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ARTICLE XII. - SIGN REGULATIONS⁽⁸⁾

Footnotes:

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Editor's note— Ord. No. 2013-08, § 1(exh. A), adopted June 10, 2013, repealed former Art. XII, §§ 80-426—80-444, in its entirety and enacted a new Art. XII. In order to facilitate the grouping of related subject matter the editor has created two divisions out of the provisions added by Ord. No. 2013-08 and renumbered sections accordingly. Former Art. XII pertained to similar subject matter and derived from Ord. No. 2008-10Z, exh. A, §§ 17.01—17.19, adopted Aug. 25, 2008.

DIVISION 1. - GENERALLY

Sec. 80-426. - Short title.

This article shall hereafter be known and cited as the "sign ordinance".

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-427. - Definitions.

(a) For purposes of this chapter, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, and the plural shall include the singular. The word "shall" is mandatory and not discretionary. The word "person" includes a firm, corporation, association, trust or partnership or other entity. The word "city" shall mean the City of Fairburn, Georgia. Any words not specifically defined herein shall be defined as stated in Section 80-4 Definitions.

(b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

Advertising device means any structure or device erected or intended for the purposes of displaying advertising or any object for attracting attention situated upon, above, or attached to real property.

Animated sign means any sign, or attention-getting device, with action, motion, changing colors or lighting, or having characteristics that require electrical or mechanical energy, including wind-activated elements such as spinners and aerial devices, to depict action or create a special effect or scene. An electronic or digital billboard/sign/message board is not an animated sign for purposes of this article. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not an animated or changeable copy sign for purposes of this article.

Architectural enhancement is the architectural embellishment of property, the placement of works of art, or special landscape treatments such as parks, plazas, fountains or atriums. Architectural enhancement may be an integral part of the building, situated outside the building, may be located near government facilities, or may be located in other public places where the City of Fairburn community will be benefited in the determination of the committee.

Area of sign. Only one face of a double-faced sign, as defined herein, bearing identical copy on each side shall be used in computing the area, otherwise both sides shall be used in computing area.

(1) *Freestanding sign*. The area of a freestanding sign shall mean and shall be computed as the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed.

- (2) *Wall sign/building sign* . The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs.
- (3) *Monument sign* . The area of a monument sign shall mean and be computed as the entire area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure or similar character, with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such signs from the background upon which it is placed. The supports or structure upon which a monument sign shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; provided, however, that the area of the frame shall not be included in computing the area of the sign when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, although one trademark, insignia, coat of arms, or other similar identifying mark may be affixed to the frame, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than one hundred percent (100%) of the area of the sign displayed; and provided that the monument sign is no higher than six feet.
- (4) *Three dimensional sign* . The area of a three dimensional sign shall be determined by a contiguous perimeter drawn around the three dimensional sign enclosing the limits of the three dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. The three dimensional sign shall be treated as a double sided sign for purposes of sign area; therefore, the area of the above described perimeter shall be doubled, which product shall be the area of the sign for purposes of this sign ordinance.

Awning means any sign, symbol, trademark or other message that is part of, or attached to a roof-like structure, made of canvas or other fabric, plastic or other structural protective cover over a door, entrance, or window of a building. Awning signs are prohibited, except see subsection 80-431(b)(7), Highway 29 Overlay District signs.

Banner means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically mounted from temporary ground supports, hung or displayed against building surfaces or suspended in midair at both ends across streets, passageways, and other areas visible to the general public. See special temporary signs.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same-zoned lot as the light source, and any light with one or more beams that rotate or move. Beacons are prohibited.

Bench sign means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing. Bench signs are prohibited.

Billboard means a sign which may be supported by a pole structure, with an area of more than 72 square feet but not more than 672 square feet, on parcels adjacent to I-85 as located within the city limits of Fairburn.

Building face projection means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the facade that the applicant occupies. For applicants located on a corner lot with entrances on the front and side of the building, the building face projection shall be both the front and side vertical façade area of the building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street.

Building line means a line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

Building sign . See wall sign.

Canopy sign means a sign imposed or painted upon any permanent roof-like structure extending over a driveway, vehicle access area, or gas service station. Such signs may be mounted flush or suspended.

Changeable copy sign means a sign or portion thereof on which copy may be changed or rearranged manually in the field, or boards or backgrounds upon which changeable letters may be placed, without altering the face or the surface of the sign. A changeable copy sign message may be changed one time per day.

Designated agent means a person who is licensed as a real estate broker or sales person by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face is designed to be seen from a different direction.

Driveway means a private road giving access from a public way to a house, garage, or other building on abutting grounds.

Electronic or digital billboard means a sign that incorporates a technology or method that allows for multiple messages on one structure without physically or mechanically replacing sign face or its components. Electronic or digital billboards generally take the form of large LED, LCD, plasma or other similar type panels, screens or displays, which function like giant TV screens, and show advertisements that change intermittently by computer controller, microprocessor controller or by remote control.

Electronic or digital sign/message board means a sign that incorporates a technology or method that allows for one or multiple messages on one structure without physically or mechanically replacing sign face or its components. Electronic or digital signs/message boards generally take the form of LED, LCD, plasma or other similar type panels, screens or displays, which function like TV screens, and show messages that change intermittently by computer controller, microprocessor controller or by remote control.

Entrance sign means any monument sign placed at the intersection of a public street and a private entryway into an apartment complex, or condominium complex.

Erect means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of wall sign or other graphics.

Exposed neon means neon tubing left uncovered or exposed to view on exterior of structure or a building. Exposed neon is prohibited.

Fall zone means an area equal to 133 percent of the height of the structure in every direction from the center of the support structure or pole at its base.

Feather flag sign means a sign in the shape of a feather or banana that is a part of, or attached to, a pole. Generally, feather flag signs are prohibited.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols that is part of or attached to a pole.

Flag sign means flag or flags on a pole, but does not include "feather flag" signs. Flag signs are exempt from permitting requirements.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects, or displays visible movement achieved by electrical, electronic or mechanical means, or displays an optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy, or with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary intensity or color. Illuminated signs shall not be considered as flashing signs. Flashing signs are prohibited except for authorized public safety uses.

Freestanding sign means a permanently ground-mounted, affixed sign that is not a monument sign, typically elevated by a pole, column, pylon, or other vertical support, which is wholly independent of a building for support.

Height of a freestanding sign or monument sign means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade.

Illuminated sign, external means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

Illuminated sign, internal means a sign illuminated by an internal light source behind the sign face which conceals the light source. An electronic or digital sign/message board or billboard is not an internally illuminated sign for purposes of this article.

Landscape wall sign means a sign consisting of individual letters mounted on a screen or perimeter wall which may be attached or detached from a building, but which is architecturally integrated with the overall development.

Lot means a platted parcel of land which meets all requirements of the city, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

Mobile sign means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle. Mobile signs are prohibited.

Monument sign means a permanently affixed sign mounted directly upon the ground, not raised by vertical supports, and independent from any building or other structure. A monument sign may include individual letters, numbers, figures mounted on a surface composed of stone, brick, or other permanent structures. The supporting structure must rest on the ground.

Multiple frontage lots means those lots that have frontage on two or more public streets.

Neon means a lamp or tube filled with electrically charged gas thereby creating a light source. Neon is prohibited.

Neon accents means neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings. Neon accents are prohibited.

Non-residential zoning means a lot zoned for commercial, office, retail, professional, industrial, and institutional or government use, including PS and PD zoning. For purposes of this chapter those lots zoned for mixed residential and commercial use shall be considered "non-residential zoning."

Nonconforming sign means signs, which, on June 24, 1968, the effective date of the original sign ordinance, which were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of the original sign ordinance or this chapter.

Obscene means obscene material as defined by O.C.G.A. § 16-12-80 and as may be amended or superseded or judicially interpreted from time to time.

Outparcel means a lot carved from a planned center which is in compliance with all city requirements and ordinances for legal stand-alone lot on which a freestanding building is constructed which building meets all city setback requirements.

Pennant and streamers mean any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention. May also be several small flags connected to a single line. See spectacular signs. Pennants and streamers are prohibited.

Planned center, office, commercial, or industrial means a group of two or more retail stores, service establishments, offices, industrial buildings, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Portable sign means any sign which is not permanently affixed or attached to the ground or other permanent structure, including, but not limited to, signs mounted, painted, attached to, or affixed on vehicles parked in such a manner as to serve the purpose of an advertising device, or not routinely parked at the immediate premises of the business or entity indicated, advertised or identified by said sign, unless said vehicle is used in the normal, day-to-day operations of the business. Portable sign also means signs designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; air and gas filled devices used as signs; and umbrellas used for advertising. Portable signs are prohibited, except for authorized public safety use and see subsection 80-431(b)(7), Highway 29 Overlay District Signs.

