

**STATE OF GEORGIA  
CITY OF HAPEVILLE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.3 (“SIGNS AND MURALS”), DIVISION 1 (“SIGNS”), SECTIONS 93-3.3-1 (“STATEMENT OF PURPOSE AND INTENT”) THROUGH AND INCLUDING SECTION 93-3.3-25 (“SUBSTITUTION”) AND CHAPTER 93 (“ZONING), ARTICLE 28 (“A-D ZONE (ARTS DISTRICT OVERLAY)”), SECTION 93-28-13 (“SIGNS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF SIGNS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

**WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

**WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

**WHEREAS**, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

**WHEREAS**, every official act of the mayor and council which is to become law shall be by ordinance; and,

**WHEREAS**, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

**WHEREAS**, the governing authority of the City finds it desirable to make updates and text amendments regarding the City’s sign ordinance.

**BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:**

**Section One.** Chapter 93 (Zoning), Article 3.3 (Signs and Murals), Division 1 (Signs), Sections 93-3.3-1 (Statement of Purpose and Intent) through and including Section 93-3.3-25 (Substitution) of the City Code of Ordinances is hereby amended by striking said division in its entirety and replacing it with the following language:

### **Sec. 93-3.3-1. - Statement of purpose and intent.**

This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
  - (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
  - (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
  - (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.
  - (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
  - (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.
- a) It is the intent of this division to:
- 1) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
  - 2) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
  - 3) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
  - 4) Promote economic development.
  - 5) Ensure the fair and consistent enforcement of sign regulations.

### **Sec. 93-3.3-2. - Definitions.**

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

*Abandoned Sign.* A sign which is left in a state of neglect.

*Address Sign.* A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

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

*Aggregate sign area.* The total area of all signs on a lot. Exempt signs, including Incidental signs and Address signs, shall not be considered in the calculation of aggregate sign area.

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

*Awning sign.* Any sign applied directly to or attached directly to an awning.

*Balloon Sign.* A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

*Banner.* Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

*Billboard sign.* Any ground sign having an area of 300 square feet or greater. Billboards may display a traditional static image, a "multiple message sign" accomplished by a mechanical transition to a second or third image or a "large screen video display" utilizing full motion video technology and commonly referred to as digital or LED billboards. See Sec. 93-3.3-18 for specific requirements.

*Building Frontage.* The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

*Canopy.* A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

*Canopy Sign.* Any sign that is part of, or attached to, a canopy.

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

*Clearance.* The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

*Construction Sign.* A sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to the premises.

*Decision date.* The date upon which the city planner makes a final decision on the approval or denial of a building permit application.

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

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

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

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

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

*Flashing sign.* Any sign the illumination of which changes in intensity, scrolls, flashes or changes message or appearance more often than once every ten seconds. This definition does not include changeable copy signs or digital displays that meet the requirements set forth herein.

*Government/Regulatory Sign.* Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

*Ground Sign.* A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a single pole or attached to any part of a building. (See also monument sign).

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

*Holiday and Seasonal Decorations.* Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations).

*Incidental Sign.* A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street.

*Incidental Window Sign.* Signs displayed in the window displaying information such as business hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. Incidental window signs may not exceed 4 square feet.

*Inflatable Sign.* A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

*Interactive Sign.* An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

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

*Lawn Sign.* A permanent stake sign made up durable materials.

*Light Trespass.* Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

*Limited Duration Sign.* See temporary sign.

*Manual Changeable Copy Sign.* A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

*Marquee.* A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

*Marquee Sign.* Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

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

*Memorial Sign.* A memorial plaque or tablet, including grave markers or other remembrances of persons or events.

*Message Sequencing.* The spreading of one message across more than one sign structure.

*Monument sign.* A type of ground sign mounted directly upon the ground and not raised by vertical braces or supports.

*Multi-Tenant Sign:* A freestanding sign used to advertise businesses that occupy a building with multiple tenants.

*Mural (or mural sign).* A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

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

*Nonconforming Sign.* A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

*Official Traffic Sign.* Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

*Pennant.* A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

*Pole Sign.* A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

*Portable Sign.* A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

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

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

*Private Drive Sign.* A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

*Projecting Sign.* A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall or, on corner lots, projecting away from a building corner towards an adjacent street intersection. Such signs do not include signs located on a canopy, awning, or marquee. (Also known as blade sign).

*Public Sign.* A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

*Reflective Sign.* A sign containing any material or device which has the effect of intensifying reflected light.

*Revolving Sign.* A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

*Road frontage.* The distance measured in linear feet of a lot that abuts any public street.

*Roofline.* The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is the higher.

*Roof sign.* Any sign attached to a building or structure and displayed above the lowest horizontal line of the building roof.

*Sandwich Board Sign.* A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign).

*Secondary facade.* Any exterior wall of a building that is most nearly parallel to an adjoining street that is not the primary facade. A secondary facade may also be to the rear of the primary facade and may adjoin a parking lot rather than a street. The end elevation of a building shall also be considered a secondary facade.

