

24 requirement of the First Amendment’s protection of free speech with respect to the regulation of
25 certain types of signs; and

26 **WHEREAS**, the *Gilbert* Court reaffirmed that ordinances which regulate certain signs by
27 category according to the type of information conveyed are content-based and subject to strict
28 scrutiny analysis, the most exacting form of judicial review and one that is exceptionally hard to
29 satisfy; and

30 **WHEREAS**, the *Gilbert* opinion also makes clear that regulations which apply to all
31 signs and use content-neutral standards, such as size, material composition, lighting, moving
32 parts, and portability, would not be subject to strict scrutiny review under the First Amendment
33 and, therefore, would likely to be upheld if challenged; and

34 **WHEREAS**, the City desires to revise its sign and mural regulations in light of the
35 *Gilbert* opinion by amending the provisions in Article 3.3 (Signs and Murals) in Chapter 93
36 (Zoning) of the Code of Ordinances; and

37 **WHEREAS**, the public health, safety, and general welfare of the citizens of the City will
38 be positively impacted by the adoption of this Ordinance.

39 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
40 **AND COUNCIL OF THE CITY OF HAPEVILLE**, and by the authority thereof:

41 **Section 1.** The Code of Ordinances of the City of Hapeville, Georgia is hereby amended
42 by repealing the provisions of Article 3.3 (Signs and Murals) in Chapter 93 (Zoning) in their
43 entirety and inserting in lieu thereof the provisions set forth in Exhibit “A”, which is attached
44 hereto and made a part hereof by reference.

45 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
46 incorporated by reference as if fully set out herein.

47 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
48 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
49 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
51 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
52 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
53 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
54 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
55 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
56 of this Ordinance.

57 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
58 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
59 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
60 express intent of the Mayor and Council that such invalidity, unconstitutionality or
61 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
62 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
63 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
64 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
65 enforceable, and of full force and effect.

66 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
67 expressly repealed.

68 **Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the
69 State of Georgia and the City.

70 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
71 otherwise specified herein.

72 **ORDAINED** this _____ day of _____, 2016.

73

74

CITY OF HAPEVILLE, GEORGIA

75

76

77

78

Alan Hallman, Mayor

79 **ATTEST:**

80

81

82

83

Jennifer Elkins, City Clerk

84 **APPROVED AS TO FORM:**

85

86

87

Steven M. Fincher, City Attorney

EXHIBIT A

[See Attached]

89 Chapter 93 - Zoning

90 Article 3.3 – Signs and Murals.

91 DIVISION 1 – Signs

92

93 Section 93-3.3-1. Statement of purpose and intent.

94

95 (a) This division seeks to create the legal framework necessary to ensure a comprehensive and
96 balanced system of signs within the city. A comprehensive regulation is necessary to
97 ensure that signs installed in Hapeville are compatible with the unique nature and
98 character of the community. The purpose of this division is to preserve the right of free
99 speech and expression, facilitate appropriate communication between people and their
100 environment, promote the public health, safety and welfare, and avoid the visual clutter
101 that is potentially harmful to traffic and pedestrian safety, property values, business
102 opportunities, and community appearance.

103

104 With these concepts in mind, the provisions in this division, which regulate signs by such
105 factors as design, size, height, spacing and location, but not on the basis of any message
106 conveyed by such signs, and also regulate the maintenance of signs, are hereby
107 established to achieve the following purposes:

108

- 109 (1) To protect the health, safety, general welfare and property values of residents
110 and property owners of the city.
- 111 (2) To promote and implement the goals, objectives and policies adopted in the
112 comprehensive plan.
- 113 (3) To effectively balance public and private objectives by allowing adequate signs
114 for the needs of business and developers.
- 115 (4) To regulate the installation and placement of signs in order to provide safe
116 operating conditions for pedestrians and motorists by eliminating unsafe,
117 cluttered, distracting, or illegal signs.
- 118 (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale,
119 integrated with surrounding buildings and landscape, and compatible with the
120 character of the surrounding area.
- 121 (6) To ensure the protection of free speech rights provided by the United States
122 Constitution and the Georgia Constitution.

123 (b) It is the intent of this division to:

124

- 125 (1) Enable the public to locate and design sign facilities without difficulty or
126 confusion.
- 127 (2) Provide functional flexibility, encourage variety and relate signing to basic
128 principles of good design.
- 129 (3) Balance the rights of individuals to convey messages through signs and the
130 right of the public to be protected against the unrestricted proliferation of signs

- 131 by regulating signs on the basis of such factors as design, height, spacing, and
132 location, but not on the basis of the content of any message conveyed thereby.
133 (4) Provide an enhanced visual environment for residents and visitors and protect
134 existing view sheds in the community.
135 (5) Promote economic development.
136 (6) Ensure the fair and consistent enforcement of sign regulations.
137
138

139 Section 93-3.3-2. Definitions.
140

141 For the purposes of this Article, the following definitions shall have the meanings ascribed to
142 them in this section, unless specifically stated otherwise:
143

144 Aerial view sign. This includes, but is not limited to, any sign horizontally affixed to a roof or
145 attached to a roof such that the sign is not readily viewable from the surrounding ground.
146

147 Aggregate sign area. The total area of all signs on a lot. Entrance signs and subdivision signs shall
148 not be considered in the calculation of aggregate sign area in the R-0, R-SF, R-1, R-2, R-3, R-4,
149 R-AD, C-R and V Zones, or in the U-V Zone when a lot is developed for residential use. Street
150 numbers assigned by the United States Postal Service shall not be considered in calculating the
151 aggregate sign area. See definition of "Sign area."
152

153 Animated Sign. A sign that features movement or a change of lighting to depict action or to create
154 a special effect or scene. This includes signs that rotate or revolve to display a message.
155

156 Awning sign. Any sign applied directly to or attached directly to an awning.
157

158 Billboard sign. Any ground sign having an area of 300 square feet or greater. Billboards may
159 display a traditional static image, a "multiple message sign" accomplished by a mechanical
160 transition to a second or third image or a "large screen video display" utilizing full motion video
161 technology and commonly referred to as digital or LED billboards.
162

163 Canopy Sign. See Awning Sign.
164

165 Changeable copy sign. Any sign that incorporates changing lettering or images to form a message
166 or messages, whether such changes are accomplished electronically or manually.
167

168 Decision date. The date upon which the City Planner makes a final decision on the approval or
169 denial of a building permit application.
170

171 Entrance sign. Any ground sign placed at the intersection of a public street and a private
172 entryway into a neighborhood or subdivision, apartment community, condominium complex,
173 office park, industrial park or other building with multiple dwelling units or commercial units.
174

175 Erect. To build, paint, construct, attach, hang, place, suspend, or affix.
176

177 Externally illuminated signs. Any sign illuminated by an external light source directed primarily
178 toward such sign.
179

180 Feather flag sign. A temporary banner sign installed on a single post and manufactured of
181 lightweight material designed to move with the wind.
182

183 Festoon. A decorative chain, strip or ornamentation hanging between two points.
184

185 Flag. A sign consisting of fabric or other similar material attached at one end to a pole or
186 building and hanging freely such that it may flutter or move in the wind.
187

188 Flashing sign. Any sign the illumination of which changes in intensity, scrolls, flashes or
189 changes message or appearance more often than once every 10 seconds.
190

191 Ground sign. Any sign supported by uprights or braces permanently placed in the ground and not
192 supported by or suspended from any building.

193

194 Handheld signs. Any sign larger than six inches by six inches carried by a person including but
195 not limited to picket signs, shields or sandwich boards.

196 Internally illuminated signs. Any sign which has characters, letters, figures, designs or outlines
197 illuminated by electric lights, LEDs or luminous tubes located within the interior of the sign.
198

199 Median. A paved or planted strip dividing any public or private right-of-way, road or highway
200 into lanes parallel to the direction of travel.
201

202 Monument Sign. A Ground Sign mounted directly upon the ground and not raised by vertical
203 braces or supports.
204

205 Noncombustible material. Any material that will not ignite at or below a temperature of 1,200
206 degrees Fahrenheit and will not continue to burn or glow at that temperature.

207 Nonconforming Sign. Any sign that does not conform to the provisions of this Article at the date
208 of adoption.

209 Person. Any individual, entity, firm, partnership, association, corporation, company or
210 organization of any kind.

211 Primary facade. The exterior wall of the building most nearly parallel to widest street on which
212 the building fronts.

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

- 215 Road frontage. The distance measured in linear feet of a lot that abuts any public street.
- 216 Roofline. The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the
217 principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat
218 roof, the roofline is the highest continuous line of the roof or parapet, whichever is the higher.
- 219 Roof Sign. Any sign attached to a building or structure and displayed above the lowest horizontal
220 line of the building roof.
- 221 Sandwich Board Sign. A movable A-frame sign not secured or attached to the ground or surface
222 on which it is located.
223
- 224 Secondary facade. Any exterior wall of a building that is most nearly parallel to an adjoining
225 street that is not the primary facade. A secondary facade may also be to the rear of the primary
226 facade and may adjoin a parking lot rather than a street. The end elevation of a building shall
227 also be considered a secondary facade.
- 228 Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design,
229 picture, stroke, stripe, trademark, or reading matter used or intended to be used to attract the
230 attention of or convey information to the general public. For purposes of determining number of
231 signs, a single display surface or a single display device containing elements organized, related
232 and composed to form a unit shall be considered a single sign. Where information is displayed in
233 a random manner without an organized relationship to other elements, or where there is
234 reasonable doubt as to the relationship of elements, each element shall be considered a single
235 sign.
- 236 Sign Area. The total area on which a message is displayed on any sign. For double-faced signs,
237 the side with the largest sign area shall be used in computing sign area. The sign area of a
238 double-faced sign having unequal faces shall be the area of the larger face. The sign area of wall
239 signs shall be the net geometric area measured by the smallest possible rectangle or combination
240 of rectangles enclosing the display surface of the sign, including the outer extremities of all
241 letters, characters and delineations. Double-faced signs having an interior angle formed by the
242 faces greater than 45 degrees shall be considered individual sign faces and the area of each face
243 shall be used in computing sign area. Window sign area shall be measured in the same manner as
244 wall signs.
- 245 Sign District. A portion of the city believed to share a common character and identified on the
246 City of Hapeville "Sign District Map," Figure 1.1. Sign districts or character areas establish sign
247 standards for properties located in these districts. See section 93-3.3-2-01.
- 248 Sign Face. The part or parts of a Sign that is/are used or can be used to convey information
249 visually.
- 250 Sign structure. All members of a sign (including braces, posts and supports) except the sign face
251 itself.

