
75 permit a freestanding sign to be located nearer than ten (10) feet from the building

76 provided that such sign is kept as far as practicable from the building, does not result in
77 an unsafe condition, and otherwise complies with the requirements of this chapter.

78 (b) There shall be a maximum of one (1) sign per separate street frontage of each business
79 establishment.

80 (c) Freestanding signs shall not exceed twenty-five (25) feet in height or eighty (80) square
81 feet in sign area

82 **Section 5:**

83 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
84 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
85 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
86 constitutional.

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88 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
89 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
90 phrase of this Ordinance is severable from every other section, paragraph, sentence,
91 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
92 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
93 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
94 section, paragraph, sentence, clause or phrase of this Ordinance.

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

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106 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
107 are hereby expressly repealed to the extent of the conflict.

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109 5. The within ordinance shall become effective upon its adoption.

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111 6. [The provisions of this Ordinance shall become and be made part of The Code of the City
112 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
113 accomplish such intention.]

114 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2020.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2020-_____

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Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Megan Reid, City Clerk

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