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SECOND READING _____ 5-3-2004 _____

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_____ 4-28-2004 _____

SIGN ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL SIGN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, BY REPEALING THE EXISTING GENERAL SIGN ORDINANCE TO PROVIDE FOR THE REGULATION OF SIGNS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the requirements of the Zoning Procedures Act, the Mayor and Council of the City of Dawsonville have conducted a properly advertised hearing on the proposed amendments to the General Sign Ordinance; and

WHEREAS, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment would be in the best interests of the residents, property owners, businesses and citizens of the City of Dawsonville.

NOW THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Dawsonville, a political subdivision of the State of Georgia that the General Sign Regulations, of the City of Dawsonville, Georgia is hereby amended by deleting it in its entirety and inserting a new General Sign Ordinance to read as follows:

SIGNS

Section 1 _____ Findings and purpose.

(a) The City of Dawsonville's population has grown and is anticipated to grow rapidly in the near future. With the increase in population has come a drastic and dramatic increase in the volume of traffic within and traveling through the City limits. Uniform regulation of signage providing directional, commercial and non-commercial information to the motoring public and promoting public safety, while protecting the aesthetic beauty of the area, is essential.

(b) The City of Dawsonville is located in a hilly, heavily forested area of northeast Georgia.

(c) The City of Dawsonville and areas surrounding the City should evolve as

a progressive influence within Dawson County and northeast Georgia. The City of Dawsonville should protect and/or enhance its uniqueness and small town character, improve the visual and aesthetic quality to its gateway and corridors, provide for an increasing and more diverse population, and manage growth that is planned to occur.

(d) The City recognizes that although signs and advertising are proper and necessary uses of private property, are a means of personal free expression, and constitute a legitimate business entitled to the protection of the law, such signs should be reasonably regulated in the interest of public safety and welfare and aesthetic concerns by the establishment of standards for the location, size, illumination, number, construction and maintenance of all signs within the City.

(e) Various and diverse businesses are located within the City of Dawsonville. The need to advertise products and services must be balanced by the City's obligation to restrict visual clutter, maintain an aesthetically pleasing environment, protect property values, and enhance public safety.

(f) Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to disseminate information, to locate goods, services and facilities in the City without difficulty and confusion, to improve the general attractiveness of the community, to take advantage of the beauty of the community's natural environment, and to protect the property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the City in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the City to establish regulations governing the display of signs which will:

- (1) Promote and protect the public health, safety and general welfare;
- (2) Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs;
- (3) Restrict signs and lights which increase visual clutter or which increase the probability of traffic accidents by obstructing vision or diverting driver attention.
- (4) Promote signs that are compatible with their surroundings.

Sec. 2 Definitions.

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

- (1) *Accessory sign* means a non-illuminated sign of no more than one-fourth (1/4) inch thickness, not exceeding four (4) square feet in sign area in residential zoned

districts and 12 square feet in sign area in commercial and industrial zoned districts, designed for short-term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches in residential districts or three (3) feet in commercial and industrial districts, and which is mounted on a stake or metal frame of no more than one and one-half (1 ½) inches in diameter.

(2) *Advertising bench* means any structure or device bearing information or advertising for products or services, which is also designed for seating by members of the general public.

(3) *Animated sign* means a sign that flashes, moves, or otherwise changes at intervals more frequently than once each sixty (60) seconds.

(4) a. *Area of free-standing signs* means the entire area within a continuous perimeter enclosing the limits of the 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 against which it is placed. The supports or structure upon which a free-standing sign is supported shall not be included in determining the sign area unless such supports are designed in such a manner as to form an integral part of the display; provided, however, that the surface area of the frame that is parallel to the display of the sign is no greater than 20% of the area of the sign displayed.

b. *Area of monument signs* means the entire area within a continuous perimeter enclosing the limits of the 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 against which it is placed. The supports or structure upon which a monument sign is supported shall not be included in determining the sign area unless 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 100% of the area of the sign displayed; and provided that the monument is no higher than six (6) feet.

c. *Area of other signs* other than free-standing or monument type shall mean the entire area within a continuous perimeter enclosing the limits of the 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 against which it is placed. The supports or structure upon which any sign other than a free-standing or monument 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; provided, however, that the area

of the frame shall not be included in computing the area of a 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 100% of the area of the sign displayed. The sign area of painted or wall signs, when composed of letters only, is the sum of the areas of the smallest contiguous rectangles which are each capable of containing one such letter. Unless otherwise provided herein, for double-faced signs, only the largest display face shall be measured in computing sign area.