252 Stake Sign. Any Temporary Sign supported by uprights placed in the ground and not supported
253 by or suspended from any building with a maximum sign area of three (3) square feet.

254 Storefront. The primary facade of a commercial building or a single, undivided tenant space that
255 may be located in a multi-tenant commercial building.

256 Structural change or repair. Any reinforcement, replacement, bolstering, augmenting or
257 substitution of a support element of a sign structure, including but not limited to alteration or
258 replacement of the foundation, support structures, columns or beams, sign frame or sign head for
259 any purpose other than to render the sign structure safe.

260 Structural trim. The molding, battens, cappings, nailing strips, latticing, and platforms which are
261 attached to a sign structure, but which do not contribute to the conveying of a message.
262 Subdivision sign. Any sign placed at the intersection of two public roads, or at the intersection of
263 a public and private road, where one of the roads is the main thoroughfare accessing a
264 commercial or residential subdivision.

265 Submission date. The date stamped on a sign application indicating the date the application was
266 actually received in the Community Services Department.

267 Temporary Sign. Any sign or device which is not permanently attached to the ground or other
268 permanent structure, which is designed to be mobile or is designed to remain in place for a
269 limited time. This includes, but is not limited to, signs designed to be transported regularly from
270 one location to another, signs designed with wheels, regardless of whether the wheels remain
271 attached to the sign, or signs tethered to an existing structure. Banners are considered Temporary
272 Signs.

273 Wall Sign. Any Sign which is attached parallel to or painted on an exterior building wall.

274 Weekend Sign. A Temporary Sign that is not illuminated, internally or externally, and is erected
275 between the time frame spanning 5:00 p.m. on any Friday and 8:00 a.m. on the subsequent
276 Monday.

277 Window sign. Any sign displayed to an outside observer on or through a window or covering a
278 window clearly visible from the right-of-way. Any sign that conveys a message at a scale as to
279 font size or graphics or the use of such components as neon or LED lighting clearly intended to
280 advertise to pedestrians or motorists in the right-of-way, despite the location in a store, shall be
281 considered window signs. Window sign shall include signs posted on or otherwise affixed to a
282 glass door.

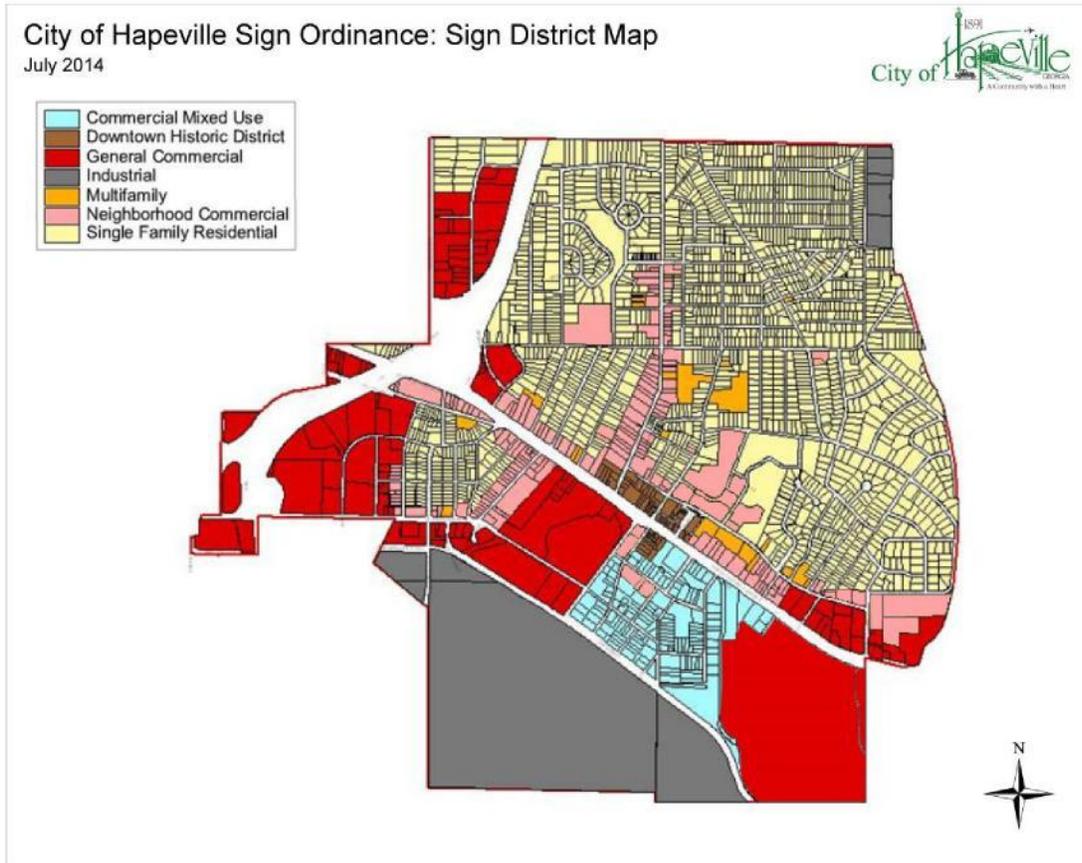
283 Zoning district. The classification of parcels of land as defined under the City of Hapeville
284 Zoning Ordinance.

285

286

287 Section 93-3.3-2-01

288 Figure 1.1 Sign District Map



289

290

291 Section 93-3.3-3. Permit Required.

292

293 Except where specifically excluded by a provision in this division, it shall be unlawful for any
294 Person to place, erect, repair, alter, relocate, change, modify or maintain any Sign or any Sign
295 Face without first obtaining a permit from the City Planner in the manner set forth in this chapter
296 and otherwise complying with the terms herein.

297

298 Section 93-3.3-4. Permit application submission, requirements, decision, and appeal.

- 299 (a) Submission of sign permit applications. Sign permit applications must be delivered to the
300 Department of Community Services. All permit applications must be stamped by
301 Planning and Zoning Department personnel indicating the Submission Date.
302
- 303 (b) An application for a permit to erect a Sign shall be made on a form or forms provided by
304 the Community Services Department and shall contain the following information:
305 (1) Name, mailing address, email address, if any, and phone number of the property
306 owner and the applicant;
307 (2) Address of building, structure or lot on which the Sign is to be attached or
308 erected;
309 (3) Position of the Sign in relation to nearby buildings or structures, property lines
310 and other Signs located on the lot;
311 (4) Three sets of accurately scaled drawings of the plans, contents, specifications, and
312 method of construction and attachment to the building or the ground for the Sign
313 as well as a scaled drawing of the site showing drives, structures and any other
314 limiting site features;
315 (5) Name of Person erecting the Sign;
316 (6) Written consent of the property owner, or the property owner's agent, granting
317 permission for the placement of the Sign on the property and permission to enter
318 the property to maintain said Sign;
319 (7) A written list describing all other signs located on the lot indicating the sign type,
320 size, height and placement; and
321 (8) Complete calculations establishing the size and area of the Sign; and
322 ~~(9) Such other information as the Community Services Department or the City~~
323 ~~Planner shall require to demonstrate full compliance with this and all other~~
324 ~~ordinances of the City.~~
325
- 326 (c) Approval of the Community Services Department. The Community Services Department
327 shall review all sign applications that require a permit for compliance with the building
328 codes and indicate such compliance in a written report attached to the application. After
329 completing any such report, the Community Services Department shall forward the
330 application, including any other documents submitted by the applicant, and the report to
331 the City Planner.
332
- 333 (d) Decision of the City Planner.
334 (1) Provided that the application is complete, all permit fees have been paid, and the
335 proposed Sign and the lot on which the Sign is to be placed are in compliance with all
336 requirements of this division and all other ordinances and laws of the City, the City
337 Planner shall render a determination and shall inform the applicant of his or her
338 decision within 45 calendar days of the Submission Date. The City Planner shall give
339 notice to the applicant of his or her decision on such application by hand delivery or
340 by mailing such notice, by certified mail, return receipt requested, to the address on
341 the permit application on or before the 45th day.
342 a. Upon the expiration of the 45-day period without a decision being made on the
343 application, the applicant shall be permitted to erect and maintain the sign under
344 this statutory provision unless and until the City Planner notifies the applicant of a

345 denial of the application and states the reasons for the denial. No Person erecting
346 a sign under this provision shall acquire any vested rights to continued
347 maintenance of such signs, and following a subsequent denial of a sign
348 application by the City Planner, the sign must be brought into compliance with
349 this division.

