



STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2017 - 08-03

**AN ORDINANCE TO AMEND CHAPTER 21, SIGNS, OF THE CITY OF
STONECREST CODE OF ORDINANCES**

- WHEREAS, the City of Stonecrest is authorized to exercise the power of zoning and the regulation of signs under 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.) § 36-66-2(b), 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, during the moratorium, the City has developed a new Chapter 21 regulating the use of signs; and
- WHEREAS, the City has advertised and held a public hearing on the proposed sign ordinance for the City;
- WHEREAS, after conducting a noticed public hearing, the City of Stonecrest has determined that the text of Chapter 21, Signs, bears a substantial relationship to the public welfare and achieves the purposes contained in the City of Stonecrest Code of Ordinances, including those listed in Section 21-1;

SECTION 1:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Stonecrest, Georgia, DeKalb County's Chapter 21 is hereby repealed and the City of Stonecrest's Code of Ordinances Chapter 21 – *Signs* is hereby adopted as follows:

Chapter 21 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 21-1. - Purpose and findings.

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, the number, size, design characteristics, and locations of signs in the city can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city, further, finds that signs have become excessive and that many signs are distracting and dangerous to motorists and

pedestrians, are confusing to the public and substantially detract from the beauty and appearance of the city. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance from which this chapter is derived are as follows:

- (1) To protect the health, safety and general welfare of the citizens of the city, and to implement the policies and objectives of a comprehensive development plan of the city through the enactment of a comprehensive set of regulations governing signs in the city;
- (2) To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3) To preserve the value of property on which signs are located and from which signs may be viewed;
- (4) To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
- (5) To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
- (6) To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city;
- (7) To provide fair and reasonable opportunities for advertisement by the business community located within the city so as to promote the economic vitality of local businesses;
- (8) To ensure the protection of free speech rights under the state constitution and the United States Constitution with the city;
- (9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
- (10) To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;
- (11) To provide for temporary signs in limited circumstances;
- (12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; and
- (13) To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

Sec. 21-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign that contains or exhibits broken panels, burned out lights, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, and for which no person accepts maintenance responsibility. Also, any sign advertising an activity, business, product or service no longer conducted and/or any sign associated with a business or commercial use that has ceased operations for six months or more.

Animated sign means a sign that all or any part thereof visibly moves or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that rotate or revolve or signs that display a message in more than one direction. Provided, however, that official traffic control devices and warning signs conforming to the Manual of Uniform Traffic Control Devices are excluded from this definition. Electronic signs are excluded from this definition.

Banner means a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. Standard informational signs are excluded from the definition of a banner.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Business day means any day during which city government offices are open for public business. The term "business day" shall not include any day during which city government offices are closed after a partial business day due to a holiday, emergency, inclement weather, or the like.

Candela means a unit of luminous intensity equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046K).

Canopy sign means a sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

City shall mean the City of Stonecrest, Georgia.

Commercial message means sign copy which advertises or directs attention to a business, product, service or transaction, whether existing or proposed.

Department means the planning and zoning department or its designee.

Directional sign means a sign placed within five feet of an authorized curb cut, specifically placed to manage and avoid conflicting vehicular movements.

Director means the director of the planning and zoning department or his or her designee.

Double-faced sign means a sign which has two display areas placed back to back against each other and the interior angle formed by the display areas is less than 59 degrees, where one sign face is designed to be seen from one direction and the other face from another direction.

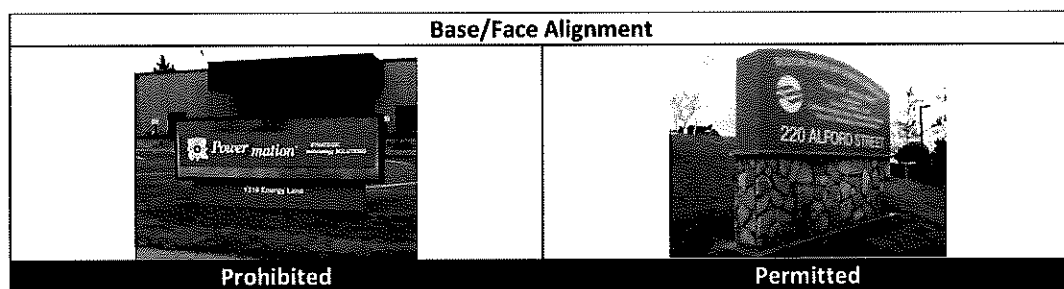
Electronic sign means a message on a lawfully permitted sign, the electronic portion of which may be changed at intervals by electronic process or by remote control.