(5) *Banner* means a sign either enclosed or not enclosed in a rigid frame and secured or mounted so as to allow movement caused by the atmosphere. Flags of governmental jurisdictions are not banners.

(6) *Billboard* means a free-standing sign with an area of 300 square feet or greater, which is supported by one or more columns, uprights, or braces in or upon the ground and is neither attached to nor erected in support of a building and is neither mobile nor temporary.

(7) *Building area* means the area of the face of a building (height x width), not including the roof.

(8) *Building frontage* means the length of the building, measured at ground level, on the primary roadway.

(9) *Change copy board* means a sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

(10) *Corridors of influence* means those streets as designated and defined in the Zoning Ordinance.

(11) *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. Illuminated signs, which indicate only the time, temperature, or date or any combination thereof, shall not be considered as flashing signs. For purposes of this section, a searchlight shall be considered a flashing light.

(12) *Free-standing sign* means a sign supported by any structure or support placed in or anchored in the ground and not attached to any building or structure.

(13) *Height* means the distance in vertical feet from the elevation of the ground level at the base of the sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

(14) *Illuminated sign* means a sign designed to give forth artificial light directly

or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

(15) *Inflatable sign* means any sign inflated or supported internally by wind, air, or pneumatic noncombustible pressure.

(16) *Instructional sign* means a sign limited to giving direction or specific instruction to the public, such as, but not limited to, "Exit," "No Parking," and so forth. Such signs shall be no larger than two and one-half (2 1/2) square feet.

(17) *Intersections of influence* means those intersections as identified and defined in the Zoning Ordinance.

(18) *Monument sign* means any ground sign supported totally with a solid base of masonry, brick, or other material, which is of a finished or decorative-type construction.

(19) *Motor vehicle sign* means a sign mounted, placed, written, or painted on a vehicle or trailer whether motor-driven or not.

(20) *Pennant* means 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. Flags of governmental jurisdictions are not pennants.

(21) *Premises* means a designated parcel, tract, lot, or area of land, together with improvements located thereon, if any, established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

(22) *Primary roadway* means the public right-of-way, which is identified as the address of the premises.

(23) *Portable sign* means a sign that is constructed of any material which is not permanently attached to the ground or other permanent structure, including but not limited to a sign attached to a vehicle or trailer or any sign which may be transported or is designed to be transported from one location to another. A permanent attachment to a movable structure shall not be deemed to convert a portable sign to a permanent freestanding sign. "Portable sign" excludes all signs meeting the standards of an "accessory sign."

(24) *Projecting sign* means a double-faced sign mounted to the building in such a manner as to extend from the structure. It shall be secured in place with a frame mount assembly. The sign shall not exceed four (4) square feet per side.

(25) *Road frontage* means the distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding out parcels.

(26) *Roof sign* means a sign erected upon or above a roof structure and wholly or partially supported by the roof. "Roof signs" shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

(27) *Rotating sign* means any sign that rotates, spins, turns, revolves, or moves in a circular orbit.

(28) *Sign* means any device, fixture, placard, structure, surface, or display that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, identify, direct or inform, or to communicate information of any kind to the public. For purposes of this definition, the term "sign" includes all structural members. The term "sign" shall not be deemed to include official court or government notices, nor the flag of any nation or other governmental unit.

(29) *Swinging sign* means a double-faced sign suspended from an awning or similar type structure; or affixed to a bracket-mount to the building or structure. The sign shall not exceed four (4) square feet per side.

(30) *Temporary sign* means a display, sign, banner, or other advertising device with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time. "Temporary sign" excludes those signs meeting the definition of "accessory sign."

(31) *Variance* means a deviation from the terms of this Article in accordance with the procedures herein.

(32) *Wall sign* means any sign painted on or attached to an exterior wall of a building or structure and in the same plane as the wall. *Wall sign footage* means the total square footage of the wall area on which a wall sign is to be placed, measured by multiplying the linear length of the wall and the height of the wall from the ground to the roofline. Parapets or other structures that rise above the roofline shall not be considered part of the wall or fascia face.