*Security Sign.* An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as warning sign)

*Sign.* Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

*Sign Area.* The total area of a sign face used to display information, messages, advertising, logos, or symbols. For double-faced signs, the side with the largest sign area shall be used in computing sign area. The sign area of a double-faced sign having unequal faces shall be the area of the larger face. The sign area of wall signs shall be the net geometric area measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations. Double-faced signs having an interior angle formed by the faces greater than 45 degrees shall be considered individual sign faces and the area of each face shall be used in computing sign area. Window sign area shall be measured in the same manner as wall signs with Incidental Window Signs not counting toward the aggregate sign area. Decorative architectural or design elements on a building surface or window shall not count toward the sign area (e.g., borders).

*Sign Face.* The part or parts of a sign that is/are used or can be used to convey information visually. The sign area could be smaller than the sign face.

*Sign Structure Height.* The vertical dimension of a sign as measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean

grade at the base of the sign. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located using the sign measuring standards.

*Sign district.* A portion of the city believed to share a common character and identified on the city "Sign District Map," Figure 1.1. Sign districts or character areas establish sign standards for properties located in these districts. See section 93-3.3-2-1.

*Sign Supporting Structure.* Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

*Snipe Sign.* A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign).

*Stake sign.* Any sign supported by uprights placed in the ground and not supported by or suspended from any building with a maximum sign area of three-square feet. Unless otherwise specified, such signs are intended to be temporary.

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

*Streamers.* A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

*Street Frontage.* The side or sides of a lot abutting on a public street or right-of-way.

*Street Pole Banner.* A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

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

*Structural trim.* The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to a sign structure, but which do not contribute to the conveying of a message.

*Subdivision sign.* Any sign placed at the intersection of two public roads, or at the intersection of a public and private road, where one of the roads is the main thoroughfare accessing a commercial or residential subdivision.



*Submission date.* The date stamped on a sign application indicating the date the application was received in the community services department.

*Temporary Sign.* A non-permanent sign that is displayed on private property. See Section 93-3.3-14.

*Vehicular Sign.* A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

*Wall sign.* Any sign which is attached parallel to or painted on an exterior building wall.

*Vending Machine Sign.* A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

*Wall Sign.* A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign).

*Window Sign.* Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material behind a store window are not considered signs.

*Zoning district.* The classification of parcels of land as defined under the city zoning chapter.

**Sec. 93-3.3-2-1. - Sign district map.**

Figure 1.1 Sign District Map (*See Attached*)

**Sec. 93-3.3-3. - Permit required.**

Except where specifically excluded by a provision in this division, it shall be unlawful for any person to place, erect, repair, alter, relocate, change, modify or maintain any sign structure without first obtaining a permit from the Community Services Department in the manner set forth in this chapter and otherwise complying with the terms herein. Changes to sign faces made without any other changes to the size, shape, or type of sign do not require a new permit.

**Sec. 93-3.3-4. - Permit application submission, requirements, decision, and appeal.**

- (a) Submission of sign permit applications. Sign permit applications must be delivered to the Department of Community Services. All permit applications must be stamped Department of Community Services personnel indicating the submission date.
- (b) An application for a permit to erect a sign shall be made on a form or forms provided by the community services department and shall contain the following information:
  1. Name of applicant business and property address for sign.

2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
  3. Contact person and contact information.
  4. Description of the activities occurring on the site where the sign will be installed.
  5. Description, including dimensions, of any existing signage that will remain on the site. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
  6. Identification of the type of sign(s) to be erected by the applicant.
  7. Site plan depicting the locations of proposed signage and existing remaining signage.
  8. Two copies of a plan drawn to scale depicting:
    - a. Lot dimensions, building frontage, and existing rights-of-way and driveways.
    - b. The design of each sign face and sign structure, including dimensions, total sign area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
    - c. Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.
- (c) Approval of the community services department. The community services department shall review all sign applications that require a permit for compliance with the building codes and indicate such compliance in a written report attached to the application. After completing any such report, the community services department shall forward the application, including any other documents submitted by the applicant, and the report to the city planner.
- (d) Decision of the city planner.
- (1) Provided that the application is complete, and all permit fees have been paid, the city planner shall render a determination for compliance with the Code requirements and shall inform the Community Services Department of his or her decision within 30 calendar days of the submission date. The Community Services Department shall give notice to the applicant of the planner's decision on or before the 30th day.
  - (2) The city planner shall reject any application that is incomplete or contains false material information or omissions within 30 calendar days of the submission date. Applications subsequently submitted in conformity with this section shall be deemed to have been submitted on the date of resubmission rather than the original submission date.
  - (3) If the City determines that a previously issued sign permit was issued pursuant to an application that contained false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.

**Sec. 93-3.3-5. –Variances for signs in this division.**

- a) Variance. The Board of Appeals shall judge a request for a variance from the terms of this division based on the following criteria:
- a) All existing permitted signs and structures within the business development are in conformance with this division; and
    - (1) The variance, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of this division; and
    - (2) The board of appeals should consider factors such as the size of the buildings constructed on the subject lot, lot dimensions, lot shape, visibility, and the number of different tenants occupying the buildings.
    - (3) Financial loss to the appellant is not sufficient grounds by itself to justify a variance.
    - (4) Peculiar conditions or circumstances that are the result of actions of the current or former owner of the property covered by the application cannot be considered as grounds to justify a variance.
  - a) The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision of the lot for which such variance was granted. Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

**Sec. 93-3.3-6. - Permit expiration date.**

If work authorized under a permit has not been completed within six months after the date of issuance, the permit shall become null and void.