Principal building means a building in which the primary use of the lot on which the building is located is conducted.

Private drive means a privately-maintained street, whose primary function is to provide access to three (3) or fewer properties.

Public art or enhancement ("PAE") means architectural enhancement, special landscape treatment, works of art, or streetscape as defined in this section and are not "signs" as defined in this section.

Public view means within the natural visual range of an individual on a public street, private street, sidewalk, or parking lot adjacent to real property.

Roof integral sign means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Roof sign means any sign, graphic, or advertising device erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline. Roof signs are prohibited.

Setback means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured from the property line to that portion of the building, statutory or sign which is most proximate to such line.

Shopping center is a planned center.

Sidewalk, sandwich sign, or A-frame sign means a moveable sign not permanently secured or attached to the ground or surface upon which it is located. Sidewalk, sandwich and A-frame signs are prohibited, except see subsection 80-431(b)(7), Highway 29 Overlay District Signs.

Sign means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, fixture, placard, structure, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually, advertise, announce the purpose of, identify the purpose of a person or entity, to draw attention, or to communicate information of any kind to the public and which is exposed to public view (excluding those objects which qualify as "architectural enhancement" pursuant to the city's art and architectural advisory committee ordinance, Code sections 80-451 through 80-456. For the purpose of this chapter, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term "sign" shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.

Sign face means the part of a sign that is or can be used for display of message.

Special landscape treatment means landscaping that goes beyond the requirements of the City of Fairburn which enhances the aesthetic quality of the property as determined by the city's art and architectural advisory committee.

Special temporary sign means a temporary sign or banner for use during time allowed per section 80-431 of this chapter.

Spectacular sign or device means animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices. Spectacular signs or devices are prohibited, except for balloons, see subsection 80-431(b)(7), Highway 29 Overlay District Signs.

Stake sign means any temporary sign supported by uprights which are placed into the ground, and not supported by or suspended from any building with signable area not greater than five square feet. Stake sign may not be more than five feet high to the top of the sign component, when placed and standing in ground. A stake sign may not be placed within the right-of-way.

Street, private means a street that is privately-owned and maintained, open for public use, whose predominant function is to provide mobility between uses rather than access, and may be addressed for public safety purposes.

Street, public means a street that is publicly-maintained, open for public use, whose predominant function is to provide mobility between uses rather than access, and may be addressed for public safety purposes.

Street frontage means the length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yard.

Streetscape means equipment, such as lights, plant material or furniture, such as benches, are placed off the street to improve or enhance the appearance and usability of a street. Streetscape shall further mean structures, access, greenery, open space, and view. Streetscapes may be observed along a public street composed of natural and man-made components, buildings, paving, planting, and street hardware. Streetscapes shall also include paving materials, curves, landscaping, lighting, and street furniture.

Subdivision sign means a monument sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.

Swinging or projecting sign means a sign projecting perpendicularly more than six inches from the outside wall or walls of any building or supports upon which it is located.

Temporary sign means a sign of nonpermanent nature.

Tenant directional sign means a sign within a property zoned as a shopping center or planned center, and not designed or placed so as to be read from a public road. Such signs shall be uniform as to color, graphic style, size and color.

Tolling/tolled means to postpone or suspend the running of the time period it specifies.

Traffic instructional sign means a sign used to give direction or specific instruction to motorist or pedestrians upon or near roads, streets, parking, sidewalks, within public areas (privately or government owned) in which the public is generally invited to enter or transverse. (These areas are more specifically described in subsection 80-428(11)). Such sign shall contain only instructional information related to vehicular and pedestrian traffic control. The size, shape, color, height, location and lettering of traffic instructional and control signs shall be substantially similar to that used by the Georgia Department of Transportation and the City of Fairburn. Traffic instructional sign is a traffic control device under the jurisdiction of the city's police chief.

Trailer sign . See: Mobile sign. Trailer signs/mobile signs are prohibited.

Unit means a portion of a planned center which by city ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by 360

degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.

Vehicle drive-through means any place or premises used for the sale, dispensing, or service of food, refreshments, or beverages to customers in automobiles, including those establishments where customers may eat or drink on the premises.

Vehicle sign means any sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.

Wall/building sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this chapter.

Window sign means any type of sign located entirely within the interior of a building or structure, and placed inside, upon, or near a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises or building.

Works of art means tangible objects in any medium produced according to aesthetic principles established by the committee, which include without limitation paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings.

Zoned lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2014-23, § 1(exh. A), 11-10-2014; Ord. No. 2015-24, § 1(exh. A), 12-14-2015; Ord. No. 2015-27, § 1(exh. A), 12-14-2015; Ord. No. 2016-05, § 1(exh. A), 5-23-2016)

Sec. 80-428. - Purpose.

The mayor and council find that:

- (1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
- (2) The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the city.
- (3) An improperly regulated sign environment imposes health and safety dangers to the public.
- (4) The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices.
- (5) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
- (6) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
- (7) Through proper regulation of signs, the attractiveness and economic well-being of the City of Fairburn will be enhanced as a place to live, work and conduct business.
- (8) Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance

and be a detriment to property values and the city's public welfare. The mayor and council intend by enacting this article to:

- a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further the objectives of the city's comprehensive plan;
 - c. Protect the public health, safety, welfare, and aesthetics of the city;
 - d. Reduce traffic and pedestrian hazards;
 - e. Improve pedestrian and traffic safety;
 - f. Maintain the historical image of the city;
 - g. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - h. Promote economic development and growth;
 - i. Protect the public traveling along the highways from distractions, aesthetic desecration, and nuisances, all associated with the proliferation of signs in a concentrated area along the highway (*Turner Communications Corp. v. Georgia Dept. of Transp.*, 139 Ga. App. 436, 228 S.E.2d 399 (1976)); and
 - j. Ensure the fair and consistent enforcement of sign regulations.
- (9) Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city.
- (10) The city's intention in enacting sign legislation has never been directed at nor enforced against the content of the signs, but has rather focused on the physical characteristics of the sign structures.
- (11) The city finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, signs at the entrances to subdivisions of developments are for the purpose of providing guidance and to enable both the traveling public and public safety personnel responding to emergencies to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter are unrelated to the content of the speech provided and allow the maximum expressive potential to sign owners. The city further finds that holiday decorations are not signs, but rather seasonal ornamentation not controlled by this chapter.
- (12) Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this article.
- (13) The city council finds that there is a compelling state interest in the city and state being able to safely regulate the speed, direction and flow of vehicular and pedestrian traffic in and around public roads, streets and sidewalks, and quasi-public roads, streets and sidewalks in private property where the general public, invited by the owner, routinely and customarily to enters, transverses, and parks by vehicle and/or by foot. The city has a compelling state interest in the public safety and welfare of motorist and pedestrians in these areas, the safe and expedient access of public safety vehicles such as police, fire and rescue equipment to such areas. The city has a compelling state interest to regulate vehicular and pedestrian traffic such as to prevent or minimize collisions and the injury or death to persons caused thereby, or the damage to property, both public and private. Therefore, the city determines that there is a compelling state interest in

the city's police chief regulating the type, traffic control message and placement of all traffic control signs and devices in the areas described above. The city also has a compelling state interest in insuring that private entities are not allowed to display in the areas described above, signs that imitate or emulate traffic instructional and control signs, devices or messages in such a way as may reasonably be mistaken by the public as true traffic control signs or devices, and thereby could reasonably be expected to cause a motorist or pedestrian to make an improper maneuver which will place the motorist or pedestrian or other motorist or pedestrian in danger of collision or injury due to such improper maneuver. Therefore, the city has a compelling state interest in regulating such signs in the areas described above which imitate or emulate a traffic instructional and control sign or device and which may reasonably be confusing to motorists or pedestrians in these areas.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2016-05, § 1(exh. A, 5-23-2016)

Sec. 80-429. - Administration.

The provisions of this article shall be administered by the zoning administrator of the City of Fairburn, Georgia.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-430. - Sign permit required.