(33) *Window sign* means any sign placed inside or upon the windowpanes or glass of any window or door.

Sec. 3 Applicability.

(a) The requirements of this Article shall apply to all properties, regardless of zoning district.

(b) The requirements of this Article shall apply to all signs that are visible from a street, public right-of-way or property in public ownership.

Sec. 4 Prohibited signs.

Except as otherwise provided this Article prohibits the following types of signs:

(1) Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles; signs using words, slogans, dimensional shapes or size, or colors of governmental traffic signs.

(2) Signs with electric, neon, or other lights flashing in series, lines, or rows, except time and temperature signs.

(3) Flashing, blinking, fluctuating, rotating, or otherwise animated signs.

(4) Signs attached to trees or utility poles or boxes; signs painted on or otherwise attached to rocks or other natural objects; signs, other than those placed by a local, state or federal government, located within the public street right-of-way or within 10 feet of the curb or closest edge of the pavement of any public street.

(5) Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.

(6) Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.

(7) A-frame, sandwich-type, sidewalk or curb-type signs, balloons, streamers, portable display signs, air or gas filled figures and other similar temporary signs, other than as permitted by Section 31.

(8) Roof signs.

(9) Projecting or swinging signs of a size in excess of those permitted by this Article.

(10) Advertising benches.

(11) Instructional signs greater than two and one-half (2 ½) square feet in size.

Sec. 5 Permit required; issuance.

(a) Except as specifically exempted by this Article, no person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve or convert any

sign in the City, or cause the same to be done, without first obtaining a separate permit for such sign from the Office of Planning and Zoning upon forms that are furnished by that department.

(b) Each application shall provide the following information:

(1) The current zoning of the proposed sign location.

(2) The type of sign as defined in this Article.

(3) A design and stress diagram or plan containing the necessary information to enable the Building Inspector to determine that such sign complies with all regulations of the SBCCI Standard Building Code, as amended, and NEC Electrical Code.

(4) The street address of the property upon which the sign is to be located and the proposed specific location of the subject sign on the subject property. A sketch or drawing to scale of the proposed location shall be included, showing the proposed height of installation of the sign and distances from all other signs and structures on the premises, from the public rights-of-way, and from corridors of influence.

(5) The square foot area of the proposed sign and the aggregate square foot area if there is more than one sign face. A sketch or drawing of the proposed sign shall show the size, dimensions, character height, and any other information as required by the Director of Planning and Zoning to ensure compliance with this Article.

(6) Written consent of the owner or lessee, or his or her agent, granting permission for the placement or display of the subject sign.

(7) Name, address, and telephone number of the sign contractor.

(8) Any pertinent or required permits, such as an electrical permit.

(c) The Office of Planning and Zoning shall accept all applications for sign permits and, together with the Building Inspection Department and any other necessary individual or department, shall review all applications for sign permits without unreasonable or unnecessary delay to ensure that the application is complete and that the specifications, sketches, drawings, permits and other requirements conform and comply with this Article and all other pertinent laws and ordinances; however, no action can be taken until the application requirements have been met. The Director of Planning and Zoning shall grant or deny the sign permit application within thirty (30) business days from the date the *completed* application was filed with the Office of Planning and Zoning; however, no review can take place until the application is complete. The burden

is on the applicant for the permit to provide the City with an application meeting all requirements of this Ordinance for completeness.

(d) An application meeting the standards of this Article shall be granted. If the City does not respond within thirty (30) business days from the date of submission of a *completed* application, the permit shall be deemed granted subject to the later determination by the City that the application did not comply with the standards of this Ordinance. In such event, within ten (10) calendar days the sign shall be modified in order to comply with the standards of this Ordinance or it shall be removed and taken down.

Sec. 6 Permit fees.

No permit shall be issued until the appropriate, completed application has been filed with the Office of Planning and Zoning, the completed application has been approved by the Office of Planning and Zoning, by the Building Inspection Department, and any other necessary individual or department, and fees have been paid as provided herein. Fees shall be established from time to time by resolution of the Mayor and Council.

Sec. 7 Duration of permit.