Facade means the exterior wall of a building facing any street which provides direct ingress and egress to the lot.

Flag means any fabric contained colors, patterns, or symbols used as symbol of government or other entity or organization.

Flagpole means a freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags.

Ground sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The base of the sign face shall be flush with the supporting base, and the supporting base shall be flush with the ground and extend the full width of the sign. The term "ground sign" shall not include sidewalk signs.



Historic sign means a sign deemed worthy of preservation by reason of its value to the city for one or more of the following reasons:

- (1) It is an outstanding example of a sign representative of its era;
- (2) It is one of the few remaining examples of past sign design or style;
- (3) It is a sign associated with an event or person of historic or cultural significance to the city; or
- (4) It is a sign of esthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city.

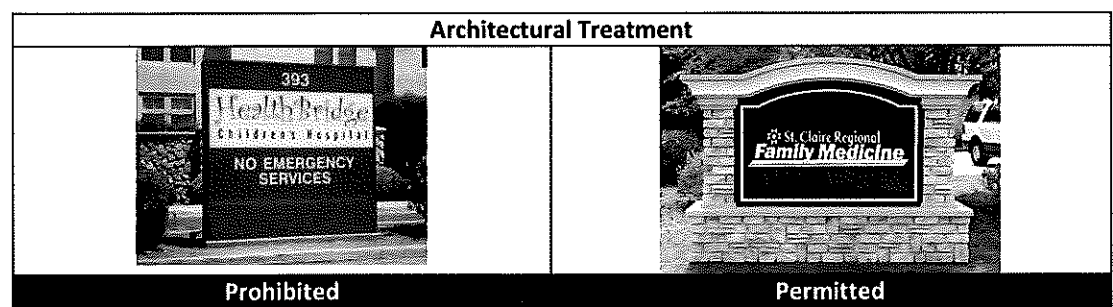
Illegal sign means any sign that was erected in violation of the laws, as they existed at the time the sign permit was issued or signs that were not built in conformity with the issued permit or signs requiring a permit that were erected without a permit first having been obtained.

Illuminated sign means a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

LED sign means an electronically controlled sign utilizing light-emitting diodes or similar technology to form some or the entire sign message. LED signs are a form of electronic signs.

Luminance means a measure of the brightness of a luminous surface, measured in candelas per unit area.

Monument sign means a ground sign with a base constructed of brick, stone, or other architectural masonry material. The sign shall constitute a solid visual block from the base to the top of the sign.



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

Nits means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming sign means any sign, legal at the time of erection, but which does not conform to the provisions of this chapter.

Out of store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant, streamer means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Mixed-Use Development means any commercial, office, industrial or mixed-use development that contains any combination of offices, residences, retail or industrial uses with a common entry from a public street and are managed as a whole and in accordance with all applicable requirements of the zoning ordinance set forth in chapter 27.

Portable sign means any sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign. Sidewalk signs, standard informational signs and banners are excluded from this definition.

Primary facade means the facade of the building oriented toward a street or that serves as the main entrance to a tenant space in a multi-tenant building.

Projecting sign means any sign which is attached perpendicular to a building or other structure and extends more than 12 inches horizontally from the plane of the building wall.

Pump-island sign means a sign located under a canopy over pump islands of a service station or convenience store with gas pumps.

Road, accessible means any road or street that provides a means of ingress and egress to the lot.

Roof sign means a sign attached to or supported by the roof of a building that extends above the immediately adjacent roof line of the building or a sign that is wholly or partially above the roof line of a building.

Rotating sign. See *Animated sign*.

Secondary facade means any facade that is not the primary facade.

Sign means a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein. Seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Special event shall be defined for the purpose of this chapter any organized for profit or nonprofit activity having as its purpose entertainment, recreation, and/or education which takes place on public property or takes place on private property but requires special public services such as the use of parks, public streets, rights-of-way, or sidewalks. Special events may include, but are not limited to, activities such as run/walk events, cycling events, street festivals, parades, triathlon/biathlon, grand openings, concerts, assemblies, block parties, and certain outdoor promotional events.