350 (2) The City Planner shall reject any application that is incomplete or contains false
351 material information or omissions within 45 calendar days of the Submission Date.
352 Applications subsequently submitted in conformity with this section shall be deemed
353 to have been submitted on the date of resubmission rather than the original
354 Submission Date.

355 (3) If the City Planner determines that a previously issued sign permit was issued
356 pursuant to an application that contained false material information or omissions, he
357 or she shall promptly revoke such permit and the Sign shall be immediately removed.

358 (e) Appeal. An applicant who is dissatisfied by a decision of the City Planner on the
359 application for a sign permit has the right to appeal that decision. Any such appeal shall
360 occur under the following procedures:

361 (1) The applicant shall deliver a written notice of appeal to the City Planner within
362 fourteen (14) calendar days of his or her receipt of the notice of the decision. In the
363 event that that no appeal is made within the 14-day period, the decision of the City
364 Planner shall become final. In the event that an appeal is filed, the City Planner shall
365 promptly transmit to the Board of Appeals all documents constituting the record upon
366 which the decision appealed from was made.

367 (2) The Board of Appeals shall (a) hold a hearing on any timely filed appeal no more
368 than thirty (30) days after the notice of appeal was received; and (b) make its final
369 determination of the appeal not more than thirty (30) days after the date of such
370 hearing. The review by the Board of Appeals shall be limited to a determination of
371 whether or not the decision of the City Planner was clearly erroneous.

372 (3) Any appeal of the decision of the Board of Appeals shall be taken to the Superior
373 Court of Fulton County by a petition for a writ of certiorari.

374

375 Section 93-3.3-5. Permit Expiration date.

376

377 If work authorized under a permit has not been completed to the satisfaction of the Code
378 Enforcement Officer using common industry standards within six (6) months after the date of
379 issuance, the permit shall become null and void.

380

381

382 Section 93-3.3-6. Permit Fees.

383

384 Each application for a sign permit must be accompanied by a payment for the permit fee. The fee
385 for a sign permit shall be as established by Mayor and Council from time to time. A copy of the
386 fee schedule shall be available electronically on the City website or as hard copy in the
387 Community Services Department.

389 Section 93-3.3-7. Identification labels.

390

391 (a) Every Sign placed, constructed, erected or maintained for which a permit is required by
392 this division, shall be plainly marked with the permit number issued for the structure
393 firmly affixed on the Sign in such a manner that the permit number shall be readily
394 accessible and durable.

395 (b) Displaying a permit that has been tampered with, altered or mutilated, or displaying a
396 Sign without a permit, shall be a misdemeanor offense punishable in municipal court as
397 set out in section 93-3.3-25.

398

399 Section 93-3.3-8. Nonconforming signs.

400

401 (a) The City finds that Nonconforming Signs may adversely affect the public health, safety and
402 welfare. Such signs may adversely affect the aesthetic character of the city and may
403 adversely affect public safety due to the visual impact and structural characteristics of such
404 signs on motorists. Accordingly, the following registration requirements are found to be
405 necessary to minimize these possible adverse effects through annual inspections essential to
406 enabling the City to remain aware of the location and maintenance of nonconforming signs.

407

408 (b) The owner(s) or authorized agent(s) of each Nonconforming Sign located within the city
409 shall register such Nonconforming Sign with the City Planner no later than six months
410 after the effective date of this division and shall thereafter renew this registration,
411 annually. Any Nonconforming Sign that does not comply with these registration
412 requirements shall be deemed an illegal Sign and shall be subject to the regulations
413 applicable to illegal signs and all other enforcement provisions. The City Planner shall
414 provide a form for registering a Nonconforming Sign and shall annually inspect such Sign
415 to ensure continued conformity in all other respects with all other provisions of this
416 division and any other applicable City ordinances or regulations. The initial registration
417 fee shall be \$50.00. Each subsequent renewal fee shall be \$25.00. These fees are intended
418 to offset administrative costs associated with monitoring compliance with this division.

419

420 (c) Signs which on the effective date of this division were approved and legally erected under
421 previous sign regulations and which became nonconforming with respect to the
422 requirements of this division may continue in existence subject to the following
423 restrictions:

424 (1) No change shall be made in the size of any Nonconforming Sign, nor shall any
425 structural change be made to any such Sign, unless the Sign is brought into
426 compliance with the provisions of this division.

427 (2) Any Nonconforming Sign declared to be unsafe by the Code Enforcement Officer
428 shall be removed or rendered safe and brought into compliance with the
429 provisions of this division.

430 (3) No Nonconforming Sign damaged by fire or other causes to the extent of more
431 than 50 percent of its assessed value shall be repaired or rebuilt except in

432 compliance with this division. Repair work shall take place within six (6) months
433 of the incident that caused the damage.

434 (4) Any Sign erected on public property or in a public right-of-way in violation of
435 this division may be removed by duly authorized employees of the City and the
436 responsible party may be cited for such violation.

437
438 (d) A Nonconforming Sign shall not be replaced by another Nonconforming Sign, except the
439 substitution or interchange of poster panels or dismountable material on nonconforming
440 signs shall be permitted, provided such materials do not constitute structural elements.

441
442 (1) Minor repairs and maintenance of Nonconforming Signs shall be permitted.
443 However, no structural repair or change in the size, shape or height of a
444 Nonconforming Sign shall be permitted except to bring the Sign into compliance
445 with the requirements of this division.

446 (2) A nonconforming Sign which meets all requirements of the City Code when
447 erected may remain in place until one of the following conditions occurs:

448 a. The deterioration of the Sign or damage to the Sign renders the Sign a
449 hazard; or

450 b. The Sign has been damaged to such extent that structural repairs are
451 required to restore the Sign. A structural repairs are any repair necessary
452 to maintain the stability and structural integrity of the Sign and are not
453 merely aesthetic in nature.

454 (3) No structural repair, change in shape, size, height or design of a Nonconforming
455 Sign shall be permitted except to render such Sign in compliance with all
456 requirements of this division.

457
458 Section 93-3.3-9. Applicability.

459
460 The provisions of this division shall apply to all Signs erected within the corporate limits of the
461 City of Hapeville.

462

463 Section 93-3.3-10. Prohibited signs.

464
465 The following signs are prohibited:

466 (1) Any sign that due to its color, shape, size, height, lighting, location, position
467 and/or design appears to be in imitation of, or may be considered by motorists and
468 pedestrians, to be an official traffic control Sign or signal.

469 (2) Signs attached to telephone, electrical power or light poles.

470 (3) Roof Signs.

471 (4) Sandwich Board Signs located in any residential zoning district.

472 (5) A Vehicle Sign with a total Sign Area in excess of ten square feet, where the
473 vehicle upon which the Sign is painted, drawn or otherwise affixed meets the
474 following:

475 a. Any part of the vehicle is parked for more than three consecutive hours
476 within 100 feet of any public right-of-way;

- b. The vehicle is visible from any public right-of-way;
 - c. The vehicle is not being actively loaded or unloaded;
 - d. If parked on a non-residential lot, the vehicle is not being used for the purpose of providing transportation for the owners, employees, inventory, merchandise, supplies or materials concerning a business operating on the lot; and
 - e. There are other available and accessible locations on or about the lot where the vehicle can be parked, which are not within 100 feet of any public right-of-way and visible from such.
- (6) Animated Signs involving motion or sound.
 - (7) Flashing, blinking, or varying light intensity signs, with the exception of Changeable Copy Signs that meet the requirements of section 93-3.3-18.
 - (8) Streamers or searchlights.
 - (9) Inflatable Signs or Festoons.
 - (10) Feather Flag Signs.
 - (11) Building, window and door lighting having an intensity greater than 0.3 foot-candles measured as prescribed in a “Recommended Night-time Brightness Levels for On-Premises Electronic Message Centers (EMC’s)” document published by the International Sign Association, April 2011.
 - (12) Any Sign that impedes the view of an official traffic control Sign or signal.
 - (13) Any Sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety hazard.
 - (14) Any Sign in a public right-of-way or on City property.
 - (15) Any Sign that is erected or maintained in such a manner so as to interfere with safe and free ingress and egress of any door, any window, any emergency exit or any fire escape. In addition, no Sign shall be attached or otherwise affixed to any standpipe, any emergency exit, or any fire escape.

Section 93-3.3-11. Signs requiring a special use permit.

The following signs require a special use permit. These signs must be historic in nature and must not include sound, flashing or blinking lights or lights of varying intensity.

- (a) An Animated Sign that rotates.

Section 93-3.3-12. Temporary signs.

- (a) Temporary Signs shall be limited to a maximum of two (2) Signs allowed twice per year for a period not to exceed 30 consecutive days.
- (b) Temporary Signs shall not exceed 32 square feet in Sign Area.
- (c) Free standing Temporary Signs shall not exceed four feet in height.
- (d) Temporary Signs shall not be placed in any public right-of-way.