A sign permit shall become null and void if the sign for which the permit was issued has not been erected, displayed or completed within forty-five (45) days after the date of issuance; provided that where proof is provided by an applicant that the sign is under fabrication, one extension of this time period may be made without penalty. No refunds will be made of a permit fee after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign shall be processed and another fee shall be paid in accordance with the fee schedule that is applicable at that time.

Sec. 8 Effect of permit issuance.

A permit issued shall be construed to be a license to proceed with the erection or display of the sign according to the plans as filed with the application and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Director of Planning and Zoning, or his or her designee, from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code.

Sec. 9 Permit affixed to sign.

Every sign for which a permit is issued shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign. In case of window displays, the permit number will suffice where the display is maintained by the store licensee.

Sec. 10 Denial of a permit.

If, after review and investigation as required herein, it is determined that the application fails to meet one or more of the standards of this Article, the permit shall be denied and the Director of Planning and Zoning shall make a written report of the denial and the reasons therefore. A copy of the report shall be sent by certified mail to the designated return address of the applicant as stated on the application. The application for a permit shall be denied if one or more of the following conditions exist:

- (1) The application does not comply with any of the requirements of this Article; or
- (2) The application would violate any building, electrical, or other adopted codes of the City of Dawsonville.

Sec. 11 Appeals.

(a) Any person, firm or corporation aggrieved by a permit denial or other order, requirement, decision, or determination of either the Office of Planning and Zoning or the Building Inspection Department may file an appeal within ten (10) calendar days after rendition of the order, requirement, decision or determination from which appeal is taken. The appeal shall be a written petition with the Office of Planning and Zoning, which shall forward the written petition to the City Council. The City Council shall hear all such petitions within forty-five (45) days of receipt by the Office of Planning and Zoning, and shall act upon all such petitions within fifteen (15) calendar days of the date of hearing, unless the appellant consents to a longer review period. The City Council shall hear the grounds of the order, requirement, decision or determination and the reasons challenging same, and shall vote to affirm or deny the requested relief based upon the standards set forth in this Article. In the event the City Council hears an appeal of a permit denial under this section and fails to act within fifteen (15) calendar days, and the appellant has not consented to a further extension of time for ruling, the permit from which denial was appealed shall be deemed granted subject to the later determination by the City that the application was not in compliance with these regulations.

(b) Any person, firm, or corporation aggrieved by the decision of the City Council may appeal by certiorari as provided by law.

Sec. 12 Suspension, revocation of a permit.

(a) Violations of any provision of this Article shall be grounds for suspending or revoking the permit, which has been granted by the City to the owner and/or applicant erecting the sign. No permit shall be suspended or revoked except for violation of a

provision of this Article. The permittee shall receive written notice of a violation by personal service or certified mail and shall have ten (10) calendar days to cure said violation; or the permittee may, within that ten (10) day period of time, submit a written request to the Office of Planning and Zoning for a hearing before the City Council of to contest the suspension or revocation.

(b) The City Council shall hear all such matters in accordance with Section 11. Appeals of an adverse decision of the City Council shall be taken by certiorari as provided by law.

Sec. 13 Exemptions from permit requirements.

(a) The following signs are exempted from the permit requirements of this Article.

- (1) Any sign erected and maintained by a governmental entity.
- (2) Official notices or advertisements posted or displayed by or under the direction of any public official or court officer in the performance of official or court-directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments.
- (3) Instructional signs measuring less than two and one-half (2-1/2) square feet.
- (4) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the general public.
- (5) Accessory signs meeting the standards of this Article.
- (6) Any sign that is not visible from a public street or other public property, including any sign that is placed within a business, office, mall, or other enclosed area.
- (7) Any sign affixed on a window for purposes of viewing from outside the premises; provided such signs shall not exceed thirty per cent (30%) of the window area.
- (8) Temporary signs not exceeding fifty (50) square feet in area pertaining to events of a civic, community, philanthropic, memorial, educational, religious or other non-commercial nature; provided however, such signs shall not be posted more than one week before such event and must be removed within three days after the event.
- (9) Name plates not exceeding 24 by six (6) inches and containing only the name of the business or professional office.
- (10) Building, suite, apartment and/or house numbers, and letters used for the address identification of premises and measuring not more than eight (8) inches in height.