Standard informational sign means a non-illuminated sign with a rigid sign face made for short term use, containing no reflecting elements, flags or projections and which is mounted on a post, stake or metal frame with a thickness or diameter not greater than 3.5 inches. Banners are not included in the definition of a standard informational sign.

Store front means the exterior wall of a single, undivided unit located within a mixed-use development or business park.

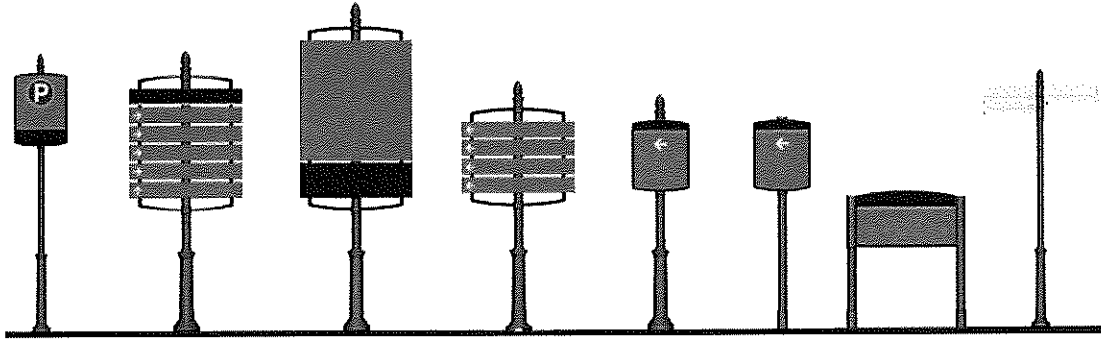
Street frontage means the lot line that shares a common boundary with any road or street.

Suspended sign means a sign securely suspended above a pedestrian passageway from beneath a canopy or awning and oriented perpendicular to the adjacent building facade.

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.

Wall sign means a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

Wayfinding sign means signage used to assist the public in navigating and locating parking, individual tenants, activity centers, ingress/egress points, and other features internal to a mixed-use development and that is not visible from public rights-of-way. Examples:



Window sign means any sign that is placed inside a window, within two feet of a window, or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure. Window signs shall not cover more than 30 percent of the total window area of a business.

Secs. 21-3—21-22. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 21-23. - Permits.

- (a) Except as specifically excluded from the requirements for obtaining a permit, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit or any other permit required by this chapter or other ordinances of the city. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this chapter.
- (b) Existing signs which conform to the provisions of this chapter that would be required to obtain a permit under the regulations of this chapter must register with the director within 90 days of the effective date of the ordinance from which this chapter is derived if such signs do not have a valid permit pursuant to a previous ordinance and pay a permit fee. The information provided for registration will be the same information required in a permit application under section 21-24. No permit fee will be required for the registration of existing signs which have a current valid permit under any previous ordinance regulating signs.

Sec. 21-24. - Application information.

- (a) Applications for sign permits required by this chapter shall be filed by the sign owner or the owner's agent with the director. The application shall describe and set forth the following:

- (1) The street address of the property upon which sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign;
 - (2) The name and address of the owner of the real property upon which the subject sign is to be located;
 - (3) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign;
 - (4) Name, address, phone number and occupational tax certificate number of the sign contractor;
 - (5) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, how the sign is to be illuminated (if at all) and an explanation of how the sign is to be mounted or erected;
 - (6) The size of the lot on which the sign is to be placed;
 - (7) The payment in full of the applicable application fee; and
 - (8) Applications for ground signs shall include a site plan drawn to scale, including a closed boundary survey of the property gross acreage, the proposed location of subject sign, location of all ground signs on the property, entrance driveways from public streets, street rights-of-way, public or private easements, building locations, gross area of buildings and floor area occupied by subject owner or tenants.
- (b) The director shall develop such forms as may be necessary to facilitate the permit application process.
- (c) The applicant shall apply for all other permits or licenses required by city ordinances and state laws and regulations. Obtaining a sign permit does not exempt the permit holder from obtaining and complying with all other permits required for the sign structure.
- (d) Each application shall contain an agreement to indemnify and save the city harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the department, on a request, a certificate of liability insurance prior to the issuance of a sign permit.

Sec. 21-25. - Time for consideration and issuance.