**Sec. 93-3.3-7. - Permit fees.**

Each application for a sign permit must be accompanied by a payment for the permit fee. The fee for a sign permit shall be as established by mayor and council from time to time. A copy of the fee schedule shall be available electronically on the city website or as hard copy in the community services department.

**Sec. 93-3.3-8. - General sign regulations.**

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:

- a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
- b. No sign may occupy a sight triangle.
- c. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

- d. Signs may be double-sided.
- e. *Wall signs.*
  - 1) 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.
- f. *Projecting signs.*
  - 1) No projecting sign may be placed over any street, any alley, or any other public right-of-way available for vehicular traffic.
  - 2) 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 watts per square foot of sign surface, but in no case lighting that is less than 60 watts for each sign surface.
  - 3) All projecting signs must be installed at a 90-degree angle to the building facade.
  - 4) Projecting signs shall not project above the roofline.
- g. *Awning and Canopy signs.*
  - 1) An awning sign must be painted or installed directly on the awning or canopy.
  - 2) The sign area of any awning sign shall not exceed 50 percent of the linear front of the awning.
- h. *Incidental signs.*
  - 1) All incidental signs shall be placed on private property and shall not be placed in any public right-of-way.
- i. *Window signs.*
  - 1) Window signs may be arranged as a single sign or as multiple signs. Window signs shall be limited to ground floor windows. One interior neon or LED sign not to exceed a maximum of six square feet shall be permitted.
- j. *Sandwich board signs.*
  - 1) The owner of a building or occupant of a tenant space in a building in the downtown district, neighborhood commercial district or commercial mixed-use district may display one sandwich board sign for each business having a storefront. Such signs must be constructed of wood, metal or durable plastic. The surface of any sandwich board sign may be chalkboard, whiteboard or other durable material.
  - 2) No sandwich board sign may be placed as to restrict the flow of pedestrians. A minimum sidewalk clear zone of five feet shall be maintained. Sandwich board signs shall be removed at the end of each business day.
  - 3) The maximum sign area of a sandwich board sign shall be six (6) square feet.
- k. *Changeable copy or LED signs, excluding billboards.* For the purpose of this section, "LED sign" shall mean a digital sign, including but not specifically limited to light-emitting diode (LED), liquid crystal display (LCD) and other similar technology signs. LED signs shall only

be permitted for signs regulated under O.C.G.A. § 10-1164 and located in the general commercial sign district.

- 1) An owner or a permittee may incorporate up to 40 percent of the allowable sign area of a sign as a changeable copy sign, which shall be physically part of that sign. The changeable copy portion of the sign may not be installed absent the remaining 60 percent of the sign that shall be non-changeable copy or static in nature, excluding framing and other structural elements.
  - 2) No changeable copy sign may change more often than six times per minute and no message shall change more often than once every ten seconds. Signs shall accomplish message transitions as a hard cut, with no animation or delay between images. The brightness of such signs shall not have an illumination level of more than three-tenths of a foot-candle above the average ambient light level measured 100 feet from the face of the sign.
  - 3) The area of each LED panel shall not exceed ten percent of the total sign face.
  - 4) LED signs shall be equipped with an automatic dimming device that shall lower the intensity of the sign illumination to ensure that a hazardous condition for motorists or pedestrians is not created.
  - 5) LED signs shall remain, and appear to be, fixed and static. In no instance shall LED lights move, change, flash, or be animated or appear to move, change, flash, or be animated in any way.
  - 6) The color of any characters, symbols, text, mark or the like must contrast with the field of the sign to provide for maximum visibility and legibility, and each character, symbol, text, mark or the like on the LED panel must be the same color. The background or field of the sign shall be a solid color.
  - 7) Individual LED lighting erected at fuel stations shall not exceed a size of two feet and no LED panel shall be larger than 30 square feet or face any property zoned for single-family residential use.
  - 8) No LED sign shall be located within 150 feet of any single-family residence, or any property zoned for single-family residential use.
1. *Flags, excluding feather flags.* An owner or a permittee may display a flag that meets the following regulations:
- 1) The following methods of displaying a flag are allowed:
    - a) *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 20 feet and taller. Flags flown on single family residential properties shall not exceed three feet from top to bottom and five feet in length. Flag poles on single-family residential properties shall not exceed 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 feet from top to bottom and six feet in length. Flag poles on such properties shall not exceed 24 feet in height. Flags on all other commercial, industrial, and institutional properties shall not exceed

six feet from top to bottom and ten feet in length and flag poles on these properties shall not exceed 40 feet in height. The pole may be of varying diameters, appropriate in scale to the length of the flag being flown.

- b) *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 feet in length, or one inch in diameter. Any flag flying from such a pole shall not exceed three (3) feet from top to bottom and five feet in length. Additionally, no flag displayed on a projected pole shall impede pedestrian or vehicular traffic.
- c) *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.
- d) *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 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.
- e) *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.