- (a) *Required.* Except where specifically excluded by other provisions of this article, it shall be unlawful for any person, firm or corporation to post, display, substantially change, change or modify sign face or face panels, alter, or erect, reconstruct, replace or reset a sign or advertising device in the City of Fairburn, Georgia, without first having obtained an authorization to erect a sign and thereafter a permit in the manner prescribed herein.
- (b) *Application for permits.* Application for authorization to erect a sign shall be made upon forms provided by the zoning administrator. Authorization to erect a sign is the first step in the sign permit process. Sign permits are granted after the zoning administrator has confirmed that the sign has been erected in accordance with the submitted application and all City of Fairburn requirements. The application shall contain or have attached thereto the following information:
- (1) Name, address and telephone number of the property owner and applicant;
 - (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures and other signs. Setbacks from rights-of-way, property lines and easements;
 - (4) One accurate scale drawing of the sign plans, specifications, and method of construction and attachment to the building or ground for the sign as well as a scale drawing of the site showing driveways, structures, existing and proposed signs and any other limiting site features;
 - (5) One color rendering of the proposed sign;
 - (6) Name of person, firm, corporation, or association erecting the sign;
 - (7) Name of business or activity at the address where the sign is to be erected if any;
 - (8) A copy of the occupational tax license for the business where the sign is to be erected;
 - (9) Complete calculations establishing the area of sign;
 - (10) Such other information as the zoning administrator shall require to show full compliance with this and all other ordinances of the city;
 - (11) Written consent of the owner of the building or lot upon which the sign is to be erected; and
 - (12) A written description of all other signs located on the lot indicating the sign type, size and placement.

- (c) *Fees.* Fees for authorizations and permits shall be as fixed from time to time by the city council.
- (d) *Notification.* The zoning administrator shall process all sign authorization and permit applications within 30 days of the city's actual receipt of a completed application and a sign authorization and permit fee. The zoning administrator shall give notice to the applicant of the decision of the city by hand delivery, by mailing to the address on the authorization and permit application, by email as provided on the application, or by fax as provided on the application on or before the 30th day after the city's receipt of the completed application. Notice shall be deemed to have been given upon the date of mailing (if mailed), date of emailing (if emailed), date of faxing (if faxed), or date of hand delivery (if hand delivered). If the city fails to act within the 30-day period, the authorization to erect the sign shall automatically be granted; however, the final permit procedure must be followed by the applicant.
- (e) *Denial.* In the event the zoning administrator determines or learns at any time that the applicant has not properly completed the application for authorization to erect the proposed sign, he shall notify the applicant in writing within the 30 day period of such fact and shall automatically deny the application. In the event the zoning, or his designee, determines that all requirements for approval of the application for authorization have not been met, he shall then deny the application.
- (f) *Issuance of an authorization.* Upon the filing of an application for an authorization and permit and the payment of all necessary fees as required by this section, the zoning administrator shall examine all plans and specifications submitted and the premises upon which the proposed sign is to be erected, and if it shall appear that the proposed sign is in compliance with all the requirements of this article and all other ordinances and laws of the city, and if a business, that the business has registered and paid any tax due pursuant to the city's occupation tax chapter, he/she shall then issue an authorization to erect the sign pursuant to the application and any conditions placed upon the authorization by the city. If the work authorized thereby has not been completed within 180 days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit may be issued.
- (g) *Appeal procedure.* Any applicant who is dissatisfied by the zoning administrator's interpretation of the sign ordinance may appeal such decision to the planning and zoning commission, pursuant to Article VI Appeals, Section 80-255. Such appeal shall be in writing and shall be filed with the zoning administrator, within ten days of the decision being appeal. The planning and zoning commission will schedule the matter for hearing within 45 days of the appeal being filed, pursuant to section 80-273. The planning and zoning commission shall make its final determination on the appeal within ten days of the close of the hearing.
- (h) Within ten days after completion of the erection of a sign pursuant to an approved application and an authorization to erect, and within 180 days of the issuance of an authorization, the applicant shall deliver to the zoning administrator a written request for a final permit along with current and dated color photographs of each face of the sign (at least three inches by five inches in size) and a signed affidavit that the photographs are current and accurate photographs of the sign's faces as of the date on the photographs, that the sign was and is erected as described in the application as conditioned and authorized by the city, including the size, location, building materials, height and lighting. Within ten business days of the filing of a request for a final permit, the zoning administrator shall issue the final permit or deny the final permit because of the applicant's failure to properly and timely submit the written request for final permit, failure to properly and timely document the request, or failure to properly and timely erect the sign as described in the application conditioned and authorized by the city. Notification of a denial shall be effectuated pursuant to subsection (d) above, and the applicant shall have the appeal rights as provided at subsection (g). Failure of the zoning administrator to approve or deny the application for a final sign permit within said ten business days of the applicant properly and timely filing with the city a fully and properly documented application for final permit shall constitute an approval of the final permit.
- (i) An applicant who has failed to complete the erection of a sign within 180 days of the issuance of an authorization or who fails to request a final permit within ten days of erection of a sign pursuant to an authorization or who fails to apply for a final permit within 180 days of the issuance of an authorization or who's request for a final permit is denied, shall remove the sign or parts of the sign within 30 days of notice from the zoning administrator to remove the sign or parts of the sign. Failure to so remove

the sign shall constitute a separate ordinance violation for each day that the sign or part of the sign is not removed from the proposed site and upon conviction, the applicant and/or owner or tenant of the sign site shall be guilty of an ordinance violation and shall be subject to fines or imprisonment as authorized by the city's Charter.

- (j) Furthermore, if the sign or part of the sign is not removed within said 30 days, the city may remove the sign or part of the sign and charge the applicant and/or owner of the site the cost of removal and disposal.
- (k) Any person aggrieved by a final decision of the city shall have the right of certiorari to the superior court within 30 days after the date of the written decision.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2015-24, § 1(exh. A), 12-14-2015; Ord. No. 2015-27, § 1(exh. A), 12-14-2015)

Sec. 80-431. - Regulated signs.

(a) *General regulations* .

- (1) Changeable copy shall be limited to freestanding and monument signs in nonresidential zoning districts, and where specifically permitted in residential districts pursuant to section 80-431(c)(3).
- (2) Notwithstanding any other provision of this sign article, no sign, whether permitted as a regulated sign or an exempt sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the city engineer. Considering such application, the city engineer shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.
- (3) Any sign authorized by this chapter is allowed to contain noncommercial copy or commercial copy, except for traffic instructional signs.
- (4) Traffic instructional signs shall be placed by the owner at such locations and for such purposes as required by the city engineer. A traffic instructional sign plan shall be submitted to the city for approval by the city engineer with the master sign age plan for planned centers, shopping centers, office or industrial complex, or subdivision.
- (5) All signs or advertising devices not specifically designated as a sign exempt from permitting (section 80-436 - Exempt signs) shall be a regulated sign under the sign ordinance. The zoning administrator is authorized to issue sign permits for any sign that meets the standards and limitations set forth herein.
- (6) Freestanding signs, as defined in subsection 80-427(b), which are permanent shall be permitted in non-residential zoning districts.
- (7) Wall signs, as defined in subsection 80-427(b), shall be permitted in nonresidential zoning districts.
- (8) Monument signs, as defined in subsection 80-427(b), shall be permitted in nonresidential zoning districts.
- (9) Illuminated signs (internal and external) shall only be allowed in freestanding, monument, and wall signs in non-residential districts, and where specifically permitted in residential districts pursuant to section 80-431(c)(2) and (c)(6).
- (10) Convenience stores and service stations with pump islands may have additional signage subject to the following limitations:
 - a. Two signs per canopy face with a maximum of eight square feet per sign.
 - b. Pump toppers (signs located under canopy over pump islands) shall be limited to no more than two signs per pump topper, not to exceed four (4) square feet per pump.