The director shall process all sign permit applications within 45 business days of the director's actual receipt of an application and a sign permit fee. The director shall give notice to the applicant of his decision by hand delivery or by mailing a notice, by certified mail, return receipt requested, to the address on the permit application on or before the 45th business day after the director's receipt of the application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the director fails to act within the 45-day period, the permit shall be deemed to have been granted. A sticker or other device bearing the sign permit number shall be affixed to the sign structure.

Sec. 21-26. - Denial and revocation.

- (a) *Procedure.* The director shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this chapter, incomplete applications, and applications containing any false material statements. 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 hand delivered or mailed by certified mail, return receipt requested, to the address on the permit application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. Violation of any provision of this chapter and any other applicable state laws or city ordinance regulating signage will be grounds for denying a permit or revoking a permit granted by the city for the erection of a sign. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this chapter, other applicable ordinances, state or federal law regulating signage, or the submission of an incomplete application or an application containing false material statements.
- (b) *Appeals.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged that there is an error in the denial or revocation of a sign permit under this chapter. All such appeals shall be heard and decided following the notice requirements of subsection (c) of this section and pursuant to the following criteria and procedural requirements:
- (1) *Appeal of decision by administrative officials.* A denial or revocation pursuant to this chapter shall be appealable by filing with the secretary of the zoning board of appeals an application for appeal on the forms provided by the planning department specifying the grounds thereof, within 15 calendar days after the action appealed from was taken. The application fee for an appeal under this section shall be the same as that established by the city council for an appeal under chapter 27.
 - (2) *Decision of the board.* Following the consideration of all testimony, documentary evidence, and matters of record, the board shall make a determination on each appeal. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.
 - (3) *Time for final decision.* A final decision will be rendered by the board within 90 days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be reversed.
- (c) *Notice of public hearings.* Notice of public hearing before the board on any application for appeal or variance shall be provided as follows:

- (1) Written notice of the nature of the proposed application, and the date, time, and place of the public hearing before the board shall be mailed by first class mail to all property owners within 500 feet of the boundaries of the subject property as measured by use of the official zoning maps, and as such property owners are listed on the tax records of the city, at least 15 days before the public hearing before the board;
 - (2) Public notification signs shall be posted within the public right-of-way or on the subject property at least 15 days before the hearing before the board. The sign shall state the nature of the proposed application and the date, time and place of the public hearing before the board; and
 - (3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation within the city in which are carried the legal advertisements of the city at least 15 days prior to the date of the hearing before the board and not more than 45 days prior to the date of the hearing before the board.
 - (4) The cost of all signs posted, and notice mailings sent, pursuant to this section shall be specifically paid by the applicant in addition to all other applicable application costs.
 - (5) Applications may be withdrawn by the applicant or applicant's representative in writing without prejudice at any time before the vote of the zoning board of appeals on the application. All fees submitted shall be forfeited in any case where the application is withdrawn after it has been advertised for a public hearing in a newspaper of general circulation.
- (d) *Certiorari*. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the zoning board of appeals, a person may petition for writ of certiorari to the superior court of the county as provided by law.

Sec. 21-27. - Permit expiration.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 21-28. - Enforcement and penalties.

- (a) The director may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon 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 regulating signage, including, but not limited to the building and electrical codes.

- (b) The director shall have the same duties, authority, and obligations regarding access to private property, inspections, including the procurement of inspection warrants provided in chapter 27 with regard to the enforcement of this chapter.
- (c) Any person violating any provision of this chapter shall be guilty of an offense and upon conviction, shall be subject to the general penalty provided in the Code. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation. For continued violations, citation for each sign issued on separate days shall be considered a separate violation when applying the penalties authorized in this Code.
- (d) 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.
- (e) The director, any city employee, or any person contracting with the city for such purpose may, without notice, remove and dispose of any prohibited sign, signal, device or other structure erected, placed or maintained on the dedicated right-of-way of any public road. Such removal and disposal of a prohibited sign, signal, device or other structure shall not preclude the prosecution of any person for erecting, placing or maintaining such item in the dedicated public right-of-way.

Secs. 21-29—21-59. - Reserved.

ARTICLE III. - REGULATIONS AND RESTRICTIONS

Sec. 21-60. - Exemptions.