**Sec. 93-3.3-9. - Nonconforming signs.**

- a) The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic character of the city and may adversely affect public safety due to the visual impact and structural characteristics of such signs on motorists.
- b) Signs which on the effective date of this division were approved and legally erected under previous sign regulations and which became nonconforming with respect to the requirements of this division may continue in existence subject to the following restrictions:
  - 1) No change shall be made in the size of any nonconforming sign, nor shall any structural change be made to any such sign, unless the sign is brought into compliance with the provisions of this division.
  - 2) Any nonconforming sign declared to be unsafe by the City shall be removed or rendered safe and brought into compliance with the provisions of this division.
  - 3) No nonconforming sign damaged by fire or other causes to the extent of more than 50 percent of its assessed value shall be repaired or rebuilt except in compliance with this division. Repair work must take place within six months of the incident that caused the damage.
  - 4) Any sign erected on public property or in a public right-of-way in violation of this division may be removed by duly authorized employees of the city and the responsible party may be cited for such violation.

- a) A nonconforming sign shall not be replaced by another nonconforming sign, except the substitution or interchange of sign face on nonconforming signs shall be permitted, provided such materials do not constitute structural elements.
- b) Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repair or change in the size, shape or height of a nonconforming sign shall be permitted except to bring the sign into compliance with the requirements of this division.
- c) A nonconforming sign which meets all requirements of the City Code when erected may remain in place until one of the following conditions occurs:
  - (1) The deterioration of the sign or damage to the sign renders the sign a hazard; or
  - (2) The sign has been damaged to such extent that structural repairs are required to restore the sign. Structural repairs are any repairs necessary to maintain the stability and structural integrity of the sign and are not merely aesthetic in nature.
- d) No structural repair, change in shape, size, height or design of a nonconforming sign shall be permitted except to render such sign in compliance with all requirements of this division.

**Sec. 93-3.3-10. - Applicability.**

The provisions of this division shall apply to all signs erected within the corporate limits of the city.

**Sec. 93-3.3-11. - Prohibited signs.**

The following signs are prohibited:

- a) Abandoned signs.
- b) Aerial signs
- c) Animated signs involving motion or sound unless approved by special permit.
- d) Any sign in a public right-of-way or on city property.
- e) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the City of Hapeville.
- f) Any sign that due to its color, shape, size, height, lighting, location, position and/or design appears to be in imitation of, or may be considered by motorists and pedestrians, to be an official traffic control sign or signal.
- g) Any sign that impedes the view of an official traffic control sign or signal.
- h) 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.

- i) Any sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety hazard.
- j) Any sign that promotes illegal activity.
- k) Balloon signs.
- l) Building, window and door lighting having an intensity greater than 0.2 foot-candles measured at the boundary of any abutting property.
- m) Feather flag signs.
- n) Flashing, blinking, or varying light intensity signs, with the exception of changeable copy signs that meet the requirements of section 93-3.3-8.
- o) Interactive signs.
- p) Inflatable devices, signs, balloons, or festoons.
- q) Mechanical movement signs.
- r) Pennants, streamers or searchlights.
- s) Reflective signs or signs containing mirrors.
- t) Roof signs.
- u) Sandwich board signs located in any residential zoning district.
- v) Signs which emit smoke, visible vapors, particulate matters, sound, odor or contain open flames.
- w) Snipe signs.
- x) Street pole banner signs attached to telephone, electrical power or light poles.
- y) Vehicle signs with a total sign area in excess of six square feet, where the vehicle upon which the sign is painted, drawn or otherwise affixed meets any of the following:
  - 1) 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
  - 2) Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any public right-of-way;
  - 3) The vehicle is not being actively loaded or unloaded;
  - 4) The vehicle is visible from any public right-of-way;
  - 5) 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.

**Sec. 93-3.3-12. - 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.



- (1) An animated sign that rotates.

**Sec. 93-3.3-13. - Exempt signs.**

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

- a) Address signs
- b) Any sign not visible from a public right-of-way.
- c) Construction signs.
  - 1) Any sign erected under this subsection shall be removed within ten days after the development occurring under the building permit or other city approval is completed or upon issuance of a certificate of occupancy, whichever comes first.
- d) Government/regulatory signs.
- e) Flyers, limited to one per tenant or street frontage.
- f) Handheld sign.
- g) Holiday and seasonal decorations.
- h) Incidental signs.
  - 1) Incidental signs shall have a maximum height of 3 feet, a maximum width of 2 feet, and a maximum area of 4 square feet.
  - 2) Incidental signs are limited to one per entrance or exit to a property from the right-of-way, including driveways and enfronting doors.
- i) Memorial signs.
- j) Official traffic signs.
- k) Security signs.
  - 1) One temporary stake sign per each lot that is less than 3 square feet in sign area. For corner lots, one temporary stake sign shall be exempt per street frontage.
- m) One wall sign that does not exceed one square foot in sign area.
- n) Lawn signs in residential areas that meet requirements found in Section 93-3.3-17.
- o) A temporary sign that is not internally or externally illuminated and meets any of the following criteria
- p) For each lot during the period in which it is listed for sale or lease, one sign per each street frontage that is no more than 16 square feet in area, is no more than six feet in height to the top of the sign component when placed and standing in ground, is not internally or externally illuminated, and is not placed in any public right-of-way. Any sign erected under this subsection shall be removed within ten days after the lot has been sold or leased.