- 519 (e) All Temporary Signs shall be securely installed and shall meet all applicable safety
520 standards as prescribed by the building code, electrical code and life safety code.
521 (f) Prior to issuance of a permit for a Temporary Sign, as prescribed by Section 93-
522 3.3-4, the applicant must demonstrate that such Sign will not adversely affect
523 public health, safety, welfare or aesthetics of the community or create a safety
524 hazard to motorists or pedestrians.
525 (g) The Code Enforcement Officer may give written notice to the owner of any
526 Temporary Sign erected or maintained in violation of this division or any other
527 City ordinances or laws and to the owner of the property or premises on which the
528 sign is located. Such notice may require that the Sign be removed within three (3)
529 calendar days. The Code Enforcement Officer may cause removal of any such
530 sign and impose the cost of removal as a lien on the property.
531 (h) No fee shall be required for issuance of a permit for two (2) or fewer Temporary
532 Signs in a single calendar year.
533

534 Section 93-3.3-13. Exempt signs.
535

536 The following Signs are allowed and exempt from the permit regulations contained in this
537 division but, notwithstanding, must comply with all other applicable requirements in this division
538 and the Code:
539

- 540 1. A Wall Sign that does not exceeding one (1) square foot in Sign Area.
541 2. Any Sign not visible from a public right-of-way.
542 3. A Handheld Sign that meets the requirements of section 93-3.3-18.
543 4. Each lot is entitled to one Sign that is less than 36 square inches in Sign Area and that
544 must be placed in any of the following locations:
545 (a) On the front of every building, every unit in a multiple unit building, residence or
546 structure;
547 (b) On the side of an authorized United States Postal Service mailbox; or
548 (c) On one post, which measures no more than 48 inches in height when placed and
549 standing in ground and no more than 4 inches in width and which shall not be placed
550 in any public right-of-way.
551 5. A Temporary Sign that is not internally or externally illuminated and meets any of the
552 following criteria:
553 (a) For each lot during the period that it is being developed under an active building
554 permit issued by the City, one Sign per each street frontage that is no more than 16
555 square feet in area, is no more than six feet in height to the top of the Sign component
556 when placed and standing in ground, and is not placed in any public right-of-way.
557 Any Sign erected under this subsection shall be removed within 10 days after the
558 development occurring under the building permit is completed.
559 (b) For each lot during the period in which it is listed for sale or lease, one Sign per each
560 street frontage that is no more than 16 square feet in area, is no more than six feet in
561 height to the top of the Sign component when placed and standing in ground, and is
562 not placed in any public right-of-way. Any Sign erected under this subsection shall
563 be removed within 10 days after the lot has been sold or leased.

564 (c) For a period of 45 days immediately preceding or following a federal, state, Fulton
565 County, or City of Hapeville election or referendum, any lot may, in addition to any
566 other signs authorized by this division, erect a maximum of four Stake Signs. Any
567 Sign erected under this subsection shall be removed one day after the conclusion of
568 | the election period, which period shall include the time preceding ~~or following~~ any
569 run-off election.

- 570 6. A Weekend Sign that meets all of the following requirements:
- 571 a. A Weekend Sign shall only be erected between the time frame beginning at 5:00
572 p.m. on any Friday and ending at 8:00 a.m. on the following Monday.
 - 573 b. A Weekend Sign shall be removed no later than 8:00 a.m. on the first Monday
574 after it is erected.
 - 575 c. A lot or dwelling unit shall have no more than three (3) Weekend Signs at any
576 time.
 - 577 d. A Weekend Sign shall not exceed a maximum Sign Area of four (4) square feet.
 - 578 e. No Weekend Sign shall be located on any public right-of-way.
 - 579 f. A Weekend Sign shall only be located on private property for which the property
580 owner, or the property owner's agent, has given prior, written permission for the
581 placement of such Sign.

583 | Any Sign erected under this section shall not be calculated as part of the overall sign area
584 allowed per lot by another section in this division.

585
586 Section 93-3.3-14. Reserved.

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588
589 Section 93-3.3-15. Maintenance.

591 (a) All Signs regulated by this division shall be kept clean, neatly painted, and free
592 from all electrical and mechanical hazards, including, but not limited to, faulty wiring and
593 loose connections. The premises surrounding all Signs shall be maintained by the owner
594 in a sanitary and inoffensive condition, free of weeds, rubbish, and debris. The Code
595 Enforcement Officer may cause any Sign which shows gross neglect, becomes
596 dilapidated, or the ground area around such a sign is not well maintained to be removed
597 after due notice.

598
599 (b) The Code Enforcement Officer shall give the permittee or owner of any Sign which
600 shows gross neglect or has become dilapidated or which the ground area around the Sign is
601 not well maintained 10 days written notice to correct the
602 deficiencies or to remove the Sign. Upon the failure of the permittee or the owner to correct
603 the deficiencies or remove the Sign, the Code Enforcement Officer shall have the Sign
604 removed at the expense of the owner.

605
606 Section 93-3.3-16. Illumination.

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- 608 (a) Internal illumination. The illumination of internally lit signs shall not exceed 20
 609 foot-candles of incandescent light measured at a distance of ten feet from such
 610 signs.
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 612 (b) External illumination. Indirectly lit signs shall be lighted so that no light source is
 613 positioned in such a manner that creates a hazardous condition for motorists or
 614 pedestrians.
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 616 (c) Illuminated signs shall be installed in a manner that prevents spillover on direct
 617 light on adjacent properties or public right-of-ways. No illuminated sign shall be
 618 installed within 75 feet of any single-family dwelling.
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621 Section 93-3.3-17. Sign standards by sign district.
 622

- 623 (a) Any Sign not specifically allowed in a Sign District under this Section shall be prohibited
 624 in that district, except as otherwise provided for under this division. Size, height,
 625 setback, quantity and type of sign shall be regulated under Sections 93-3.3-17 and 93-
 626 3.3-18 of this division.
 627
 628 (b) *Single family residential.* Permitted sign types and regulations for signs in the single
 629 family residential Sign District in the city:
 630
 631 (1) An Entrance Sign located at the entrance of a subdivision.
 632 (2) Wall Signs.
 633 (3) All Signs shall be setback a minimum of ten (10) feet from any right-of-way and
 634 all electrical transmission lines.
 635 (4) Except for an Entrance Sign, no Sign shall be illuminated, internally or externally.
 636 An Entrance Sign may only be illuminated externally and may only be
 637 illuminated from dusk to dawn.
 638 (5) Stake Signs are the only type of permitted temporary signs. For regulations
 639 regarding temporary signs, see Section 93-3.3.-12.
 640 (6) The aggregate Sign Area for any lot shall not exceed 20 square feet, regarding of
 641 the construction, placement or type of sign or signs.
 642

643 **Single Family Residential**

	Wall Sign	Subdivision Sign	Temporary Sign
Maximum Height		4 feet	3 feet
Maximum Width		8 feet	3 feet

Maximum Area	1 square foot	32 square feet	3 square feet
Maximum Number	1	1	2

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(c) *Commercial mixed use.* Master planned developments in this Sign District that are proposed or existing developments that propose a sign package may provide a detailed sign plan to Planning Commission for approval. The Commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package. Permitted sign types and regulations for signs in the commercial mixed use Sign District include:

- (1) Monument Signs.
- (2) Billboards, subject to Section 93-3.3-19. Billboards.
- (3) Projecting Signs, not to exceed a projection of six (6) feet from the face of the building. Signs must provide for eight feet of minimum clear space between the bottom of any Sign and the sidewalk or ground.
- (4) Wall Signs.
- (5) Sandwich Board Signs, which must be removed at the end of each business day and must allow at least five (5) feet of unobstructed passageway. No Sandwich Board Sign shall exceed six (6) square feet in Sign Area.
- (6) Window Signs.
- (7) Temporary Signs, a maximum of two (2) signs per lot per year.
- (8) Entrance Signs.
- (9) Flags.
- (10) All Signs shall be setback a minimum of ten (10) feet from any public right-of-way and any electrical transmission line and shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way
- (11) All exterior lighting shall comply with FAA requirements related to aircraft safety, and all exterior lighting shall be maintained in accordance with plans and specifications submitted to and approved by the building official.
- (12) Any Sign to be erected by any owner, any tenant, any lessee, or any sublessee of a unit in a multi-story building shall be detailed in a sign plan that is submitted to the Planning Commission for approval prior to the erection of such Sign.
- (13) The Sign Area for any lot shall not exceed one (1) square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.
- (14) Standards for multi-tenant, multiple phase or multiple parcel developments:

- 684 a. Where possible, a uniform design scheme of Signs shall be
 685 established for the development as a whole and/or for each
 686 building in the development and approved by the city.
 687 b. Plans for the development shall include detailed descriptions of all
 688 Signs, including but not limited to, size, height, location, type,
 689 colors and materials to be used, lighting and ownership
 690 responsibility.
 691 c. Plans for Signs shall undergo the same review and approval
 692 process as is required of other aspects of the development.
 693 d. All Signs shall be designed, erected and maintained in accordance
 694 with an approved plan.
 695 e. In addition to the Signs allowed in this section, each individual unit
 696 with a storefront may have one wall sign with a sign area not to
 697 exceed one (1) square foot for each horizontal linear foot of
 698 primary storefront, plus one sign on the secondary facade not to
 699 exceed one (1) square foot for each horizontal linear foot of
 700 secondary facade.
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703 **Commercial Mixed Use**

	Ground Sign	Projecting Sign	Wall Sign	Entrance Sign	Temporary Sign
Maximum Height	10 feet	4 feet/ Not above roofline		6 feet	6 feet
Maximum Width	5 feet	5 feet	50% of façade width		8 feet
Maximum Area	20 square feet	20 square feet	1 SF/LF of building or tenant façade	4 square feet	32 square feet
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	1	2/year

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(d) *Downtown district*. Permitted sign types and regulations for Signs in the Downtown Sign District include:

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- (1) Projecting Signs, which shall not exceed a projection of either four (4) feet from any building or one-third of the width of any sidewalk, whichever is less. Projecting Signs must provide for a minimum of eight (8) feet of space between the bottom of the Sign and the sidewalk or ground.
- (2) Wall Signs.
- (3) Sandwich Board Signs that must be removed at the end of each business day and must accommodate a minimum of five (5) feet of unobstructed walkway. No Sandwich Board Sign shall exceed six (6) square feet in Sign Area.
- (4) Window Signs shall not exceed 50 percent of the window area and shall be a maximum of 12 square feet of Sign Area. A second Window Sign of the same dimension shall be allowed on buildings with multiple frontages fronting on a public street. Interior neon or LED signs not to exceed an aggregate maximum of six (6) square feet in Sign Area shall be permitted.
- (5) Awning Signs.
- (6) Flags.
- (7) Temporary Signs, a maximum of two signs per lot per year.
- (8) The total number of Signs in this district shall not exceed one (1) Sign of any allowed type for the primary building or tenant facade and one (1) sign of any allowed type for each secondary building or tenant facade.
- (9) All Signs shall be setback a minimum of six (6) feet from any public right-of-way and any electrical transmission line.
- (10) The aggregate Sign Area for any lot shall not exceed one (1) square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.