The following signs shall be exempt from the permit requirements of this chapter; provided, however, that such signs shall be subject to all other provisions of this chapter:

- (1) Window signs;
- (2) Standard informational signs;
- (3) One suspended sign per tenant of a multi-tenant building when the area of the sign is less than six square feet per side and a common design for such signs has been established by the owner and approved by the public authority;
- (4) Signs for the sole purpose of displaying street numbers assigned by the United States Postal Service not exceeding six inches in height for residential districts and 12 inches in height for nonresidential districts;
- (5) Flags on lots in all districts and banners on lots in residential zoning districts;
- (6) Nongovernmental traffic control devices in or adjacent to parking areas and driveways and signs located at railroad crossings;

(7) Historic signs where:

- a. The property, building or structure where the historic sign is to be located is designated as a historic property by the city council; and
- b. A previous sign must have been located on the property. The historic sign's former existence, original design, original size, original colors, original composition and other original aesthetic qualities of the historic sign shall be shown to the director's satisfaction by photographs or other documentation. The new historic sign shall be an exact replica of the original sign located on the property;

(8) Signs and warning devices meeting the standards of the Manual on Uniform Traffic Control Devices and installed or utilized by governmental authority or by persons and entities duly authorized to work on the public rights-of-way while such work is in progress;

(9) *Reserved.*;

(10) Out-of-store marketing device.

Sec. 21-61. - Fees.

The cost of a sign permit shall be established by the city council and collected by the director.

Sec. 21-62. - Prohibited signs.

The following types of signs are prohibited throughout the city:

- (1) Signs placed in the dedicated right-of-way of any public road other than publicly owned or maintained signs and signs pertaining to railroad crossings;
- (2) Window signs which exceed 30 percent of the total window area for the entire business;
- (3) Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;
- (4) Signs that 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;
- (5) Signs that 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;
- (6) Signs that 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;
- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure except as may be set forth herein;
- (8) Animated signs;

- (9) Signs that obstruct any fire escape, any means of egress or ventilation or that prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;
- (10) Signs that do not conform to city building and electrical codes;
- (11) 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;
- (12) Roof signs;
- (13) Multi-faced signs, including:
 - a. Tri-vision signs; and
 - b. LED signs not meeting the standards of section 21-74;
- (14) Signs erected after the effective date of adoption of the ordinance from which this chapter is derived that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;
- (15) Balloons, pennant streamers or air or gas filled figures and any sign constructed of non-durable material including, but not limited to, paper, cardboard or flexible plastic. This provision does not apply to flags, banners, or special event signs;
- (16) Portable signs;
- (17) Abandoned signs. Signs (including sign structures) shall be deemed abandoned 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 and/or if the business, service or commercial transaction to which it relates has been discontinued for six months;
- (18) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;
- (19) Illegal signs; and
- (20) Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street and visible therefrom. Notwithstanding the foregoing holiday lights and decorations displayed not more than 30 days before a holiday shall be exempted from this section.

Sec. 21-63. - Owner's consent required.

No sign may be permitted or posted on property without the consent of the property's owner or authorized agent. Should it be determined that a sign was erected on a lot pursuant to an alleged agent's incorrect representation that the record owner of the lot in fact gave permission for the erection of a sign, the permit for such sign shall be revoked as provided in section 21-26.

Sec. 21-64. - Measurement of sign area and height.

- (a) 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. For double-faced signs, the side of the sign with the largest sign area shall be used in computing the sign area.
- (b) 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 existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, 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 zone lot, whichever is greater. 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).

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

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

- (1) There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;
- (2) Ground signs are prohibited, with the exception of monument signs;
- (3) No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;
- (4) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;
- (5) Reserved; and
- (6) No electronic signs are allowed in any residential zoning district if that district is designated by city as a historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship,

private elementary, middle, or high school provided such sign meets all other requirements of this chapter.

Sec. 21-66. - Height and setback requirements.

All signs shall be set back as follows, unless a more restrictive setback is specified in conditions of zoning or otherwise in this chapter:

- (1) Ten feet from the right-of-way or 20 feet from edge of pavement if a private street and no sign shall project over the right-of-way.
- (2) *Reserved.*
- (3) In a residential zoning district, if the distance between the right-of-way to the front of the principal structure is less than ten feet, signs shall be setback two-thirds of the distance between the curb line and the front of the principal structure on the lot on which the sign is located.
- (4) Along all lot lines which are not adjacent to a road all signs shall be within the buildable area of the lot. All signs shall be so located and shall provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles.
- (5) Banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.
- (6) No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way. However, a sign support structure not more than ten inches in diameter may be located within the required corner visibility area if all other requirements of this chapter are met and the lowest elevation of the sign surface is at least 12 feet above the ground level.
- (7) Window signs are only allowed on the ground floor of a building.