- c. Accessory car wash, if a separate drive-through car wash building is on site, two additional wall signs may be allowed not to exceed eight square feet each.
- (b) *Non-residential allowable signs* . In non-residential zoning districts, signs shall be permitted as herein provided:
- (1) *Freestanding and monument signs*. Such property may contain one or more freestanding or monument signs as defined in subsection 80-427(b).
 - a. Platted lots with a single building shall be permitted a maximum of one 50-square-foot freestanding sign or monument sign for each public street frontage provided the lot meets the minimum lot width for the specific zoning district.
 - b. Platted lots with two or more street frontages with a single building shall be allowed to combine the square footage for each public street frontage, as provided for in section 80-431(b)(1)a., into one monument or freestanding sign on one of the street frontages; provided no such sign is larger than 64 square feet, with a smaller monument or freestanding sign on the secondary street frontage utilizing the remainder of the overall allowed monument or freestanding signage area.
 - c. For lots that contain more than 15 acres, if the public street frontage of the lot is 500 linear feet or more and if the lot has two or more entrances or exits on the public street for which it has frontage, one maximum 64 square feet sign may be substituted with two double-sided freestanding or monument signs not to exceed 32 square feet.
 - d. All such signs shall be located within a landscaped area. No sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning ordinance for off-street parking.
 - e. The maximum height of a freestanding or monument sign shall be as follows:
 - 1. Six feet in the AG-1, C-1, DC-1, DC-2, and O&I zoning districts.
 - 2. Twenty feet in the C-2, M-1, and M-2 zoning districts.
 - 3. For lots which are zoned PD, the district regulations in subsection (1) or (2) above will apply depending on the nature of the use upon the lot in the planned development. For example, if a use allowed in the C-2 district is allowed on a lot within a planned development, the sign regulations for the C-2 district will apply.
 - 4. For lots which are zoned PS, the district regulations in subsection (1) or (2) above will apply depending on the nature of the use upon the lot in the public service district. For example, if a use allowed in the C-2 district is allowed on a lot within a public service district, the sign regulations for the C-2 district will apply.
 - f. Such signs shall not be located within 15 feet of a street right-of-way or within 40 feet of any other sign, structure, or building except temporary signs.
 - g. Changeable copy shall not exceed 20 percent of the area of the sign face.
 - (2) *Wall/building signs* . Such property may contain one or more wall/building signs as defined in subsection 80-427(b).
 - a. Platted lots with a single building shall be permitted two wall/building signs not to exceed the lesser of ten percent of the gross wall area or 150 square feet total.
 - b. When calculating their allowed square footage, calculations shall be based on the facade with the primary entrance and/or architectural features of the building. Otherwise, the facade used shall be that facade which faces the public road of the greatest capacity. The classification of streets set forth in Chapter 71—Land Development regulations of the city Code shall be the basis for determining street capacity.

If the linear footage of the facade with the primary entrance is at least 50 percent less than the linear footage of the opposite wall, then an average of the two measurements shall be used to determine the allowed square footage.

- c. The maximum area for a single wall/building sign shall not exceed the lesser of ten percent of the gross wall area or 150 square feet.
- d. Only one wall/building sign is allowed per wall.
- e. Wall/building signs are allowed only upon a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active city building permit.

(3) *Planned centers* .

- a. Freestanding or monument signs.
 - 1. Planned center developments shall be permitted a maximum of one 100-square-foot freestanding or monument sign for each street frontage.
 - 2. The maximum height of a freestanding or monument sign shall be as follows:
 - i. Six (6) feet in the AG-1, C-1, DC-1, and DC-2 zoning districts.
 - ii. Twenty (20) feet in the O& I, C-2, M-1, and M-2 zoning districts.
 - iii. For lots which are zoned PD, the district regulations in subsection (1) or (2) above will apply depending on the nature of the use upon the lot in the planned development. For example, if a use allowed in the C-2 district is allowed on a lot within a planned development, the sign regulations for the C-2 district will apply.
 - iv. For lots which are zoned PS, the district regulations in subsection (1) or (2) above will apply depending on the nature of the use upon the lot in the public service district. For example, if a use allowed in the C-2 district is allowed on a lot within a public service district, the sign regulations for the C-2 district will apply.
 - 3. Changeable copy shall not exceed 20 percent of the area of the sign face.
 - 4. Freestanding or monument signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active city building permit.
 - 5. Planned center developments may apply for a landscape wall sign in lieu of a standard freestanding or monument sign. Such signage shall be consistent with the architecture and materials of the planned center, and shall be subject to approval by the zoning administrator. The maximum permitted height of landscape walls where such signs are mounted is four feet and the sign copy, to ensure visibility, must be a minimum of six inches from the top, and 12 inches above ground level. Landscape wall signs may be internally or externally illuminated.
 - 6. Planned center developments shall also be permitted an entrance sign. Such signs shall be one double-sided freestanding sign located at each entrance of the development, each side of which shall not exceed 50 square feet signage area. The only permitted text on entrance signs shall be the name and street number of the planned center. The height of the sign shall not exceed six feet. All such signs shall be placed on private property and may not be placed within 15 feet of a right-of-way.
- b. Wall/building signs.
 - 1. Each planned center building with entrances accessible by multiple tenants such as an office building or similar use shall be permitted two wall/building signs not to exceed the lesser of ten percent of the gross wall area or 150 square feet total. Only one wall/building sign is allowed per wall.

2. Each building or unit with a separate entrance with multiple treated facades, not accessible by other tenants located in a planned center, shall be permitted two wall/building signs not to exceed the lesser of ten percent of the gross wall area or 150 square feet total. Only one wall/building sign is allowed per unit wall.
 3. The maximum area for a single wall/building sign shall not exceed the lesser of ten percent of the gross wall area or 150 square feet.
- c. No permits shall be issued for buildings or units in a planned center unless and until a master signage plan for the planned center has been submitted and approved by the zoning administrator. The master signage plan shall indicate how all signage will be consistent in:
1. Lighting.
 2. Colors.
 3. Fonts.
 4. Building materials.
 5. Location in relation to the primary building.
 6. Proportions.
- d. Tenant directional signs. Each planned center development shall be allowed additional directional signage as follows:
1. Maximum sign size is 24 square feet.
 2. Maximum sign panel per tenant is six square feet
 3. Maximum sign height is six feet.
 4. Setback from the right-of-way is zero feet.
 5. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.
 6. All developments proposing directional signage must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the zoning administrator for review and approval. All signs shall have a uniform background color and material, but may include business logos.
- e. A non-subdivided industrial, office or commercial complex with multiple tenants shall be permitted one double-sided freestanding or monument sign at the complex entrance, each side of which shall not exceed 50 square feet signage area, per section 80-427. The height of the sign shall not exceed six feet.

(4) *Billboards and electronic or digital billboards allowed .*

- a. Billboards shall be at a minimum 72 square feet and not exceed 672 square feet and shall be located according to the following standards:
1. All applications for billboards shall be accompanied by written permission of the owner of the property on which the proposed sign is to be placed, a site plan showing the proposed location of the sign, and a scale drawing of the sign.
 2. Along, and facing toward, I-85, or any other federal interstate highway, traffic only;
 3. Allowed only in lots zoned to an industrial or commercial zoning classification that have at least 400 feet of frontage on a federal interstate highway;
 4. At least 500 feet from all residential zoning districts;
 5. Maximum setback from I-85, or any other federal interstate highway, is 150 feet;
 6. Shall not exceed 75 feet in height;

7. Minimum of 500 feet from any other billboard on the same side of street frontage;
 8. Minimum of 1,000 feet from any other electronic or digital billboard on the same side of street frontage;
 9. Billboards shall be erected only in the buildable area of the lot. No trees or other vegetation shall be cut or removed in locating or erecting a billboard.
 10. The lot on which the billboard is located shall have sufficient area to accommodate the fall zone, and excepting the sign, no buildings, structures, or appurtenances shall be contained in the fall zone;
 11. Billboards placed along interstates must obtain permission from the Georgia Department of Transportation.
 12. Inspections and maintenance. At least once every two years, an inspection report by a structural engineer licensed in the state must be submitted to the city engineer showing that the structural integrity of the billboard is intact. If the structural integrity of the billboard is not intact, the applicant and/or billboard owner shall, within 60 days from the date of the inspection report, take the steps required to make the billboard structurally sound and submit a second inspection report by a structural engineer licensed in the state to the city engineer showing that the structural integrity of the billboard is intact.
- b. Electronic or digital billboards shall be at a minimum 72 square feet and not exceed 672 square feet and shall be located according to the following standards:
1. For every one electronic or digital billboard permit that is issued, two billboards owned by the permittee within the city limits must be removed within 180 days after the date of issuance of the authorization to erect the electronic or digital billboard. Failure to remove the two billboards within that time frame shall render the authorization to erect the electronic or digital billboard null and void;
 2. All applications for electronic or digital billboards shall be accompanied by written permission of the owner of the property on which the proposed sign is to be placed, a site plan showing the proposed location of the sign, and a scale drawing of the sign;
 3. Along, and facing toward, I-85, or any other federal interstate highway, traffic only;
 4. Allowed only in lots zoned to an industrial or commercial zoning classification that have at least 400 feet of frontage on a federal interstate highway;
 5. At least 1,000 feet from all residential zoning districts;
 6. Maximum setback from I-85, or any other Federal Interstate Highway, is 150 feet;
 7. Shall not exceed 75 feet in height;
 8. Minimum of 1,000 feet from any other Billboard on the same side of street frontage;
 9. Minimum of 5,000 feet from any other electronic or digital billboard on the same side of street frontage;
 10. The lot on which the electronic or digital billboard is located shall have sufficient area to accommodate the fall zone, and excepting the sign, no buildings, structures, or appurtenances shall be contained in the fall zone;
 11. Electronic or digital billboards shall be erected only in the buildable area of the lot. No trees or other vegetation shall be cut or removed in locating or erecting a billboard;
 12. Electronic or digital billboards placed along interstates must obtain permission from the Georgia Department of Transportation;
 13. Any permit for an electronic or digital billboard sign will include a maximum number of displays per cycle for the structure. No more than six displays per minute will be allowed;

14. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer error;
15. Digital or electronic billboard signs must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change. Dark backgrounds with light lettering or symbols are preferred between dusk and dawn to minimize detrimental effects. In any event, glare and excessive brightness in the field of view causes loss in visual performance or annoyance, to jeopardize health, safety or welfare, is to be avoided;
16. Digital or electronic billboards may not operate at brightness levels of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet. If the digital or electronic billboard is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.1 footcandles above ambient light levels (at measurement conditions) as measured at the nearest portion of such residential structure;
17. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images;
18. Any application for a revision to the sign or its display shall be evaluated by the zoning administrator. Regular copy changes are not considered revisions;
19. The owner of said digital or electronic billboard sign shall provide to code enforcement, information for a 24-hour contact able to turn off the digital or electronic billboard sign promptly if a malfunction occurs. If, at any time more than 50 percent of the digital or electronic display lights malfunction or are no longer working, the owner of said billboard sign shall turn off the digital or electronic display until repairs are made;
20. Inspections and maintenance. At least once every two years, an inspection report by a structural engineer licensed in the state must be submitted to the city engineer showing that the structural integrity of the electronic or digital billboard is intact. If the structural integrity of the electronic or digital billboard is not intact, the applicant and/or electronic or digital billboard owner shall, within sixty (60) days from the date of the inspection report, take the steps required to make the electronic or digital billboard structurally sound and submit a second inspection report by a structural engineer licensed in the state to the city engineer showing that the structural integrity of the electronic or digital billboard is intact.

(5) *Electronic or digital signs/message boards .*

- a. Electronic or digital signs/message boards may be incorporated into the body of a freestanding or monument sign in the C-1, C-2, O&I, M-1 and M-2 zoning districts. In no case may electronic or digital sign/message boards exceed 50 percent of the total allowed signage for any property. The maximum sign face shall be 50 square feet, as per section 80-431(b)(1)a. above. The maximum sign face for a freestanding or monument sign in a planned center shall be 100 square feet, as per section 80-431(b)(3)a.1. above.
- b. The maximum height for such signs shall be as permitted in the specific zoning district per section 80-431(b)(l)c. above. The maximum height for a freestanding or monument sign in a planned center shall as follows per section 80-431(b)(3)a.2.:
 1. Six feet in the AG-1, C-I, DC-1, and DC-2 zoning districts.
 2. Twenty feet in the O&I, C-2, M-I, and M-2 zoning districts.
 3. For lots which are zoned PD, the district regulations in subsection 1. or 2. above will apply depending on the nature of the use upon the lot in the planned development. For example, if a use allowed in the C-2 district is allowed on a lot within a planned development, the sign regulations for the C-2 district will apply.

4. For lots which are zoned PS, the district regulations in subsection 1. or 2. above will apply depending on the nature of the use upon the lot in the public service district. For example, if a use allowed in the C-2 district is allowed on a lot within a public service district, the sign regulations for the C-2 district will apply.
- c. The regulations for freestanding and monument signs set forth in sections 80-431(b)(l) and 80-431(b)(3)a. shall also be applicable to electronic and digital signs/message boards.
- d. Electronic or digital signs/message boards shall be prohibited in DC-1, DC-2 and the Highway 29 Overlay districts.
- e. The following provisions shall also apply to electronic or digital signs/message boards:
 1. Any permit for an electronic or digital sign/message board will include a maximum number of displays per cycle for the structure. No more than three (3) displays per minute will be allowed. Images and messages must be complete in themselves without continuation in context to the next image or message or to another sign;
 2. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer error;
 3. Digital or electronic signs/message boards must have a light sensing device and automatic dimming equipment that will adjust the brightness of the display as the natural ambient light conditions change. Dark backgrounds with light lettering or symbols are preferred between dusk and dawn to minimize detrimental effects. In any event, glare and excessive brightness in the field of view causes loss in visual performance or annoyance, to jeopardize health, safety or welfare, is to be avoided;
 4. Digital or electronic signs/message boards may not operate at brightness levels of more than 0.10 footcandles above ambient light levels (at measurement conditions) as measured at any property line adjacent to a residentially used or zoned parcel.
 5. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. Displays shall not be animated, intermittent, scrolling, and/or full video. Flashing, strobing, and/or racing shall be prohibited. No sign can be designed or displayed to imitate traffic safety lights and/or signs;
 6. Changeable messages or displays shall not flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist or otherwise move;
 7. Any application for a revision to the sign or its display shall be evaluated by the zoning administrator. Regular copy or text changes are not considered revisions; and
 8. The owner of said electronic or digital sign/message board shall provide to code enforcement, information for a 24-hour contact able to turn off the electronic or digital sign/message board promptly if a malfunction occurs. If, at any time more than 50 percent of the digital or electronic display lights malfunction or are no longer working, the owner of said sign shall turn off the digital or electronic display until repairs are made.

(6) *Other non-residential signs allowed .*

- a. Each legal city lot in non-residential zoning districts shall be entitled to one stake sign, which may not be placed within a right-of-way.
- b. Lots in non-residential zoning districts shall be entitled to one temporary single-face freestanding sign up to 24 square feet. The required permit may be issued for no longer than one year. For properties outside of the Highway 29 Overlay District, the sign may not be placed within 15 feet of a right-of-way.

- c. Window signs are permitted, except see limitations in Highway 29 Overlay District signs. Window signs are not calculated as part of the overall signage allowed per property and must meet the sign material requirements of this chapter.
- d. A lot zoned C-2 or PD, containing a licensed business which provides and utilizes a vehicle drive-through, may display one additional permitted single-faced freestanding sign per drive through lane not to exceed 35 square feet in sign area nor seven feet in height, in addition to the signage allowed in section 80-431, located adjacent to the drive-through lane with a font size no larger than three inches, and the message face of which is directed towards the motorist passing through the drive through lane. Such lot shall also be entitled to two stake signs, which may not be placed within a right-of-way.
- e. Special temporary signs are permitted but only under the following conditions and requirements:
 - 1. Prior to use of such special temporary signs, and the erection and placement of any such temporary signs, an application for an annual permit shall be filed with the zoning administrator. Such signs shall be specifically described as to their construction, composition, and specific dates of display for that calendar year. Application for permit shall be approved or denied (with grounds therefore) in writing within 30 days of city receipt of complete application sent to applicant at address shown on application.
 - 2. A lot or unit shall be allowed a maximum of six special temporary signs per year, each of which shall be valid for 14 consecutive days.
 - 3. The maximum size allowance for all such signs used for an event shall be a total of 35 square feet.
 - 4. All such signs may be attached to the exterior wall or walls of a building or beneath an awning or attached to the ground. Outside of the Highway 29 Overlay District, no such sign shall be placed within 15 feet of the street right-of-way. In all districts, no such sign shall be placed in any manner as to obstruct the view of motorists or pedestrians.
 - 5. All such signs shall be professionally made and properly maintained. Temporary signs shall not appear to be ripped, frayed, or in generally poor condition resulting from extended use.
 - 6. Temporary sign frames and related mounting hardware shall be removed when a sign is not permitted for display.
 - 7. The owner of a planned center may apply to the city for one common area sign, no larger than 30 square feet, for the planned center and its tenants located within the planned center. The common area sign shall be consistent with the architecture of the planned center and shall provide for removable sign panels. It shall be the responsibility of the planned center owner to coordinate with tenants on the use, maintenance and appearance of the common area sign.
 - 8. All special temporary signs shall comply with all other applicable regulations and conditions as set forth in this chapter.
- f. Internal directional signs are permitted adjacent to internal road(s) serving the development. Internal directional signs are permitted but only under the following conditions and requirements:
 - 1. Non-residential (excluding planned centers):
 - i. Maximum sign size is ten square feet.
 - ii. Maximum sign height is four feet.
 - iii. One sign allowed on one side of each entrance.
 - iv. Setback from the right-of-way is zero feet.