(b) Exemption from the permit requirement does not relieve a sign owner

from compliance with the remaining provisions of this Article.

Sec. 14 Construction; inspection.

(a) No sign shall be erected or maintained unless it is structurally safe, clean, and in good repair.

(b) Except as otherwise provided in this Article, all signs for which a permit is required shall be constructed and maintained in conformance with the City building code. All illuminated signs shall be constructed and maintained in accordance with the requirements of the National Electrical Code. All signs, together with their supports, braces, guys and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

(c) In the case of a sign with a translucent face, the material shall be a pan-molded background with embossed copy. In the case of a sign with copy less than six inches or a sign face smaller than two feet by four feet, a pan face with flat copy may be used. In the case of a sign face larger than 10 square feet, a flex face may be used.

(d) All signs of plastic material, including copy, facing or display surface, must be in accordance with ASTM D 65 (American Society for Testing and Materials).

(e) All edges and backs of signs shall be fully encased in metal or other non-combustible material.

(f) Every sign is inspected by the Building Inspector each year so as to determine continuing compliance with this Article and an inspection fee will be charged.

Sec. 15 Setbacks.

All signs shall be located outside the public rights-of-way. Signs located on a corner lot within 50 feet of the intersection of right-of-ways cannot be closer than 30 feet to the intersection right of way.

Sec. 16 Height of signs.

(a) Where permitted, freestanding signs shall not exceed 10 feet in height.

(b) Monument signs shall not exceed six (6) feet in height.

(c) All signs shall additionally be subject to the height limitation of the district in which the sign is located, and, in event of conflict, the most stringent standard shall apply.

(d) All sign heights shall be measured from the grade level of the adjacent street to which the land upon which the sign is located has access. The level of the ground shall not be altered in such a way as to provide additional sign height.

Sec. 17 Number of signs.

(a) Free-standing signs. There shall be no more than one (1) free-standing sign per legally platted parcel of property in commercial and industrial zoned districts, except in the Historic District where such signs are prohibited. Freestanding signs in residential districts are limited to the standards of section 22.

(b) Wall signs. In addition to the free-standing signs permitted by subsection (a) above, there may be one (1) wall sign for each separate use or business on a parcel in commercial and industrial districts; provided that such sign does not extend more than eight (8) inches beyond the facade of the building where attached. Wall signs are prohibited in single-family residential districts.

(c) Multi-family residential districts shall conform to the requirements of section 25 with respect to allowable signage.

(d) Accessory signs. In addition to the signs permitted in subsections (a) and (b) above, there may be one (1) accessory sign per legally platted parcel of property in commercial and industrial zones, subject to all other restrictions of this Article. Accessory signs are permitted in residential districts, subject to the limitations of section 22.

Sec. 18 Multiple signs.

In order to erect multiple freestanding signs, the multi-family, commercial, or industrial use must have frontage on two or more publicly dedicated streets. In those instances where one of the street frontages is on a local street serving a single-family residentially zoned subdivision, a second sign on the local street shall be prohibited and the sign area shall not be combined. If any applicant has an existing sign that does not conform to this Article, the sign in violation shall be brought into conformance or removed prior to a permit being issued for multiple signs.

Sec. 19 Location restrictions of signs.

(a) No free-standing sign may be located within 30 feet of the intersection of street right-of-way lines extended or at a location that would cause an obstruction to vision of vehicular or pedestrian traffic.

(b) No sign shall be inside the right-of-way.

(c) No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

(d) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this Article.

Sec. 20 Illumination.

(a) No sign shall give off light, which glares, blinds, or has any other such adverse effect on traffic. The light from all illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that the light shall not be of any intensity or brightness, which will interfere with the peace, comfort, convenience and general welfare of residents or occupants of adjacent properties and roadways.

(b) No illuminated sign shall be constructed or maintained within 75 feet of the property line of any single-family dwelling.

(c) No series, lines or rows of electric lights shall be allowed, nor shall any bare bulb illumination, nor illumination of flashing or moving lights which are not covered with translucent material.

(d) Neon or other types of illuminated signs may be used in the interior window of a storefront and shall not exceed an overall area of two (2) square feet. All other neon lighting is prohibited.

(e) No colored lights shall be used at any location or in any manner as to be confused with, or construed as, traffic control devices.