Sec. 21-67. - Convenience stores and service stations with pump islands.

In addition to the signs otherwise allowed in this chapter, convenience stores and service stations with pump islands may have signage subject to the following limitations:

- (1) Within the limits of the canopy covering the pump islands, one sign per canopy face that is visible from the public street frontage with a maximum of six square feet allowed per canopy sign.

- (2) Within the limits of the canopy covering the pump islands, pump-island signs shall be limited to no more than two signs per island, not to exceed four square feet per sign. However, total square footage of all pump island signs shall not exceed 24 square feet.
- (3) Accessory car wash, if a separate drive-through car wash building is on site, one additional wall sign per street facing wall, not to exceed five square feet, may be permitted.

Sec. 21-68. - Noncommercial messages.

Any sign provided for in any zoning district may contain noncommercial messages.

Sec. 21-69. - Wall or projecting signs.

- (a) Wall or projecting signs shall be securely fastened to the building surface.
- (b) No wall sign greater than 180 square feet shall be placed below the 12th story of a building.
- (c) Projecting signs may project from the building up to two feet; provided that no projecting sign shall be maintained less than ten feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.
- (d) No wall or projecting sign shall extend above the parapet wall.

Sec. 21-70. - Ground signs.

- (a) The height of all ground signs at their highest point above the level of the ground shall not exceed ten feet in nonresidentially zoned districts; however, when the ground level is lower than the level of the adjoining street pavement, then a sign may be raised so as to be no more than ten feet above the level of the pavement. Residentially zoned districts shall be governed by section 21-65. The height of any directional sign shall not be more than three feet above the ground.
- (b) All ground signs allowed for primary facades shall be placed between the primary facade and the street the primary facade faces.
- (c) All ground signs allowed for secondary facades shall be placed between the secondary facade and the street the secondary facade faces.
- (d) All ground signs in the MU-1-5 zoning districts shall be monument signs.

Sec. 21-71. - Canopy signs.

Canopy signs shall be no less than eight feet above the ground when erected over pedestrian walkways and 14 feet above areas of vehicle service access at the lowest extremity of the sign. No canopy sign shall extend above the parapet wall.

Sec. 21-72. - Nonresidential zoning district regulations.

- (a) In addition to all other applicable regulations in this chapter, all lots that are located in nonresidential districts not developed as a mixed-use development are limited to the following signs:

TABLE 21-72(a)

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Window Sign
Max. height	10'	N/A	20' or height of building	3'	N/A
Max. width	15'	80% of the wall or canopy width	N/A	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b))	40'	6'	10% of the window space
Max. number allowed	1/facade	1/primary facade and 1/secondary facade	1/primary facade and 1/secondary facade	2/authorized curb cut	N/A
Max. projection from structure	N/A	6'	2'	N/A	N/A

Required setback from electrical transmission lines	10'	N/A	0'	10'	
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- (b) In lieu of the sign regulations of Table 21-72(a) above, a lot located in a nonresidential district and developed as a mixed-use development shall be allowed the following:

TABLE 21-72(b)

	Ground Sign	Canopy or Wall Sign	Directional Sign	Window Sign
Max. height	10'	N/A	3'	N/A
Max. width	20'	80% of the wall or canopy width	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b))	6	30% of the window space for buildings under 50,000 sq. ft. 10% of the window area for buildings 50,000 sq. ft. or over
Max. number allowed	One per facade	1/primary facade and 1/secondary facade	2/authorized curb cut	N/A
Required setback from electrical transmission lines	10'	N/A	0'	N/A

- (c) No property zoned for nonresidential use may have more than one ground sign that is oriented towards travelers along the same street.

Sec. 21-73. - Special event signs.