- q) Any signs erected in relation to a federal, state, Fulton County, or city election or referendum. Such signs shall be regulated pursuant to Georgia law.

Any sign erected under this section shall not be calculated as part of the overall sign area allowed per lot by another section in this division. No sign erected under this section shall be internally or externally illuminated.

**Sec. 93-3.3-14. - Temporary signs.**

- a) Temporary signs are limited to additional restrictions listed in the Sign District in which they are located.
- b) Temporary signs shall be limited to a maximum of two signs allowed twice per year for a period not to exceed 30 consecutive days.
- c) Temporary signs shall not be placed in any public right-of-way.
- d) All temporary signs shall be securely installed and shall meet all applicable safety standards as prescribed by the building code, electrical code and life safety code.
- e) Prior to issuance of a permit for a temporary sign, as prescribed by section 93-3.3-4, the applicant must demonstrate that such sign will not adversely affect public health, safety, welfare or aesthetics of the community or create a safety hazard to motorists or pedestrians.
- f) The City may give written notice to the owner of any temporary sign erected or maintained in violation of this division or any other city ordinances or laws and to the owner of the property or premises on which the sign is located. Such notice may require that the sign be removed within three calendar days. The City may cause removal of any such sign and impose the cost of removal as a lien on the property.
- g) No fee shall be required for issuance of a permit for temporary signs.

**Sec. 93-3.3-15. - Maintenance.**

- (a) All signs regulated by this division shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections. The premises surrounding all signs shall be maintained by the owner in a sanitary and inoffensive condition, free of weeds, rubbish, and debris. The City of Hapeville may cause any sign which shows gross neglect, becomes dilapidated, or the ground area around such a sign is not well maintained to be removed after due notice.
- (b) The City shall give the permittee or owner of any sign which shows gross neglect or has become dilapidated or which the ground area around the sign is not well maintained ten days written notice to correct the deficiencies or to remove the sign. Upon the failure of the permittee or the owner to correct the deficiencies or remove the sign, the City shall have the sign removed at the expense of the owner.

**Sec. 93-3.3-16. - Illumination.**

- (a) Internal illumination. The illumination of internally lit signs shall not exceed 0.2 foot-candles of incandescent light measured at the boundary of any abutting property.

- (b) External illumination. Indirectly lit signs shall be lighted so that no light source is positioned in such a manner that creates a hazardous condition for motorists or pedestrians.
- (c) Illuminated signs shall be installed in a manner that prevents light trespass on adjacent properties or public rights-of-way. No illuminated sign shall be installed within 75 feet of any single-family dwelling.

**Sec. 93-3.3-17. - Sign standards by sign district.**

Any sign not specifically allowed in a sign district under this section shall be prohibited in that district, except as otherwise provided for under this division. Size, height, setback, quantity and type of sign shall be regulated under sections 93-3.3-8 and 93-3.3-17 of this division.

- a) Single-family residential.
  - 1) Permitted sign types and regulations for signs in the single-family residential sign district in the city:
    - a) Monument signs at the entrance of a subdivision. Monument sign may only be illuminated externally and may only be illuminated from dusk to dawn.
    - b) Lawn signs.
    - c) Temporary signs not to exceed 15 square feet each. For regulations regarding temporary signs, see section 93-3.3-14.
- a) All signs shall be set back a minimum of 10' from the back of curb.

**Single-Family Residential**

	Monument Sign	Lawn Sign	Temporary Sign
Maximum Height Sign Structure	4 feet	3 feet	
Maximum Width Sign Structure	8 feet	3 feet	
Maximum Sign Area	32 square feet	3 square feet	15 square feet
Maximum Number	1	2	2

- (b) Commercial mixed use.
  - 1) Permitted sign types and regulations for signs in the commercial mixed-use sign district include:
    - a) Awning Signs
    - b) Billboards, subject to section 93-3.3-18.
    - c) Flags.

- d) Ground signs/Monument signs, which must be setback a minimum of ten feet from back of curb.
    - (1) Where a sign contains information for more than one commercial entity, an additional 5 square feet per tenant is permitted, up to a maximum sign area of 50 square feet. Such signs may be up to 20 feet tall.
  - e) Projecting Signs, not to exceed a projection of four 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.
  - f) Sandwich board signs, which must be removed at the end of each business day and must allow at least five feet of unobstructed passageway. No sandwich board sign shall exceed six square feet in sign area.
  - g) Temporary signs.
  - h) Wall signs.
  - i) Window signs.
- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
  - 3) All signs shall be set back a minimum of 25 feet from the I-85 and I-75 rights-of-way.
  - 4) 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.

**Commercial Mixed Use**

	Ground Sign / Monument Sign	Projecting Sign	Wall Sign	Window Signs	Temporary Sign
Maximum Height Sign Structure	10 feet	4 feet/ Not above roofline			6 feet
Maximum Width Sign Structure	5 feet	5 feet	50% of façade width		8 feet
Maximum Sign Area	20 square feet	20 square feet	1 SF/LF of building or tenant façade	30% of window area	32 square feet

Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	30% of window area	2
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(c) Downtown district.