- v. Signs shall not be legible from the public right-of-way.
 - 2. Planned centers:
 - i. Maximum sign size is 24 square feet.
 - ii. Maximum sign panel per tenant is six square feet
 - iii. Maximum sign height is six feet.
 - iv. Setback from the right-of-way is zero feet.
 - v. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.
 - 3. All developments proposing directional signage must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the zoning administrator for review and approval. All signs shall have a uniform background color and material.
- (7) *Highway 29 Overlay District Signs* . The purpose of the Highway 29 Overlay District Sign Ordinance [this subsection] is to ensure the district's signage is harmonious in proportion, form, color, and materials to the character of the overlay district. Visual relatedness is crucial to the goal of an integrated Highway 29 Overlay District, which includes the Historic Downtown Commercial District, and signs play a key role in helping to preserve this district's sense of time and place, and achieve the desired effect of charm and compatibility. The ordinance allows businesses to maintain their individual identities, and also become identified with the overlay and downtown historic district as a whole. To resolve the technical and aesthetic questions of signage, and encourage high quality in design, the signs within this district shall comply with section 80-89 of the Highway 29 Overlay District ordinance. Section 80-89 contains appropriate sign/design examples and is incorporated herein by reference.
- a. *Applicability* . This subsection shall apply only to those building structures and uses within the geographical boundaries of the Highway 29 Overlay District, as established and defined in section 80-89 of the city's zoning ordinance.
 - b. *Compatibility* . As to signs, buildings, structures, and uses within the Highway 29 Overlay District, when a provision of this section conflicts with any section in the balance of chapter 80 of the Code, the provision of this section shall control. Otherwise, to the extent reasonably possible, the provisions of this section shall be interpreted consistent with the provisions of the balance of chapter 80 of this Code.
 - c. *Signage standards* .
 - 1. *General*. Signage shall complement the architectural details of the building, and shall not violate or otherwise obscure the architecture of the building to which it is attached. Signs, lettering, or boxed graphics shall not cut across columns, cornices, windowsills, arches or balconies, nor extend above the roofline of any building to which it is attached.
 - 2. *Lettering, size, and construction*. Letters can be painted or mounted directly on a signboard, storefront, wall or window, if in proportion to the storefront. Inside the Highway 29 Overlay District businesses may utilize awning signs, A-frame and sandwich board signs, projecting/hanging/suspended signs, monument signs, wall/signboard signs, and window signs. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, dimensional plastic, acrylic, or high-density polystyrene foam. The overall design of all signage shall be compatible with the turn-of-the-century-theme. The typeset or lettering used shall be taken from, or compatible with, the typeset choices listed in Highway 29 Overlay District ordinance, subsection 80-89(m).
 - 3. *Materials*. Signs may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials that have the same appearance of the aforementioned natural materials due to their finish. All materials shall be compatible with the building's

architecture, and should be colorfast and resistant to corrosion. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the sign framed out and/or sealed.

4. *Lighting.* All signs in the overlay district, whether freestanding signs or wall/building signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect downtown district design aesthetics. (See Subsection 80-89(o) of the Highway 29 Overlay District Ordinance.)
5. *Colors.* Signs, and all lettering, symbols, and embellishments contained therein, shall be furnished in colors either contained in or consistent with the Typeset and Color Guide for the Highway 29 Overlay District Signage or from any commercially available historic color palette.
6. *Awnings.* Decorative awnings over doors or windows are permitted in the historic district area, and shall not be calculated as part of total signage area. Professionally applied lettering or symbols may be incorporated into the awning valance/drop flap, but are restricted to 20 percent of the awning field. Awnings shall clear sidewalks by seven feet in height, and project no more than six feet from the building. Canvas or synthetic look-alike canvas, is the only material permitted for decorative awnings. Metal or vinyl may be approved for functional awnings if the overall design is consistent with the historic district's turn-of-the-century theme. Awnings may not be backlit.
7. *Projecting, hanging or suspended signs.* Hanging, suspended, or projecting signs are permitted in the historic area, and shall clear sidewalks by seven feet in height, and project no more than 36 inches from the building. Hanging or suspended signs should project from the wall at a 90-degree angle. Hanging or suspending signs over driveways, alleys, or parking areas is prohibited. Hanging, suspended, or projecting signs shall be limited to a maximum size of six square feet, and if double-sided, shall be calculated as only one sign. One hanging, suspended, or projecting sign per business street frontage is permitted, and shall be calculated as part of the total signage area allowed under section 80-431. Attractive hardware for hanging is encouraged.
8. *Sandwich board signs* (a.k.a. A-frame signs). Movable sandwich signs, or A-frame signs, may be used in the overlay district one per building or unit. A sandwich board sign shall have a maximum height of four feet, and a maximum area of eight square feet on one side, and through design, paint, lettering, and materials, shall conform to the Highway 29 Overlay District aesthetic standards. Sandwich board signs shall not be placed off-site or displayed in such a way as to block or hinder pedestrian traffic. Sandwich board signs may be placed upon public sidewalks, but must leave a minimum of five feet width of sidewalks clear of obstructions for pedestrian traffic. Each building or unit at its main public entrance, used exclusively by said building or unit shall be permitted one sandwich board sign. The sandwich board sign must be placed only on the sidewalk in front of said building or unit or in the front yard of the building or unit. Such signs must be placed in front of the building or unit within 20 feet of the main public entrance of said building or unit. Sandwich board signs shall not be included within the overall amount of signage allowed.
9. *Window signs.* Interior window signs, bearing lettered, numbered, or pictorial matter, shall not exceed 25)percent of the total window area exposed to public view. Window signs shall not be included within the overall amount of signage allowed.
10. *Wall sign or signboard sign.* Wall signs and signboard signs shall be permitted if such signs meet the requirements of section 80-431(b)(2) and 80-431(b)(3)b.
11. *Monument sign.* Monument signs shall be permitted if such signs meet the requirements of section 80-431(b)(1).

12. *Air and gas filled devices.* Under the following guidelines, balloons are permitted to be used as a temporary enhancement to sandwich boards in the Highway 29 Overlay District.
 - i. Deflated or unsightly displays shall be removed immediately.
 - ii. Balloons must be no larger than 12 inches in length or diameter.
 - iii. Maximum number of balloons per unit or lot is three.
 - iv. Maximum length of tether is 24 inches.
 - v. Non-metallic balloons only.
 - vi. All displays shall conform to the Highway 29 Overlay District sign ordinance aesthetic standards.
13. *Electronic or digital billboards/signs/message boards .* Such signs shall be prohibited in the Highway 29 Overlay District.

(c) *Residential allowable signs .* In residential zoning districts, signs shall be permitted as follows subject to the provisions herein provided:

- (1) Two stake signs per lot in residential zoning districts not placed within the rights-of-way.
- (2) Subdivisions shall be permitted one double-sided monument sign located at the entrance of the subdivision, but not within 15 feet of the public right-of-way, each side of which shall not exceed 35 square feet signage area, per section 80-427. The height of the sign shall not exceed six feet. All subdivision signs shall be placed on private property and may not be placed within 15 feet of a right-of-way. This sign may be externally illuminated.
- (3) Subdivision homeowner associations may have one 25-square feet changeable copy or glass covered freestanding sign located adjacent to the entrance to the subdivision's intersection with the public right-of-way and located within the common area owned by the homeowner's association but not interfering with sidewalks or streets, and the message face directed toward motorist and pedestrians who have entered the subdivision. These signs shall be placed in common areas and may not be placed on individual lots. The homeowner association sign shall be the responsibility of the elected officials of the homeowner's association. Subdivisions without elected homeowner association officers must have a designated person responsible for the sign.
- (4) The owner or the owner's designated agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision lots may obtain a permit, effective for up to one year, to display within the subdivision under development one temporary double-sided freestanding or monument sign with no more than 24 square feet of sign face per side. A planned center with one or two out-parcels is not a subdivision for purpose of this paragraph. The sign may not be placed within 15 feet of a right-of-way.
- (5) A lot zoned residential which is not within a subdivision platted pursuant to the city's subdivision regulations, and which is three acres or more in size, may display a permitted temporary, double-sided freestanding sign, with a sign face not more than 24 square feet per side. The required permit may be issued for no longer than one year. The sign may not be placed within 15 feet of a right-of-way.
- (6) Apartment complex, condominium complex, or other building with multiple residential dwelling units shall be permitted one double-sided monument or freestanding sign at the complex entrance, each side of which shall not exceed 35 square feet of signage area, per section 80-427. The height of the sign shall not exceed six feet. This sign may be externally illuminated.
- (7) Only one freestanding sign on a single family zoned lot, with a face not to exceed 24 square feet per side.
- (8) Non-residential uses permitted in a residential zoned district that are in compliance with the zoning ordinance shall be permitted one double sided monument sign, with a face not to exceed

45 square feet per side, in lieu of the freestanding sign allowed per section 80-431(c)(7). This sign may be internally or externally illuminated. The height of the sign shall not exceed six feet.