A site containing an authorized use and located in a nonresidential zoning district or a place of worship, private elementary, middle, or high school in a residential zoning district is allowed special event signs for a special use or event, only under the following conditions and subject to the following requirements:

- (1) Prior to the special event or use, and the erection and placement of the sign or device, an application for permit shall be filed with the director;
- (2) Signs and devices shall be constructed of, or shall be described as, banners, metal, wood, flags, balloons, pennant streamers, and portable displays;
- (3) The maximum size allowance for all the devices and signs shall not exceed a total aggregate of 200 square feet;
- (4) The signs may be attached to the exterior wall or walls of a building, no higher than the top of the parapet or roof and shall not be placed, located or connected nearer than 15 feet from the right-of-way;
- (5) The maximum number of special event sign permits to be issued to a single site or location shall be six per calendar year for a period of time not to exceed 16 days for each issuance;
- (6) Special event signs shall be removed not later than 24 hours following the end of the special event.

Sec. 21-74. - Electronic signs.

- (a) Electronic signs shall be allowed as part of a lawfully permitted sign only in C-1, C-2, M, and M-2 zoning districts, but only if the electronic sign complies with all of the following requirements:
 - (1) No message may be displayed for less than six seconds;
 - (2) No message may be repeated at intervals less than three seconds;
 - (3) No segmented message may last longer than ten seconds;
 - (4) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 light columns per second;
 - (5) Electronic signs shall not exceed a maximum illumination of 6,300 nits during the daylight hours and a maximum illumination of 500 nits between dusk to dawn, as measured from the sign's face at maximum brightness; and

- (6) The electronic sign shall be limited to 25 percent of the sign area of the lawfully permitted sign.
- (b) One electronic sign as part of a lawfully permitted sign shall be allowed in places of worship or in public or private elementary, middle, or high schools, if such establishments are located on property zoned RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC, MR-1, MR-2, MR-3, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5, or OI so long as the electronic sign complies with all of the following requirements:
 - (1) Electronic ground signs shall be limited to a maximum height of 15 feet, and sign copy area shall be limited to 100 square feet;
 - (2) Electronic signs may only be located along a major or minor thoroughfare;
 - (3) Electronic signs shall not exceed a maximum illumination of 6,300 nits during the daylight hours and a maximum illumination of 500 nits between dusk to dawn, as measured from the sign's face at maximum brightness;
 - (4) Electronic signs shall contain a default of an electronic freeze and a black screen in the event of a sign malfunction; and
 - (5) The electronic message portion of the sign shall be limited to 25 percent of the 100 square foot sign area of the lawfully permitted sign.
- (c) No electronic sign shall be illuminated by blinking, scrolling, intermittent, or flashing lights simulating movement.
- (d) The owner of any electronic sign or the holder of a sign permit for an electronic sign shall be required to submit annual certification to the director by an electrical engineer licensed in the state that the lighting on the electronic sign meets the standards in effect. The annual certification must be submitted to the director no later than January 31 for each year.

Sec. 21-75. - Nonconforming signs.

- (a) The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
- (b) Any nonconforming sign that is not used or leased for a continuous period of six months shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this chapter.
- (c) Illegal signs must be removed within 30 days of notice from the city.
- (d) No structural repairs, or changes in shape, size or design, to any nonconforming sign 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. Any change from a non-electronic format to an electronic format is considered a change in design and not permitted with respect to a nonconforming sign, unless the sign is brought fully into

compliance with all requirements at the time of such change. Signs which are structurally unsound or present a hazard to persons or property must be removed within two days upon notification by the city.

- (e) A nonconforming sign structure may not be replaced by another nonconforming sign structure, except that a nonconforming sign may be rebuilt where the original sign structure has been damaged or destroyed by nature or an act of God. No such replacement structure may have a sign area or height greater than the original structure.

Sec. 21-76. - Illumination.

No sign shall give off light that 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 any single-family lot property line.

Sec. 21-77. - Standard informational signs.

The following shall apply to standard informational signs:

- (1) One sign per lot not to exceed 16 square feet in area, or up to four signs not to exceed an aggregate sign area of 16 square feet.
- (2) All standard informational signs shall be erected to a height not greater than six feet above ground level.

Sec. 21-78. - *Reserved.*

Sec. 21-79. - Variances.