735 **Downtown District**

	Projecting Sign	Wall Sign	Window Signs	Awning Sign	Temporary Sign
Maximum Height	Not above roofline				6 feet
Maximum Width	4 feet	50% of façade width			8 feet
Maximum Area Primary Facade	12 square feet	1 SF/LF of building or tenant façade	50% of window area	50% of awning area	32 square feet

Maximum Area Secondary Facade	12 square feet	1 SF/LF of building or tenant façade	50% of window area		
Maximum Number	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	No Maximum	2	1

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(e) *General commercial.* Master planned developments in the General Commercial Sign District that are proposed or existing developments that propose a sign package may provide a detailed sign plan to Planning Commission for approval. The Commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package.

Permitted sign types and regulations for signs in the General Commercial Sign District include:

- (1) Ground Signs.
- (2) Billboards, subject to the requirements and limitations in Section 93-3.3-19.
- (3) Projecting Signs, which shall not exceed a projection of six (6) feet from the face of any building.
- (4) Wall Signs.
- (5) Temporary Signs, a maximum of two signs per lot per year.
- (6) Window Signs.
- (7) Awning Signs.
- (8) Flags.
- (9) The Sign Area for any lot shall not exceed one (1) square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.
- (10) All Signs in this district shall be setback a minimum of ten (10) feet from any public right-of-way and any electrical transmission line, and shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way, including off- and on-ramps.
- (11) Except as provided in section 93-3.3-20(h), no Wall Sign or Window Sign shall be permitted above the ground floor of any building.

768 **General Commercial**

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Maximum Height	15 feet	Not above roofline				
Maximum Width	8 feet	6 feet	50% of façade width	8 feet		
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	32 square feet	50% of window area	50% of awning area
Maximum Number	2	1/primary façade; 1/secondary façade	1/primary façade; 1/secondary façade	2/year	No Maximum	2

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(f) *Industrial*. Permitted sign types and regulations for signs in the Industrial Sign District in the city:

- (1) Ground Signs. The maximum number of Ground Signs shall be one for every 500 linear feet of frontage or fraction thereof on a single frontage. Frontage on one street shall not be allocated to sign area on another street. One Entrance Sign shall be permitted at each entrance with a maximum of two such Signs on a single street frontage.
- (2) Billboards, subject to the requirements and limitations in Section 93-3.3-19.
- (3) Projecting Signs, which shall not exceed a projection of six (6) feet from the face of any building. Any Projecting Sign must provide a minimum of eight (8) feet of space between the bottom of such Sign and the sidewalk or ground.
- (4) Wall Signs.
- (5) Temporary Signs, a maximum of two signs per lot per year.
- (6) Window Signs.
- (7) Awning Signs.
- (8) Flags.
- (9) The Sign Area for any lot shall not exceed one (1) square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.
- (10) All Signs shall be setback a minimum of ten (1) feet from any public right-of-way and any electrical transmission line, and shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way.

Industrial

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Entrance Sign	Window Sign
Maximum Height	15 feet	Not above roofline			4 feet	
Maximum Width	15 feet	6 feet	50% of façade width	8 feet	8 feet	
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	32 square feet	32 square feet	50% of window area
Maximum Number	3	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade		1	No Maximum

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(g) *Neighborhood commercial.* Permitted sign types and regulations for signs in the Neighborhood Commercial Sign District include:

- (1) Monument Signs.
- (2) Projecting Signs, which shall not exceed a projection of either four (4) feet from any building or one-third of the width of the sidewalk, whichever is less. Any Projecting Sign must provide for a minimum of eight (8) feet of minimum space between the bottom of such Sign and the sidewalk or ground.
- (3) Wall Signs.
- (4) Sandwich Board Signs, which must be removed at the end of each business day and must allow at least five (5) feet of unobstructed passageway. A Sandwich Board Sign shall not exceed six (6) square feet in Sign Area.
- (5) Window Signs.
- (6) Awning Signs.
- (7) Temporary Signs, a maximum of two signs per lot per year.
- (8) Flag.
- (9) Any Sign to be erected by any owner, any tenant, any lessee, or any sublessee of a unit in a multi-story building shall be detailed in a sign plan that is submitted to the Planning Commission for approval prior to the erection of such Sign.
- (10) The total number of Signs in this district shall not exceed two Signs of any allowed type for the primary facade and one Sign of any allowed type for each secondary facade.

- 822 (11) The Sign Area for any lot shall not exceed one (1) square foot for every
 823 linear foot of lot frontage, regardless of the construction, placement or
 824 type of sign or signs.
 825 (12) All Signs in this district shall be setback a minimum of six (6) feet from
 826 any public right-of-way and any electrical transmission line.
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828 **Neighborhood Commercial**

	Ground Sign	Projecting Sign	Wall Sign	Window Sign	Awning Sign
Maximum Height	6 feet	Not above roofline			
Maximum Width	4 feet	4 feet	50% of façade width		
Maximum Area	20 square feet	10 square feet	1 SF/LF of building or tenant façade	50% of window area	50% of awning area
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	No Maximum	2

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- 832 (h) *Multi-family residential*. Master planned developments in this Sign District that are
 833 proposed or existing developments that propose a sign package may provide a
 834 detailed sign plan to Planning Commission for approval. The Commission shall
 835 consider the purpose and intent of this division in determining the appropriateness of
 836 the sign package.
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838 Permitted sign types and regulations for signs in the Multi-Family Residential Sign
 839 District include:

- 840 (1) An Entrance Sign that is located at the entrance of a subdivision.
 841 (2) Temporary Signs in a residential development, maximum size of 16
 842 square feet. Such Signs shall be removed at the expense of the owner upon
 843 the sale of all property in a development or the lease of all dwellings.
 844 (3) The Sign Area for any lot in this district shall not exceed one (1) square
 845 foot for every linear foot of lot frontage, regardless of the construction,
 846 placement or type of sign or signs.
 847
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Multi-family Residential

	Subdivision Sign	Temporary Sign
Maximum Height	6 feet	6 feet
Maximum Width	12 feet	8 feet
Maximum Area	50 square feet	32 square feet
Maximum Number	1/entrance	2/year

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Section 93-3.3-18. General sign regulations.

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

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(1) Wall Signs.

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a. 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.

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b. Wall Signs shall not exceed 50 percent of the width of the building or tenant facade, provided that no Wall Sign shall have an area exceeding one (1) square foot for each horizontal linear foot of building or tenant facade.

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(2) Projecting Signs.

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a. No Projecting Sign may be placed over any street, any alley, or any other public right-of-way available for vehicular traffic.

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b. Any Projecting Sign located at a commercial business that is illuminated, either internally or externally, shall be illuminated between sunset and the close of business, on each side thereof, by lighting of at least five (5) watts per square foot of sign surface, but in no case lighting that is less than 60 watts for each sign surface.

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c. All Projecting Signs must be installed at a 90-degree angle to the building facade.

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d. Projecting Signs shall not project above the Roofline or be installed above a height of 14 feet from the ground, whichever is lower.

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e. Projecting Signs must vertically clear sidewalks by at least eight (8) feet and may project no more than four (4) feet from a building or one-third of the width of the sidewalk, whichever is less.

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- 886 (3) Awning Signs.
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888 a. An Awning Sign must be painted or installed directly on the awning.
889 b. The Sign Area of any Awning Sign shall not exceed 50 percent of the surface area of
890 the awning.
891 c. Awnings must be a maximum of eight (8) feet above the sidewalks and may extend to
892 within one (1) foot of the vertical plane formed by the curb or the public right-of-way
893 line.
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- 895 (4) Entrance Signs. All entrance signs shall be placed on private property and shall not be placed
896 in any public right-of-way.
897
- 898 (5) Entrance Signs at subdivisions. All Entrance Signs at subdivisions shall be placed on private
899 property and shall not be placed in any public right-of-way.
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- 901 (6) Handheld signs.
902 a. Handheld Signs are allowed during the time period in which a parade, picket, or
903 procession that is permitted under Section 35-3-1 et. seq. occurs.
904 b. No Handheld Sign shall be placed or carried that extends beyond the width of the
905 body of the individual holding such Sign or that extends more than 24 inches above
906 that individual's head.
907 c. All individuals carrying any such Signs shall remain at least ten (10) feet apart,
908 shall not stand or loiter in front of any doorway, driveway or street intersection and
909 shall not interfere with the general flow of traffic, whether pedestrian or vehicular.
910 d. All Handheld Signs are exempt from the permitting requirements of Section 93-
911 3.3-4.
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- 913 (7) Window signs.
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915 Window Signs shall not exceed 50 percent of the window area of the building in which they
916 are displayed. Window Signs may be arranged as a single Sign or as multiple Signs.
917 Window Signs shall be limited to ground floor windows. Interior neon or LED signs not to
918 exceed an aggregate maximum of six (6) square feet shall be permitted.
- 919 (9) Canopy signs.