1) Permitted sign types and regulations for signs in the downtown sign district include:

- a) Awning signs.
  - b) Flags.
  - c) Ground signs, which must be setback a minimum of six feet from back of curb.
    - (1) Where a sign contains information for more than one commercial entity, an additional 4 square feet per tenant is permitted, up to a maximum sign area of 40 square feet. Such signs may be up to 20 feet tall.
  - d) Marquee signs.
  - e) Projecting signs, which shall not exceed a projection of either four 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 feet of space between the bottom of the sign and the sidewalk or ground.
  - f) Sandwich board signs that must be removed at the end of each business day and must accommodate a minimum of five feet of unobstructed walkway. No sandwich board sign shall exceed six square feet in sign area.
  - g) Wall signs.
  - h) Window signs shall not exceed 30 percent of the window area. A second window sign of the same dimension shall be allowed on buildings with multiple frontages fronting on a public street. One interior neon or LED signs not to exceed an aggregate maximum of six square feet in sign area shall be permitted. Incidental window signs do not count toward the aggregate sign area.
  - i) Temporary signs.
- 1) Other than Window signs, the total number of Signs in this district shall not exceed one sign of any allowed type for the primary building or tenant facade and one sign of any allowed type for each secondary building or tenant facade.
  - 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.

**Downtown District**

	Ground Sign	Projecting Sign	Wall Sign	Window Signs	Awning Sign	Temporary Sign
Maximum Height Sign Structure	10 feet	Not above roofline				6 feet
Maximum Width Sign Structure	5 feet	4 feet	50% of façade width			8 feet
Maximum Sign Area Primary Facade	16 square feet	12 square feet	1 SF/LF of building or tenant façade	30% of window area	50% of awning length	32 square feet
Maximum Sign Area Secondary Facade		12 square feet	1 SF/LF of building or tenant façade	30% of window area		
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade		2	1

(d) General commercial.

1) Permitted sign types and regulations for signs in the general commercial sign district include:

- a) Awning signs.
- b) Billboards, subject to the requirements and limitations in section 93-3.3-18.
- c) Flags.
- d) Ground signs/Monument signs, which must be setback a minimum of ten feet from back of curb.

(1) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.

- e) Projecting signs, which shall not exceed a projection of six feet from the face of any building.
- f) Wall signs.
- g) Window signs.
- h) Temporary signs.

- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
- 3) Except as provided in subsection 93-3.3-20(f), no wall sign or window sign shall be permitted above the ground floor of any building.

**General Commercial**

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

(f) Industrial.

1) Permitted sign types and regulations for signs in the industrial sign district in the city:

- a) Awning signs.
- b) Billboards, subject to the requirements and limitations in section 93-3.3-18.
- c) Flags.
- d) Ground signs/Monument signs. The maximum number of ground signs and Monument 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. Ground signs and Monument signs must be set back a minimum of ten feet from back of curb.

- (1) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.
  - e) Projecting signs, which shall not exceed a projection of six feet from the face of any building. Any projecting sign must provide a minimum of eight feet of space between the bottom of such Sign and the sidewalk or ground.
  - f) Temporary signs.
  - g) Wall signs.
  - h) Window signs.
- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
  - 3) All signs shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way.

**Industrial**

	Ground Sign/Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Incidental Sign	Window Sign	Awning 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	50% of awning length
Maximum Number	1 per 500 linear feet of frontage or fraction thereof	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade		1	No Maximum	2

(g) Neighborhood commercial.

1) Permitted sign types and regulations for signs in the neighborhood commercial sign district include:

- a. Awning signs.
- b. Flags.
- c. Ground signs/Monument signs, which must be set back at least six feet from back of curb.
- d. Monument signs.



e. Projecting signs, which shall not exceed a projection of either four 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 feet of minimum space between the bottom of such sign and the sidewalk or ground.

(1) Where a sign contains information for more than one commercial entity, an additional 5 square feet per tenant is permitted, up to a maximum sign area of 50 square feet. Such signs may be up to 12 feet tall and 6 feet wide.

f. Sandwich board signs, which must be removed at the end of each business day and must allow at least five feet of unobstructed passageway. A sandwich board sign shall not exceed six square feet in sign area.

g. Wall signs.

h. Window signs.

i. Temporary signs, a maximum of two signs per lot per year.

2) Other than Window signs, 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.

3) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.

**Neighborhood Commercial**

	Ground Sign /Monument Sign	Projecting Sign	Wall Sign	Window Sign	Temporary Sign	Awning Sign
Maximum Height	6 feet	Not above roofline				
Maximum Width	4 feet	4 feet	50% of façade width		8 feet	
Maximum Area	20 square feet	10 square feet	1 SF/LF of building or tenant façade	50% of window area	32 square feet	50% of awning area
Maximum Number	1	1/primary facade;	1/primary facade;	No Maximum		2
		1/secondary facade	1/secondary facade			

(h) Multi-family residential.