- (a) Where a literal application of this chapter, 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 after receiving evidence that the applicant meets all of the following criteria:
 - (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) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - (3) The exceptional circumstances are not the result of action by the applicant;

- (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - (5) Granting of the variance would not violate more than one standard of this chapter; and
 - (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign which increases the height of the sign more than 20 percent of that allowed by this chapter.
 - (c) No variance shall be granted which increases the size of a sign more than 20 percent of that allowed by this chapter.
 - (d) No variance shall be granted to increase the size or height of a banner, sidewalk, wayfinding, construction or standard informational signage.
 - (e) Variances from this chapter shall be processed and applicable to the regulations in Chapter 27 for variances.
 - (f) No more than three variances from the provisions of this chapter may be applied for at one (1) time.

Sec. 21-80. - Flags.

- (a) All flags greater than two square feet shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. In nonresidential districts, flagpoles shall not exceed the height allowed in the applicable zoning district, or 60 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 (feet)	Flag Size, Maximum (total square feet)
Up to 25	24
25—39	40
40—49	60

50—60	96
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- (c) Each lot shall be allowed a maximum of two flagpoles.
- (d) A maximum of two flags shall be allowed per flagpole.
- (e) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (f) 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.
- (g) On officially designated city, state, or federal holidays, there shall be no maximum flag size or number or other limitations on display.
- (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.

Sec. 21-81. - Banners.

Banners shall conform to the following standards:

- (1) Each banner shall not exceed 24 square feet in size and no banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than eight feet above grade when on the ground;
- (2) Each banner must be individually attached to poles, mast arms, or other structures;
- (3) No more than one banner shall be displayed per street frontage on any lot at one time;
- (4) Banners shall be allowed for a period not exceeding 14 days with no more than three such 14-day periods being permitted per calendar year per lot;
- (5) Each lot in a residential zoning district listed in section 21-66 may display one banner not exceeding 24 square feet, without receiving a permit. No banner shall be displayed longer than 14 days.
- (6) Subsection (5) of this section shall not apply to private schools and places of worship located in residential zoning districts. For the identified land uses, banners shall be allowed for a period not exceeding 20 days with no more than eight such 20-day periods permitted per calendar year per lot; and
- (7) All banners must be maintained in good condition as provided for flags in section 21-80.

Sec. 21-82. - Wayfinding signage.

- (a) *Location.* Wayfinding signs shall not be affixed or otherwise attached to trees, traffic signals, benches, street signs, or fencing, and shall be subject to the following regulations:
 - (1) Signs must allow for a minimum five-foot-wide clear pedestrian pathway to and from all building entrances and exits.
 - (2) Signs for courtyard entries shall be limited to one sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten feet of the courtyard entrance.
- (b) *Size.* Wayfinding signs shall be a maximum of 16 square feet in area and ten feet in height.
- (c) *Design.* Wayfinding signs shall have a compatible design, be constructed of durable materials with a substantial base and landscape plantings, and colors that complement the existing allowable signage for the center subject to the approval of the director or his designee.
- (d) *Miscellaneous.*
 - (1) Signs shall not be internally illuminated;
 - (2) A sign permit is required for the wayfinding package for a mixed-use development.

Sec. 21-83. - Out-of-store marketing device.

- (a) Out-of-store marketing devices shall be allowed in nonresidential zoning districts.
- (b) The marketing device shall not exceed eight feet in height and shall not be illuminated except for illumination intrinsic to the device.

SECTION 10.

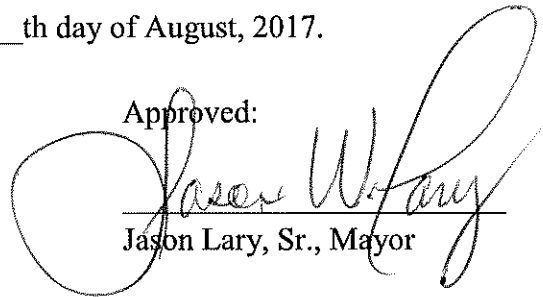
1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared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

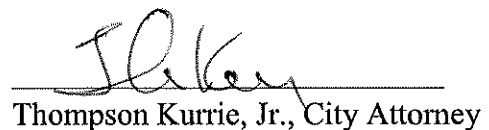
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO RESOLVED AND EFFECTIVE this the 7th day of August, 2017.

1st Read July 17th

Approved:


Jason Lary, Sr., Mayor


Thompson Kurrie, Jr., City Attorney

Attest:


Brenda James, Interim City Clerk