- a. The following provisions shall also apply to such signs:
 1. Changeable copy shall be allowed in such signs but shall not exceed 20 percent of the area of the sign face.
 2. Signs that are internally or externally illuminated may not operate at brightness levels of more than 0.10 footcandles above ambient light levels (at measurement conditions) measured at the nearest property line adjacent to residentially used or residentially zoned property.
- (9) Unless specified otherwise within this section, the maximum height of any sign shall be four feet in the R-1, R-2, R-3, R-4, RM-4, RM-8, RM-36, DP-6, and R-CT zoning districts.
- (10) Changeable copy shall be prohibited, except where specifically permitted in subsection 80-431(c)(3) and (8) above.
- (11) Illuminated signs (internal and external) shall be prohibited, except where specifically permitted in subsection 80-431(c)(2),(6) and (8) above.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2014-05, § 1, 2-24-2014; Ord. No. 2014-23, § 1, 11-10-2014; Ord. No. 2015-24, § 1(exh. A), 12-14-2015; Ord. No. 2015-27, § 1(exh. A), 12-14-2015; Ord. No. 2016-05, § 1(exh. A), 5-23-2016; Ord. No. 2017-02, § 1(Exh. A), 1-23-2017)

Sec. 80-432. - Construction and maintenance requirements.

- (a) No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exists from any sidewalk or building or any windows, doors, fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks and wire.
- (b) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- (c) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- (d) No wall sign or its supports shall protrude more than 15 inches from the wall on which it is mounted.
- (e) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.
- (f) No wood, metal or any other type of supports for freestanding signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
- (g) Wood signs shall be framed on the two sides attached to the supports, except for hanging and projecting signs allowed in the Highway 29 Overlay District. Supports can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.
- (h) Underwriters Laboratories (UL), FM Approval tests or similar approval is required where applicable.
- (i) All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the city.
- (j) The illumination of internally illuminated signs shall not exceed 20 foot candles of incandescent light measured at a distance of ten feet from such structure; provided, however, the same may not exceed the maximum incandescent light measurement of the 2009 International Energy Code.
- (k) Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians as to create a hazardous or dangerous condition.

- (l) All internally and externally illuminated signs shall undergo an electrical inspection in accordance with National Electrical Code.
- (m) No wall/building sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (n) All special temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the city's current building code or electrical code.
- (o) All signs at the entrance of complexes shall be placed on private property and may not be placed within 15 feet of a right-of-way.
- (p) Except for subdivision signs described in this article, all signs must be placed upon a lot, as defined in the city's zoning ordinance and the subdivision regulations. No sign may be placed on any lot, which lot does not meet the minimum lot requirements of the zoning ordinance and subdivision requirements.
- (q) No message or advertisement may be displayed on any portion of the structural supports of any sign.
- (r) All signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.
- (s) No sign shall be illuminated either internally or externally, in any residential district zoned except that entrance signs and subdivision signs may be externally illuminated from dusk until dawn.
- (t) All signs shall comply with the applicable provisions of the most current edition of the Georgia State Minimum Standard Electrical Code at all times.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-433. - Enforcement.

- (a) *Enforcement personnel.* The enforcement of this article shall be within the jurisdiction of the zoning administrator, a police officer of the city, or the city's code enforcement personnel. The enforcement personnel shall have such powers as are to enforce and give effect to this article, including, but not limited to, the issuance of citations for violations of this article.
- (b) *Violation deemed public nuisance.* Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roadways.
- (c) *Repair of signs.*
 - (1) Any sign which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous and is deemed to be a public nuisance. Upon the above determination, the zoning administrator shall cause notice of the same to be mailed by written notice, registered mail return receipt requested, to the owner of the sign if the same may be determined or to the owner of the property upon which said sign is located, that the owner shall be given 30 days from the date of receipt of such notice to repair the sign.
 - (2) If the sign owner or property owner fails to repair the sign so as to comply with the standards herein set forth within 30 days after such notice, the permit for such sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in this article, including but not limited to the removal of the sign by the city.
- (d) *Removal of signs with notice:*
 - (1) The enforcement personnel may order the removal of any sign that has been issued a permit and is in violation of this article, including a violation of subsection 80-433(c)(1) and (2) above, by written notice, registered mail return receipt requested, to the permit holder. The removal order shall be issued only after the appropriate party fails to comply with the terms of this article within

five days after the receipt of written notice of noncompliance by the city or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.

- (2) An aggrieved party may appeal the removal order or the notice finding the sign in disrepair within ten days from the date the notice was received to the planning and zoning commission.
 - (3) If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal of the order of removal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this article.
- (e) *Removal of signs without notice.* The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; or (ii) poses an immediate threat to the life or health of any members of the public; or (iii) the sign does not have a permit and is in violation of this article. In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to any one or combination thereof of the following: (i) to the owner of the sign; (ii) to the erector of the sign; (iii) to the property owner upon which such illegal sign is located; or (iv) to the person or to the business entity who procured the erection of the sign.
 - (f) *Charges to legal entity.* If the criminal charges shall issue to a legal entity registered to do business in any state, such as a corporation, limited liability company, partnership or the like, then in that case, the citation for such violation may be issued to both the legal entity and any or all of the officers or employees of the legal entity who are culpable of violating this article.
 - (g) *Evidence in prosecution.* Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.
 - (h) *Costs of removal.* Removal of any sign as provided for in this section shall be without liability to the city, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the code enforcement personnel shall certify the amount thereof for collection to the city attorney. Following such removal or repair, the county may collect the costs as provided in this subsection.
 - (i) *Invalid permits.* The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this article or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this article. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings pursuant to this article against the property owner, sign owner, lessee, sign erector or a combination thereof.
 - (j) *Civil actions.* The enforcement personnel or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this article.
 - (k) *Citations.* Any violation of this article may be tried upon citations issued by the enforcement personnel pursuant to O.C.G.A. § 36-32-10.2. Without limitation, sign erectors, sign owners and such other parties responsible for the violation may be cited for violation of any provisions of this article.
 - (l) *Penalties.* Any person who violates any section or provision of this article after the conviction upon a citation issued to the municipal court of the city shall be fined as per the fine schedule determined by the municipal judge, in accordance with O.C.G.A. § 36-32-5.
 - (m) *Remedies cumulative.* All remedies and penalties specified in this article are cumulative.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-434. - Prohibited signs and advertising devices.

The following signs and advertising devices are prohibited in all zoning districts of the city:

- (1) Air and gas filled devices, except see Highway 29 Overlay District signs;
- (2) Animated signs;
- (3) Awning signs, except see Highway 29 Overlay District signs;
- (4) Banners, unless permitted as special temporary signs;
- (5) Beacons;
- (6) Bench signs;
- (7) Signs with neon or neon accents;
- (8) Feather flag signs;
- (9) Inflatable signs and tethered balloons, except see Highway 29 Overlay District signs;
- (10) Sign which displays obscene text, copy, message, pictures, forms or structures;
- (11) Flashing, intermittent, blinking, traveling signs or lights, except for authorized public safety and time and temperature signs;
- (12) Portable, mobile or trailer signs, except for authorized public safety and Highway 29 Overlay District signs;
- (13) Roof signs or signs projecting above the roofline of a structure;
- (14) Sidewalk, sandwich signs, and A-frame signs, except see Highway 29 Overlay District signs;
- (15) Signs located within a Railroad zoning district;
- (16) Signs on a public right-of-way or on city property except exempt traffic control signs and devices;
- (17) Signs which contain or are in imitation of an official traffic control sign or signal or contain the words "stop," "go," "slow," "danger," "detour," "speed limit," "yield" or similar words intended to direct or regulate traffic;
- (18) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
- (19) Signs that advertise or promote illegal activities;
- (20) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door or emergency exit or fire escape;
- (21) Spectacular signs, including feather flag signs, streamers and pennants;
- (22) Swinging or projecting signs, except see Highway 29 Overlay District signs;
- (23) Signs which obstruct sight of motorist or pedestrians so as to create safety hazards for motorists or pedestrians;
- (24) Vehicle signs with a total sign area in excess of ten square feet, when the vehicle:
 - a. Or any part of the vehicle is parked within 100 feet of any street right-of-way, and the vehicle is not being actively loaded or unloaded, and there are other available and accessible locations on or about the occupancy advertised where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such; and
 - b. Is visible from the street right-of-way that the vehicle is within 100 feet; and
 - c. Is not regularly used in the conduct of the business advertised on the vehicle; a vehicle used primarily for advertising, and not for the purpose of providing transportation for owner, employees, inventory, merchandise, supplies or materials of the occupancy advertised on

the vehicle, shall not be considered a vehicle used in the conduct of business. Vehicle may not be used for off-premises storage of inventory, merchandise, supplies, or materials.

(25) Any sign, including banners, not painted or manufactured by a professional artist or sign designer.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2016-05, § 1(exh. A), 5-23-2016)

Sec. 80-435. - Grandfathered and nonconforming signs.