1) Permitted sign types and regulations for signs in the multi-family residential sign district include:

- a) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.
  - b) Monument Sign
  - c) Projecting Sign
  - d) Wall Sign
  - e) Temporary signs.
- 1) The sign area for any lot in this district shall not exceed one square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.

**Multi-family Residential**

	Monument Signs	Projecting Sign	Wall Sign	Temporary Sign
Maximum Height	6 feet	12	6 feet	6 feet
Maximum Width	12 feet	4	10 % of linear frontage	8 feet
Maximum Area	50 square feet	48 square feet		32 square feet
Maximum Number	1 per road frontage	1 per facade	1 per facade	2/year

- (i) Public institutional. The standards for signs to be erected on those lots or upon buildings in the public institutional sign district shall be subject to the standards of the neighborhood commercial sign district.

**Sec. 93-3.3-18. - Billboard signs.**

- (a) The regulation and design of all billboard signs shall be governed by this section, subject to the following standards:
  - (1) Billboard signs are permitted on any property having frontage on an interstate and located in any of the following sign districts: the commercial mixed-use sign district; the general commercial sign district; and the industrial sign district.
  - (2) A billboard sign shall not be located more than 100 feet from an interstate right-of-way.
  - (3) In addition to the other information required in section 93-3.3-4, a permit issued by the state department of transportation authorizing the installation of the proposed billboard

sign shall be submitted to the city planner simultaneously with the application for a permit to erect said sign.

- (4) No billboard sign shall be located within 300 feet of a residentially zoned property as measured from the outermost edge of the sign to the closest point of the residential property.
  - (5) A billboard sign shall meet the setback standards of the zoning district, provided the structure setback from any interstate right-of-way shall be a minimum of 25 feet.
  - (6) No billboard sign shall exceed a height of 65 feet as measured from the ground to the top of the sign.
  - (7) A billboard sign shall have a maximum width of 48 feet and a maximum sign face area of 672 square feet.
  - (8) No billboard sign shall be located within 500 linear feet of any other billboard sign on the same side of the street, road or highway, including any such sign located outside of the city limits, as measured along the right-of-way.
  - (9) The sign area of a billboard sign located adjacent to an interstate right-of-way shall not be used in calculating "aggregate sign area."
- (b) Multiple message billboard signs shall be subject to the following standards:
- (1) Multiple message billboard signs shall not be located within 500 feet of the nearest residentially zoned property, park, playground, recreation area, scenic area or cemetery, as measured from the outermost edge of such sign to the closest point of the above-referenced property line.
  - (2) When a message is changed mechanically, the transition shall be accomplished in three seconds or less.
  - (3) No multiple message billboard sign shall be placed within 5,000 feet of another multiple message billboard sign on the same side of the street, road, or highway.
- (c) As light-emitting diode (LED) billboard signs, also known as digital billboards, present a different set of circumstances regarding their impact on the community, such signs shall be governed by the following additional standards:
- (1) Digital billboards shall be limited to parcels fronting on interstate highways only and shall be positioned for viewing from such interstate highways.
  - (2) No digital billboard shall be located within 500 feet of another billboard on the same side of the interstate highway. Billboard signs located outside the city limits shall be included in determining this distance.
  - (3) No digital billboard shall be located within 5,000 feet of another multiple message billboard, including any other digital billboard, on the same side of the highway. Billboard signs located outside the city limits shall be included in determining this distance.
  - (4) Digital billboards shall not be located within 500 feet of the nearest residentially zoned property, park, playground, recreation area, scenic area or cemetery, as measured

from the outermost edge of the sign to the closest point of the above-referenced property line.

- (5) All digital billboard images must remain stationary and not contain any visible moving parts, alternating, "crawling" or other moving messages or have the appearance of having moving parts or messages.
- (6) The display, background or other message medium on a digital billboard shall not change more often than once every ten seconds, with a transition period of one second or less.
- (7) No digital billboard shall be placed within 5,000 feet of another digital billboard on the same side of the street, road, or highway.
- (8) A digital billboard shall contain a default design that will freeze the sign in one position should a malfunction occurs.
- (9) Any maximum size limitations shall apply to the side of the multiple message sign with the greater area.
- (10) The owner of a digital billboard shall arrange for an annual certification of the foot-candle intensity measured in foot-candles by an independent contractor showing compliance and provide such certification to the code enforcement officer.
- (11) All digital billboards shall have installed an ambient light monitor that will continuously monitor and automatically adjust the brightness of the display based on ambient light conditions. Maximum brightness levels for digital billboards shall not exceed three-tenths foot-candles over ambient light levels measured as prescribed in a "Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's)" published by the International Sign Association, April 2011. Certification that the sign has been preset to automatically adjust the brightness to this level or lower must be provided to the code enforcement officer.
- (12) Digital billboards shall meet the same installation and permitting requirements and inspections as adopted for electrified signs and all other signs.
- (13) The owner or permittee of a digital billboard shall coordinate with the city in displaying, when appropriate, emergency information important to the travelling public including, but not limited to, Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues such information.
- (14) The owner of a digital billboard shall provide contact information to the Community Services Department for an individual who is available at any time and who is capable of turning off said sign promptly following a malfunction.
- (15) At any time more than five percent of the LED display lights on a digital billboard malfunction or are no longer working, the owner or billboard permittee shall repair said sign within 60 calendar days or the sign will be subject to removal.
- (16) In the event the City of Hapeville finds that a digital billboard causes glare, impairs the vision of a motorist, or otherwise poses a traffic safety hazard to motorists or pedestrians, the owner of said sign shall reduce the intensity of lighting on such sign to

a level acceptable to the city within 24 hours of receipt of written notice by the code enforcement officer.