920 Canopy Signs having a maximum area of 50 percent of the canopy Face and limited to three
921 (3) faces shall be permitted.
- 922
923 (10) Sandwich board signs.
924 a. The owner of a building or occupant of a tenant space in a building in the downtown
925 district, neighborhood commercial district or commercial mixed use district may
926 display one Sandwich Board Sign for each business having a storefront. Such signs

927 must be constructed of wood, metal or durable plastic. The surface of any Sandwich
928 Board Sign may be chalkboard, whiteboard or other durable material.

929 b. No Sandwich Board Sign may be placed as to restrict the flow of pedestrians. A
930 minimum sidewalk clear zone of five feet shall be maintained. Sandwich Board Signs
931 shall be removed at the end of each business day.

932 c. The maximum Sign Area of a Sandwich Board Sign shall be six (6) square feet.
933

934 (11) Changeable copy or LED signs, excluding billboards.

935 For the purpose of this Section, "LED sign" shall mean a digital sign, including but not
936 specifically limited to light-emitting diode (LED), liquid crystal display (LCD) and other
937 similar technology signs. LED signs shall only be permitted for signs regulated under
938 O.C.G.A. § 10-1164 and located in the General Commercial Sign District.

939
940 a. An owner or a permittee may incorporate up to 40 percent of the allowable Sign
941 Area of a Sign as a Changeable Copy Sign, which shall be physically part of that sign.
942 The changeable copy portion of the Sign may not be installed absent the remaining 60
943 percent of the Sign that shall be non-changeable copy or static in nature, excluding
944 framing and other structural elements.

945 b. No Changeable Copy Sign may change more often than six (6) times per minute
946 and no message shall change more often than once every ten (10) seconds. Signs
947 shall accomplish message transitions in three (3) seconds or less. The brightness of
948 such signs shall not have an illumination level of more than three-tenths of a foot-
949 candle above the average ambient light level measured 100 feet from the face of the
950 sign.

951 c. A maximum of two (2) LED panels shall be allowed on any one (1) Sign Face.

952 d. The area of each LED panel shall not exceed 10 percent of the total Sign Face.

953 e. LED signs shall be equipped with an automatic dimming device that shall lower
954 the intensity of the sign illumination to ensure that a hazardous condition for motorists
955 or pedestrians is not created.

956 f. LED signs shall remain, and appear to be, fixed and static. In no instance shall
957 LED lights move, change, flash, or be animated or appear to move, change, flash, or
958 be animated in any way.

959 g. The color of any characters, symbols, text, mark or the like must contrast with the
960 field of the Sign to provide for maximum visibility and legibility, and each character,
961 symbol, text, mark or the like on the LED panel must be the same color. The
962 background or field of the Sign shall be a solid color.

963 h. Individual LED lighting erected at fuel stations shall not exceed a size of two (2) feet
964 and no LED panel shall be larger than 30 square feet or face any property zoned for
965 single family residential use.

966 i. No LED sign shall be located within one hundred fifty (150) feet of any single family
967 residence, or any property zoned for single family residential use.
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969 (13) Flags, excluding Feather Flags. An owner or a permittee may display a Flag that meets the
970 following regulations.
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- a. The following methods of displaying a Flag are allowed:
 - i. Pole Flags. A Flag may be flown from a metal pole permanently placed in the ground. The length of the Flag shall be no greater than one-quarter of the height of the pole. This guideline applies to poles twenty (20) feet and taller. Flags flown on single family residential properties shall not exceed three (3) feet from top to bottom and five (5) feet in length. Flag poles on single family residential properties shall not exceed twenty (20) feet in height. Flags on small commercial, industrial, institutional, and multifamily properties, defined as properties of less than two acres or having buildings with less than 10,000 square feet of floor area, shall not exceed four (4) feet from top to bottom and six (6) feet in length. Flag poles on such properties shall not exceed twenty-four (24) feet in height. Flags on all other commercial, industrial, and institutional properties shall not exceed six (6) feet from top to bottom and ten (10) feet in length and flag poles on these properties shall not exceed forty (40) feet in height. The pole may be of varying diameters, appropriate in scale to the length of the flag being flown.
 - ii. Projecting Flags. Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. The pole shall not exceed six (6) feet in length, or one (1) inch in diameter. Any flag flying from such a pole shall not exceed three (3) feet from top to bottom and five (5) feet in length. Additionally, no flag displayed on a projected pole shall impede pedestrian or vehicular traffic.
 - iii. Window Flags. Flags may be hung in the window of any non-residential property. The area of the Flag shall be used in the calculation of the allowable window sign area.
- b. Limit on Number. The number of Flags (whether displayed as a Pole Flag, a Projecting Flag, a Window Flag, or any combination thereof) that may be displayed on each property is limited by the maximum Sign Area allocated to said property. However, a maximum of three (3) Flags (whether displayed as a Pole Flag, a Projecting Flag, a Window Flag, or any combination thereof) shall be exempt from the limitations of the Ordinance. Any additional Flags (ground, projecting or window) displayed shall be used in the calculation of the ground, projecting or window sign area permitted on the property.
- c. Condition of Flags. Any Flag that is displayed shall be in serviceable condition and fit for use. All fabric or similar material of which the Flag is constructed (including any stitching) shall remain intact. Any Flag that contains tattered or faded fabric or similar material (including stitching) shall be removed.

1018 Section 93-3.3-19. Billboard signs.

1019

1020 (a) The regulation and design of all billboard signs shall be governed by this section, subject to
1021 the following standards:

1022

1023 (1) Billboard Signs are permitted on any property having frontage on an interstate and
1024 located in any of the following Sign Districts: the Commercial Mixed Use Sign District;
1025 the General Commercial Sign District; and the Industrial Sign District.

1026 (2) A Billboard Sign shall not be located more than 100 feet from an interstate right-of-
1027 way.

1028 (3) A. In addition to the other information required in Section 93-3.3-4, a permit issued
1029 by the Georgia Department of Transportation authorizing the installation of the proposed
1030 Billboard Sign shall be submitted to the City Planner simultaneously with the application
1031 for a permit to erect said Sign.

1032 (4) No Billboard Sign shall be located within 300 feet of a residentially zoned property as
1033 measured from the outermost edge of the sign to the closest point of the residential
1034 property.

1035 (5) A Billboard Sign shall meet the setback standards of the zoning district, provided the
1036 structure setback from any interstate right-of-way shall be a minimum of 25 feet.

1037 (6) No Billboard Sign shall exceed a height of 65 feet as measured from the ground to the
1038 top of the Sign.

1039 (7) A Billboard Sign shall have a maximum width of 48 feet and a maximum Sign Face
1040 area of six hundred seventy-two (672) square feet.

1041 (8) No Billboard Sign shall be located within five hundred (500) linear feet of any other
1042 Billboard Sign on the same side of the street, road or highway, including any such Sign
1043 located outside of the Hapeville city limits, as measured along the right-of-way.

1044 (9) The Sign Area of a Billboard Sign located adjacent to an interstate right-of-way shall
1045 not be used in calculating "aggregate sign area."

1046

1047 (b) Multiple message Billboard Signs shall be subject to the following standards:

1048

1049 (1) Multiple message Billboard Signs shall not be located within 500 feet of
1050 the nearest residentially zoned property, park, playground, recreation area, scenic
1051 area or cemetery, as measured from the outermost edge of such Sign to the closest
1052 point of the above-referenced property line.

1053 (2) When a message is changed mechanically, the transition shall be
1054 accomplished in three seconds or less.

1055 (3) No multiple message Billboard Sign shall be placed within 5,000 feet of
1056 another multiple message Billboard Sign on the same side of the street, road, or
1057 highway.

1058

1059

1060 (c) As light-emitting diode (LED) Billboard Signs, also known as digital billboards, present a
1061 different set of circumstances regarding their impact on the community, such signs shall be
1062 governed by the following additional standards:

1063

- 1064 (1) Digital billboards shall be limited to parcels fronting on interstate
1065 highways only, and shall be positioned for viewing from such interstate highways.
1066 (2) No digital billboard shall be located within five hundred (500) feet of
1067 another billboard on the same side of the interstate highway. Billboard Signs
1068 located outside the Hapeville city limits shall be included in determining this
1069 distance.
- 1070 (3) No digital billboard shall be located within five thousand (5,000) feet of
1071 another multiple message billboard, including any other digital billboard, on the
1072 same side of the highway. Billboard Signs located outside the Hapeville city
1073 limits shall be included in determining this distance.
- 1074 (4) Digital billboards shall not be located within 500 feet of the nearest
1075 residentially zoned property, park, playground, recreation area, scenic area or
1076 cemetery, as measured from the outermost edge of the sign to the closest point of
1077 the above-referenced property line.
- 1078 (5) All digital billboard images must remain stationary and not contain any
1079 visible moving parts, alternating, “crawling” or other moving messages or have
1080 the appearance of having moving parts or messages.
- 1081 (6) The display, background or other message medium on a digital billboard
1082 shall not change more often than once every 10 seconds, with a transition period
1083 of one (1) second or less.
- 1084 (7) No digital billboard shall be placed within 5,000 feet of another digital
1085 billboard on the same side of the street, road, or highway.
- 1086 (8) A digital billboard shall contain a default design that will freeze the sign in
1087 one position should a malfunction occurs.
- 1088 (9) Any maximum size limitations shall apply to the side of the multiple
1089 message sign with the greater area.
- 1090 (10) The owner of a digital billboard shall arrange for an annual certification of
1091 the foot-candle intensity measured in foot-candles by an independent contractor
1092 showing compliance and provide such certification to the Code Enforcement
1093 Officer.
- 1094 (11) All digital billboards shall have installed an ambient light monitor that will
1095 continuously monitor and automatically adjust the brightness of the display based
1096 on ambient light conditions. Maximum brightness levels for digital billboards
1097 shall not exceed three-tenths (0.3) foot-candles over ambient light levels
1098 measured as prescribed in a “Recommended Night-time Brightness Levels for
1099 On-Premise Electronic Message Centers (EMC’s)” published by the International
1100 Sign Association, April 2011. Certification that the sign has been preset to
1101 automatically adjust the brightness to this level or lower must be provided to the
1102 Code Enforcement Officer.
- 1103 (12) Digital billboards shall meet the same installation and permitting
1104 requirements and inspections as adopted for electrified signs and all other signs.
- 1105 (13) The owner or permittee of a digital billboard shall coordinate with the
1106 City of Hapeville in displaying, when appropriate, emergency information
1107 important to the travelling public including, but not limited to, Amber Alerts or
1108 alerts concerning terrorist attacks or natural disasters. Emergency information

1109 messages shall remain in the advertising rotation according to the protocols of
1110 the agency that issues such information.