Grandfathered and nonconforming signs may continue in existence subject to the following restrictions:

- (1) No change may be made in the location, shape, height, size, or design of any nonconforming sign, except to bring the sign into compliance with the provisions of this article, and a sign permit granted.
- (2) The structure of a nonconforming sign shall not be replaced, expanded, or modified by another nonconforming sign, except that the substitution or interchange of sign panels, on nonconforming signs shall be permitted.
- (3) A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.
- (4) Any sign erected in violation of this article may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party (sign applicant, sign owner or owner of the property where the sign is located) may be cited for such violation.
- (5) No additional sign or advertising device shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this article.
- (6) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this article, an illegal sign, an unpermitted sign, a damaged sign, a sign in need of repair or painting, or a sign in violation of this article.
- (7) A nonconforming sign may not be replaced by another nonconforming sign except where such sign is damaged or destroyed by act of God or changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (8) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.
- (9) Destruction by any means of more than 50 percent of the appraised valuation of the sign shall require that the sign be reconstructed in conformity with the provisions of this ordinance. The "appraised valuation" is the value of the sign prior to such destruction or damage having occurred, and shall be the appraised value established by the Fulton County Tax Assessor. If however, the appraised value has not been established by the Fulton County Tax Assessor, an independent appraiser shall establish the appraised value. The zoning administrator shall provide a list of four independent appraisers for the sign owner to choose from. It shall be the sign owner's responsibility to pay the cost of such appraisal.
- (10) Destruction by any means of 50 percent or less of the appraised valuation of the sign shall not require that the sign be reconstructed in conformity with the provisions of this ordinance. However, if a permit to reconstruct the sign is not obtained within 12 months from its destruction, the sign shall be reconstructed in conformity with the provisions of this article.
- (11) Sixty days after a business is closed, if no new business is operating inside the same building or tenant space, non-conforming signs must be removed.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2015-24, § 1(exh. A), 12-14-2015; Ord. No. 2015-27, § 1(exh. A), 12-14-2015)

Sec. 80-436. - Exempt signs.

The following signs and advertising devices are exempt from the permit requirements of this article but must in all respects otherwise comply with this article:

- (1) Window signs, as allowed by this article.
- (2) Flags (flag poles shall be considered as an "accessory structure" under the city's zoning ordinance as to the location and site of flag poles).
- (3) Two stake signs per lot in residential zoning districts, as provided in this article.
- (4) One stake sign per lot in non-residential zoning districts, as provided in this article.
- (5) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zoned lot or parcel on which such sign is located.
- (6) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.
- (7) Traffic control signs on private property, such as "stop," "yield," and similar signs, which meet state department of transportation standards.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013; Ord. No. 2016-05, § 1(exh. a), 5-23-2016)

Sec. 80-437. - Variances.

- (a) *Limitations.* The planning and zoning commission shall be allowed to grant variances where a hardship has been demonstrated pursuant to the City of Fairburn Zoning Ordinance. Said variance or variances may only be granted as to number, set back, building material, height and size or sign style.
- (b) *Timing.* The planning and zoning commission shall hear and decide upon a variance within 90 days of the submission of a complete and accurate application.
- (c) *Tolling.* In the event a variance is sought under this sign ordinance, the time to grant or deny a sign permit application under section 80-430 will be tolled.
- (d) The mere existence of a nonconforming sign shall not constitute a valid reason to grant a variance.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-438. - Severability.

Should any article, section, clause, or provision of this article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the city council that each article, section, clause, and provision hereof be severable.

(Ord. No. 2016-05, § 1(exh. A), 5-23-2016)

Secs. 80-439—80-450. - Reserved.

DIVISION 2. - ART AND ARCHITECTURAL ADVISORY COMMITTEE⁹

Footnotes:

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Editor's note— Renumbered from 80-438.1—80-438.6 to 80-451—80-456 by the editor.

Sec. 80-451. - Creation of an art and architectural advisory committee; appointment and terms.

- (a) There is hereby created an art and architectural advisory committee ("committee") called the "City of Fairburn Art and Architectural Advisory Committee" consisting of five members, including the following:
 - (1) One city building official;

- (2) One architect appointed by the city council;
 - (3) One member of the planning and zoning commission appointed by its chairperson; and
 - (4) Two other members, having one or more of the following qualifications: a professional in the field of art, landscape architect or land use planner, historian, residential citizen of the City of Fairburn, or business citizen of the City of Fairburn. They will be chosen for their demonstrated background, education and expertise in the visual arts, public art, architecture or related professions, art history or art critic.
- (b) Members shall serve three-year terms. In order to achieve staggered terms, initial appointments shall be one member for one year; two members for two years; and two members for three years. Members shall not receive a salary, although they may be reimbursed for authorized expenses directly incurred in the performance of the duties contained herein.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-452. - Duties of the art and architectural advisory committee.

- (a) Said committee is charged with the duty of reviewing all sign permit applications, building permit applications and plans for the remodeling, addition to, and rehabilitation of existing structures and/or construction of structures, within the Highway 29 Overlay District as such applications are submitted for projects within the Highway 29 Overlay District. The committee shall review all applications where such remodeling, addition, rehabilitation or construction will affect the outward appearance of the building or structure. The committee shall also have the duty and responsibility to review PAE throughout the City of Fairburn and to make recommendation on whether specific PAE enhances or benefits the city community. PAE shall review for nonresidential and mixed use (including any-nonresidential use) properties.
- (b) After making such review, the committee shall make recommendations regarding the approval or disapproval of such applications to the zoning administrator or, if such application is to be reviewed by the planning and zoning commission then, to the planning and zoning commission. All recommendations shall be based upon the compliance or noncompliance with the architectural design standards set forth in the Highway 29 Overlay District, section 80-89 of the Fairburn Code of Ordinances. The art and architectural advisory committee shall have no authority to actually approve or disapprove any applications.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-453. - Meetings; quorum; officers.

- (a) The art and architectural advisory committee shall meet at the Fairburn City Hall at such time and on such days as the committee may deem convenient for the members. Three members present shall constitute a quorum. A quorum shall be required for the committee to conduct any business. A recommendation shall be authorized where a majority of the members present at the meeting vote in favor of a recommendation. If no majority vote can be reached then the committee shall provide a written statement to the zoning administrator that the committee was unable to reach a recommendation supported by the majority of the present members.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-454. - Review procedure.

- (a) Upon receipt by the city of an application for building permit, development plans or elevations changes within the Highway 29 Overlay District or a PAE located anywhere in the city, the art and architectural advisory committee shall, within 15 days review such application and make a written recommendation to the zoning administrator. If the art and architectural advisory committee should fail to review an application within the 15-day time period specified herein then the zoning administrator shall consider the application without the recommendation of the committee.

- (b) PAE standards of review. The purpose of regulating art in public areas is to enhance the quality of the visual environment in the City of Fairburn community, both natural and constructed; and in so doing:
 - (1) To promote the historic, intellectual and aesthetic enrichment of the community through public art;
 - (2) To provide a variety of public art for the City of Fairburn;
 - (3) To approve public art enhancement which has aesthetic and/or technical merit and is appropriate in context to the location;
 - (4) To approve public art enhancement throughout the City of Fairburn in such a manner that it is visible and accessible to the Fairburn community.
- (c) Determining PAE benefit to community. In determining whether specific PAE enhances or benefits the City of Fairburn community, the committee under the direction of the city administrator, shall consider the following criteria:
 - (1) PAE shall be located in areas where residents and visitors live, work or congregate and shall be visible and accessible by the general public.
 - (2) The committee shall take into account appropriateness to the site, permanence of the work relative to environmental conditions, maintenance requirements and the enduring nature of the artistic statement.
 - (3) The selection should show sensitivity to the aesthetic, historic and cultural traditions of the City of Fairburn and the also to the surrounding property's character.
 - (4) In the Highway 29 Overlay District the PAE must be consistent with and reflect historical Fairburn.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-455. - Conflicts of interest.

At any time the committee reviews an application in which a member has ownership or other vested interest, that member will be forbidden from presenting, voting, or discussing the application, other than answering a direct question, and such member shall reveal all conflicts of interest to the committee.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Sec. 80-456. - Effect upon the planning and zoning commission and the zoning administrator.

Nothing contained in sections 80-451 through 80-455 shall interfere with the right and authority of the planning and zoning commission or the zoning administrator to review and approve or disapprove any applications at any time. Further nothing contained in this ordinance shall be deemed to toll or in any way effect the time frame for review by the zoning administrator or planning and zoning commission as outlined in section 80-430.

(Ord. No. 2013-08, § 1(exh. A), 6-10-2013)

Secs. 80-457—80-471. - Reserved.