- (17) Each digital billboard must comply with all state department of transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this section.

**Sec. 93-3.3-19. - Special requirements for all signs.**

- (a) *Applicability.* All lots, buildings, structures or property shall be regulated under the requirements of this division.
- (b) *Placement.* All signs must be placed on a lot as defined in other sections of the zoning ordinance and the subdivision regulations. No sign may be placed on any lot where such lot does not meet the minimum requirements of the zoning ordinance and subdivision regulations. With the exception of Billboards, no sign may be placed on any lot that has road frontage only on an interstate or intrastate highway.
- (c) *Covering architectural elements.* No placement of any sign shall cover or conceal architectural fenestrations, adornments, details, doors or windows unless the design review committee determines that the placement of such sign cannot be more appropriately located and that the placement of such sign will not adversely affect access to the building, cause unnecessary glare into the building or adversely impact the historic character or architectural theme of the building.
- (d) *Posting on trees, poles, etc.* No sign shall be allowed to be tacked, painted, posted, marked, or otherwise affixed on trees, utility poles, or other similar structures, or on rocks, the ground itself, or other natural features.
- (e) *No posting on supports.* No message may be displayed on any portion of the structural supports of any sign.
- (f) *Special situations; buildings of three stories or more.* Those developments having buildings of three or more stories may be permitted one wall sign on the primary and secondary building or tenant facade not to exceed 50 percent of the width of the building or tenant facade and not exceeding an area of one square foot for each horizontal linear foot of building or tenant facade. Such wall signs shall be limited to the ground floor wall, only. A single wall sign may be installed on each facade of the highest floor, subject to a maximum width of 20 percent of the building façade length and a maximum area of ten percent of the exterior wall area of that floor; the sign area and width allowance for such wall signs apply to each individual building facade and are not cumulative.

**Sec. 93-3.3-20. - Construction standards for all signs.**

- (a) *Building code compliance.* All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended (hereinafter referred to as the "city building code") except that no building permit shall be required unless the building official determines that a structure must be built to support the sign.
- (b) *Materials required.* All signs for which a permit is required by this division (excluding temporary signs) shall be designed and fabricated to conform to industry performance

standards as concerns UV/sunlight exposure, abrasion, extreme temperatures, weather, chemicals and solvents, cleaning processes and graffiti. All signs for which a permit is required by this division (excluding temporary signs) shall be constructed of durable, noncombustible material with the exception of chemically treated plywood, also known as medium density overlay (MDO) plywood, redwood, sand blasted or carved wood having a minimum thickness of four inches and may also consist of aluminum, anodized aluminum, stainless steel, brass, polycarbonate, acrylic, and vinyl.

- (c) *Reflectors.* Gooseneck reflectors and lights shall be permitted on ground signs, projecting signs, and wall signs; provided, however, the reflectors shall be provided with proper glass lenses so that no light creates a hazardous or dangerous condition.
- (d) *Other code compliance.* All building, setback, zoning, or other relevant codes excluding building permitting (other than that permitting required elsewhere herein) shall be applicable to the location, construction and siting of signs and shall be read in harmony with this division.

#### **Sec. 93-3.3-21. - Unsafe or unlawful signs.**

Any sign determined by the City of Hapeville to be unsafe or unstable, a menace to the public health or safety, abandoned, dilapidated, or erected or maintained in violation of this division shall cause the City to notify the permittee, owner, or occupant of the property on which the sign is located of such violation by certified mail. Such notice shall include a brief and complete statement of the violations to be remedied. In the event the permittee, owner, or occupant of the property on which the sign is located cannot be contacted, the City having affixed the notice to the sign or to the building on which the sign is erected for a period of ten days shall be deemed to have effected notice.

Failure of the permittee or property owner to remove or alter such sign so as to comply with the standards of this division within ten days after such notice shall cause the City to revoke the permit for such sign and the permittee or property owner shall be subject to the penalties set forth in section 93-3.3-22 of this division.

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

#### **Sec. 93-3.3-22. - Penalties.**

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

**Section Two.** Chapter 93 (Zoning), Article 28 (A-D Zone (Arts District Overlay)), Sections 93-28-13 (Signs) of the City Code of Ordinances is hereby amended by striking said section in its entirety and replacing it with the following language:

Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. Such signs shall be limited to dimensional requirements outlined in Sec. 93-3.3-17 (Sign standards by sign district) in Article 3.3 (Signs and murals) and subject to approval by the design review committee.

**Section Three. Codification and Certify.** This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

**Section Four. Severability.**

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

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

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

**Section Five. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section Six. Effective Date.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF HAPEVILLE, GEORGIA**

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**Alan Hallman**, Mayor

**ATTEST:**

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City Clerk

**APPROVED BY:**

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City Attorney

DRAFT