1111 (14) The owner of a digital billboard shall provide contact information to the
1112 Code Enforcement Officer for an individual who is available at any time and who
1113 is capable of turning off said Sign promptly following a malfunction.

1114 (15) At any time more than five percent of the LED display lights on a digital
1115 billboard malfunction or are no longer working, the owner obillboard permittee
1116 shall repair said Sign within 60 calendar days or the Sign will be subject to
1117 removal.

1118 (16) In the event the Code Enforcement Officer finds that a digital billboard
1119 causes glare, impairs the vision of a motorist, or otherwise poses a traffic safety
1120 hazard to motorists or pedestrians, the owner of said Sign shall reduce the
1121 intensity of lighting on such Sign to a level acceptable to the City within 24 hours
1122 of receipt of written notice by the Code Enforcement Officer.

1123 (17) Each digital billboard must comply with all Georgia Department of
1124 Transportation rules and regulations applicable to electronic changeable message
1125 signs where not in conflict with this section.

1126
1127 Section 93-3.3-20. Special requirements for all signs.

1128
1129 (a) Applicability. All lots, buildings, structures or property shall be regulated
1130 under the requirements of this division.

1131 (b) Placement. All Signs must be placed on a lot as defined in other sections
1132 of the zoning ordinance and the subdivision regulations. No Sign may be placed
1133 on any lot where such lot does not meet the minimum requirements of the zoning
1134 ordinance and subdivision regulations. No Sign may be placed on any lot that has
1135 road frontage only on an interstate or intrastate highway.

1136 (c) Covering architectural elements. No placement of any Sign shall cover or
1137 conceal architectural fenestrations, adornments, details, doors or windows unless
1138 the Design Review Committee determines that the placement of such Sign cannot
1139 be more appropriately located and that the placement of such Sign will not
1140 adversely affect access to the building, cause unnecessary glare into the building
1141 or adversely impact the historic character or architectural theme of the building.

1142 (d) Posting on trees, poles, etc. No sign shall be allowed to be tacked, painted,
1143 posted, marked, or otherwise affixed on trees, utility poles, or other similar
1144 structures, or on rocks, the ground itself, or other natural features.

1145 (e) No posting on supports. No message may be displayed on any portion of
1146 the structural supports of any sign.

1147 (f) Special situations; buildings of three stories or more. Those developments
1148 having buildings of three or more stories may be permitted one wall sign on the
1149 primary and secondary building or tenant facade not to exceed 50 percent of the
1150 width of the building or tenant facade and not exceeding an area of one (1) square
1151 foot for each horizontal linear foot of building or tenant facade. Such wall signs
1152 shall be limited to the ground floor wall, only. A single Wall Sign may be installed
1153 on each facade of the highest floor, subject to a maximum width of 20 twenty
1154 percent of the building facade and a maximum area of 10 percent of the exterior

1155 wall area of that floor; the Sign Area and width allowance for such Wall Signs
1156 apply to each individual building facade and are not cumulative.
1157

1158 Section 93-3.3-21. Construction standards for all signs.
1159

1160 (a) Building code compliance. All Signs shall be constructed and maintained
1161 in accordance with the provisions of the building code as adopted and from time
1162 to time amended (hereinafter referred to as the "city building code") except that
1163 no building permit shall be required unless the building official determines that a
1164 structure must be built to support the sign.

1165 (b) Materials required. All Signs for which a permit is required by this
1166 division, and Temporary Signs, shall be constructed of noncombustible material
1167 with the exception of chemically treated, red wood, and blasted carved materials.
1168 All Signs must be made of materials at least four inches thick and bordered
1169 around the edges of the Sign by permitted material at least two inches thick.

1170 (c) Reflectors. Gooseneck reflectors and lights shall be permitted on Ground
1171 Signs, Projecting Signs, and Wall Signs; provided, however, the reflectors shall
1172 be provided with proper glass lenses so that no light creates a hazardous or
1173 dangerous condition.

1174 (d) Other code compliance. All building, setback, zoning, or other relevant
1175 codes excluding building permitting (other than that permitting required
1176 elsewhere herein) shall be applicable to the location, construction and siting of
1177 signs and shall be read in harmony with this division.
1178

1179 Section 93-3.3-22. Variance for signs in this division.
1180

1181 In any appeal brought under Section 93-3.3-4, the Board of Appeals shall judge a request
1182 for a variance from the terms of this division based on the following criteria:
1183

1184 (1) All signs and structures within the business development are in
1185 conformance with this division; and

1186 (2) The variance, if granted, would not cause substantial detriment to other
1187 property owners or tenants, or to the public good, nor would it impair the purpose
1188 and intent of this division; and

1189 a. The Board of Appeals may consider factors such as the size of the
1190 buildings constructed on the subject lot, the potential to subdivide the lot,
1191 and the number of different tenants occupying the buildings.

1192 b. Financial loss to the appellant is not sufficient grounds by itself to
1193 justify a variance.

1194 c. Peculiar conditions or circumstances that are the result of actions
1195 of the current or former owner of the property covered by the application
1196 cannot be considered as grounds to justify a variance.

1197 d. The authority to erect and maintain additional signs as may be
1198 permitted under any such variance shall terminate upon the subdivision of
1199 the lot for which such variance was granted.

1200 Section 93-3.3-23. Unsafe or unlawful signs.

1201
1202 Any Sign determined by the Code Enforcement Officer to be unsafe or unstable, a menace to the
1203 public health or safety, abandoned, dilapidated, or erected or maintained in violation of this
1204 division shall cause the Code Enforcement Officer to notify the permittee, owner, or occupant of
1205 the property on which the sign is located of such violation by certified mail. Such notice shall
1206 include a brief and complete statement of the violations to be remedied. In the event the
1207 permittee, owner, or occupant of the property on which the sign is located cannot be contacted,
1208 the Code Enforcement Officer having affixed the notice to the sign or to the building on which
1209 the sign is erected for a period of 10 days shall be deemed to have effected notice.

1210
1211 Failure of the permittee or property owner to remove or alter such sign so as to comply with the
1212 standards of this division within 10 days after such notice shall cause the Code Enforcement
1213 Officer to revoke the permit for such sign and the permittee or property owner shall be subject to
1214 the penalties set forth in section 93-3.3-25 of this division.

1215
1216 The Code Enforcement Officer may cause any unsafe or unlawful sign that constitutes an
1217 immediate threat to the physical safety of persons or adjoining property to be removed
1218 summarily and without notice and cause the cost of removal to be placed as a lien on the
1219 property on which the sign is located.

1220
1221
1222 Section. 93-3.3-24. Penalties.

1223
1224 Any person found in violation of any provision of this division shall be subject to a fine not to
1225 exceed \$1,000.00 per day. A separate offense shall be deemed committed each day during or on
1226 which a violation occurs or is permitted to continue. Any sign erected or maintained in violation
1227 of this division shall be subject to removal by the City upon an order of the municipal court and
1228 all costs related to such removal shall be charged against the property and may be collected by
1229 lien or otherwise.

1230
1231
1232
1233 Section 93-3.3-25. – Substitution.

1234
1235 The owner or the permittee of any sign which is otherwise allowed by this article may substitute
1236 non-commercial speech in lieu of any other commercial or non-commercial speech. This
1237 substitution of copy may be made without any additional approval or permitting. The purpose of
1238 this provision is to prevent any inadvertent favoring of commercial speech over non-commercial
1239 speech, or favoring of any particular non-commercial speech over any other non-commercial
1240 speech. This provision prevails over any more specific provision in this article to the contrary.

1241
1242
1243
1244
1245
1246 Section 93-3.3-26. Severability.

1247

1248 It is hereby declared the intention of Mayor and Council that all parts, sections, subsection,
1249 paragraphs, sentences, clauses, phrases, terms and words of this division are or were, upon their
1250 enactment, believed by Mayor and Council to be fully valid, enforceable and constitutional.

1251

1252 It is hereby declared the intention of Mayor and Council that, to the greatest extent allowed by
1253 law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term and word
1254 of this division is severable from every other part, section, subsection, paragraph, sentence,
1255 clause, phrase, term and word of this division. It is hereby further declared the intention of
1256 Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection,
1257 paragraph, sentence, clause, phrase, term, or word of this division is mutually dependent on any
1258 other part, section, subsection, paragraph, sentence, clause, phrase, term or word of this division.

1259

1260 In the event that any word, term, phrase, clause, sentence, paragraph, subsection, section or part of
1261 this division shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
1262 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
1263 express intent of Mayor and Council that such invalidity, unconstitutionality or unenforceability
1264 shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise
1265 unenforceable any of the remaining words, terms, phrases, clauses, sentences, paragraphs,
1266 subsections, sections or parts of the division and that, to the greatest extent allowed by law, all
1267 remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections and parts of
1268 the division shall remain valid, constitutional, enforceable, and of full force and effect.

1269

1270 DIVISION 2 – MURALS

1271
1272 Section 93-3.3-27. – Statement of Purpose and Intent.

1273
1274 A mural is a work of art painted otherwise directly applied on a building or wall. The presence
1275 of works of art, including murals, can be a key element to creating a visually satisfying
1276 environment for a community. The city is likely to attract commercial enterprises, permanent
1277 residents, and visitors if it improves and maintains its overall appearance. The residents
1278 ultimately will benefit from enhanced retail and commercial environments and improvements in
1279 the quality of life if an attractive environment exists. The existence of works of art, such as
1280 murals, is an invaluable element to creating and maintain a visually appealing setting, which will
1281 promote economic development, advance the general prosperity of the community, and serve the
1282 general welfare. This is particularly true for the City of Hapeville, which has concentrated
1283 residential and commercial areas where murals are more readily noticed and appreciated than
1284 such works of art would be in municipalities with geographically large areas.

1285 The purpose of this division is to recognize the following mural types: (1) Historic Murals; (2)
1286 Original Art Murals; and (3) Limited Message Murals. All other similar forms of outdoor visual
1287 art that do not meet the definitions of these three forms of murals set forth herein shall be
1288 regulated as wall signs under division 1 of this chapter pertaining to signs.

1289 Sec. 93-3.3-28. – Historic Murals.

1290 Historic Murals are original works of visual art or signs produced by hand that were tiled,
1291 painted directly on or affixed directly to a wall or building prior to the date of adoption of this
1292 division. Murals that re-create a historic image bearing a relationship to a historic Hapeville
1293 theme established after the date of adoption of this division also constitute Historic Murals.
1294 Original Historic Murals and re-creations of historic images are deemed to comply with this
1295 Code.

1296
1297 Sec. 93-3.3-29. – Original Art Murals.

1298 Original Art Murals are original works of visual art produced by hand that are tiled, painted
1299 directly on, or affixed directly to a wall or building. This section is intended to allow and
1300 encourage content neutral Original Art Murals. Original Art Murals may be mechanically
1301 produced or computer generated prints or images, but shall not include the use of digitally
1302 printed vinyl. Such murals shall not contain electrical or mechanical components or feature a
1303 changing image. Original Art Murals cannot contain text, graphics, or symbols.

1304 (a) Standards for Original Art Murals. Original Art Murals shall comply with the following
1305 standards:

1306 ~~(1) — Original Art Murals shall not contain a commercial or non-commercial~~
1307 ~~message.~~

1308 ~~(2)~~(1) The mural shall remain in place, without alteration, a minimum of five
1309 years. The applicant shall attest to this standard on the permit application.

1310 ~~(3)~~(2) No part of any mural shall extend beyond the building wall or freestanding
1311 wall on which it is tiled, painted, or affixed.

- 1312 | ~~(4)~~(3) No part of the mural shall extend more than six inches from the plane of
1313 | the wall upon which it is tiled, painted, or affixed.
1314 | ~~(5)~~(4) Only oil based alkyd enamel or polyurethane enamel, or newer 100%
1315 | acrylic exterior paints shall be used to create murals.
1316 | ~~(6)~~(5) Murals executed using spray paint shall be limited to air brushing to
1317 | ensure that high quality paint is used.
1318 | ~~(7)~~(6) An appropriate clear sealer or a suitable varnish or topcoat shall be applied
1319 | to the finished mural. Graffiti resistant sealers should be chosen.

- 1320
1321 (b) Prohibited Original Art Murals. The following forms of Original Art Murals shall be
1322 prohibited:
1323 (1) Any mural that contains an element that moves, rotates, or otherwise
1324 | creates a changing image or message.
1325 (2) Any mural that uses flashing or scrolling lights, an internal light source, or
1326 | other light feature.
1327 (3) Any mural containing electrical or mechanical components.
1328 (4) Any mural that is applied to a surface as a vinyl or other non-permanent
1329 | material.

1330
1331 Sec. 93-3.3-30. – Limited Message Murals.
1332 Limited Message Murals are murals that are painted on or applied to and made integral with a
1333 | building wall or free-standing wall that contain a graphic or written message.

- 1334 (a) Standards for Limited Message Murals. Limited Message Murals shall comply with the
1335 | following standards:
1336 (1) Limited Message Murals may contain a graphic or written message not exceeding
1337 | 50 percent of the width of the building or tenant façade, provided that no such graphic
1338 | or written message shall have an area exceeding 10 percent of the building or tenant
1339 | façade area as measured at the exterior dimension of the graphic or written message
1340 | and framing.
1341 (2) The mural shall remain in place, without alteration, a minimum of five years. The
1342 | applicant shall attest to this standard on the permit application.
1343 (3) No part of any mural shall extend beyond the building wall or freestanding wall
1344 | on which it is tiled, painted, or affixed.
1345 (4) No part of the mural shall extend more than six inches from the plane of the wall
1346 | upon which it is tiled, painted, or affixed.
1347 (5) Only oil based alkyd enamel or polyurethane enamel, or newer 100% acrylic
1348 | exterior paints shall be used to create murals.
1349 (6) Murals executed using spray paint shall be limited to air brushing to ensure that
1350 | high quality paint is used.
1351 (7) An appropriate clear sealer or a suitable varnish or topcoat shall be applied to the
1352 | finished mural. Graffiti resistant sealers should be chosen.

- 1353 (b) Prohibited Limited Message Murals. The following forms of Limited Message Murals
1354 | shall be prohibited:
1355 (1) Any mural that contains an element that moves, rotates, or otherwise creates a
1356 | changing image or message.

- 1357 (2) Any mural that uses flashing or scrolling lights, an internal light source, or other
1358 light feature.
1359 (3) Any mural containing electrical or mechanical components.
1360 (4) Any mural that is applied to a surface as a vinyl or other non-permanent material.
1361

1362 Sec. 93-3.3-31 – Mural Permitting Process.

1363 This section establishes administrative permitting procedures to allow re-creation, preservation,
1364 and maintenance of Historic Murals, and creation of Original Art Murals and Limited Message
1365 Murals. The procedures set forth herein establish standards for review and approval of
1366 applications for new murals or those proposed for repainting or other maintenance to ensure the
1367 appropriateness of the mural with the context and compliance with this division. Administrative
1368 permits for such applications shall encompass review and approval by the Design Review
1369 Committee relative to the following standards; compliance with all other aspects of this Code
1370 shall be subject to application of the Code by the City Planner.
1371

1372 (a) Standards to be Used to Process Mural Applications.

1373 (1) The Design Review Committee shall consider the size, scale, and relationship of a
1374 mural to the historic context in the case of Historic Murals. Original Art Murals and
1375 Limited Message Murals may or may not bear any relationship to the Hapeville
1376 context. The content of a mural shall not be the focus of review.

1377 (2) Repainting of historic advertising shall be guided by exacting documentation
1378 concerning the mural.

1379 (3) A permanent plan for maintenance and exact repainting according to the plan of
1380 the original artist shall be submitted with the application. The exact matching of color
1381 and application technique shall be specified in the plan.

1382 (4) Any mural proposed must be on a wall surface that will not mar a key historic
1383 feature and will be compatible with the streetscape. The image of any faded
1384 advertising murals shall be stabilized using appropriate preservation techniques and
1385 shall remain otherwise unchanged.

1386 (5) The standards of this division applicable to each mural type shall be considered.
1387

1388 Sec. 93-3.3-32 – Substitution.

1389 The owner or the permittee of any mural which is otherwise allowed by this article may
1390 substitute non-commercial speech in lieu of any other commercial or non-commercial speech.
1391 This substitution of copy may be made without any additional approval or permitting. The
1392 purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-
1393 commercial speech, or favoring of any particular non-commercial speech over any other non-
1394 commercial speech. This provision prevails over any more specific provision in this article to
1395 the contrary.
1396

1397 Sec. 93-3.4-33 – Severability.

1398 It is hereby declared the intention of Mayor and Council that all parts, sections, subsection,
1399 paragraphs, sentences, clauses, phrases, terms and words of this division are or were, upon their
1400 enactment, believed by Mayor and Council to be fully valid, enforceable and constitutional.
1401

1402 It is hereby declared the intention of Mayor and Council that, to the greatest extent allowed by
1403 law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term and word
1404 of this division is severable from every other part, section, subsection, paragraph, sentence,
1405 clause, phrase, term and word of this division. It is hereby further declared the intention of
1406 Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection,
1407 paragraph, sentence, clause, phrase, term, or word of this division is mutually dependent on any
1408 other part, section, subsection, paragraph, sentence, clause, phrase, term or word of this division.
1409

1410 In the event that any word, term, phrase, clause, sentence, paragraph, subsection, section or part of
1411 this division shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
1412 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
1413 express intent of Mayor and Council that such invalidity, unconstitutionality or unenforceability
1414 shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise
1415 unenforceable any of the remaining words, terms, phrases, clauses, sentences, paragraphs,
1416 subsections, sections or parts of the division and that, to the greatest extent allowed by law, all
1417 remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections and parts of
1418 the division shall remain valid, constitutional, enforceable, and of full force and effect.