(f) Neither direct nor reflected light from primary light sources shall create a hazard to the motoring public.

(g) All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label, that shows the manufacturer of such sign.

Sec. 21 Signs not to be erected on public property.

Unless otherwise provided in this Article, all signs shall be located on private property and in no case on public property or within the public right-of-way or within utility easements.

Sec. 22 Restrictions in residential districts.

(a) In R-1 (single family residential) zones, each lot is permitted an aggregate sign area of no greater than ten (10) square feet, subject to exemptions contained elsewhere in this Article. No single sign shall exceed three (3) feet in height.

(b) In R-2 (one and two family residential) zones, each lot is permitted an aggregate sign area of no greater than ten (10) square feet per unit, subject to exemptions contained elsewhere in this Article. No single sign shall exceed three (3) feet in height.

(c) A maximum of two (2) subdivision or entrance signs per entrance into any residential subdivision or residential real estate development is permitted. These signs shall not exceed ten (10) feet in height or thirty-two (32) square feet in area.

(d) Accessory signs are permitted in accordance with section 30. Accessory signs shall be included in the aggregate signage allowance in subsections (a) and (b), if such aggregate allowance is subject to expansion during election periods as prescribed by section 30.

(e) R-3 multi-family residential districts shall be governed by the provisions of section 25.

Sec. 23 Restrictions in commercial and industrial districts.

(a) In commercial and industrial districts other than the downtown district, one free-standing sign per property frontage shall be permitted, limited to one hundred twenty (120) square feet sign area; provided that change copy boards of not more than twelve (12) square feet may be added to free-standing signs or may be incorporated into the free-standing sign design.

(b) In shopping centers, sign size shall be limited to the following:

<u>Sq. Ft. shopping area</u>	<u>Number of signs on premises by type</u>	<u>Maximum area of sign</u>
0-20,000 sq.ft.	1 freestanding or monument sign	32 square feet
20,000-40,000	1 freestanding or monument sign	64 square feet
40,001-50,000	1 freestanding or monument sign	128 square feet
50,000+	1 freestanding or monument sign	256 square feet

(c) Wall signs shall be allowed one (1) square foot of sign area for every 20 (20) feet of building frontage.

(d) Accessory signs are permitted in accordance with section 30.

(e) All signs located on sites abutting or visible from the interstate shall conform to O.C.G.A. Section 32-6-70 *et seq.*, with the Georgia Outdoor Advertising Code, and the Outdoor Advertising Standards. In addition, such signs shall meet all

federal and state requirements that are necessary to obtain a permit under Georgia law. In instances where the sign regulations of this Article are stricter, this Article shall control.

Sec. 24 Restrictions in the Downtown Historical district.

The City of Dawsonville has a separate Sign Ordinance for the Historical District of the City. Nothing in this Ordinance will over ride the specifications for signs located within the Historical District of the City of Dawsonville.

Sec. 25 Restrictions in office-professional districts.

(a) There shall be a maximum of one (1) monument type sign per entrance with a maximum height of eight (8) feet and a maximum sign area of thirty-two (32) square feet per side with a maximum of two (2) sides.

(b) There shall be a maximum of one (1) monument type sign per building with a maximum height of six (6) feet and a maximum sign area of sixteen (16) square feet per side with a maximum of two (2) sides.

(c) Office-professional premises shall choose one of the following:

(1) A maximum of one (1) projecting or swinging sign, mounted on a post, for each business or establishment with a maximum height of two (2) feet and a maximum sign area of four (4) square feet per side with a maximum of two (2) sides;

(2) A maximum of one (1) wall sign mounted per business to a structural member of the building. The sign shall have a maximum height of two (2) feet and a maximum sign area of three (3) square feet per sign; or

(3) A maximum of one (1) wall-mounted shingle per business or establishment with a maximum sign area of three (3) square feet with a maximum of two (2) sides. The height of a wall-mounted sign shall not interfere, impede, or cause injury to pedestrian traffic.

(d) Window signs are limited to (1) emergency contact numbers, and (2) one accessory sign per tenant.

Sec. 26 Corridors of influence.

Along all corridors of influence, freestanding signs are limited to monument style with a brick base, or approved alternate material, eighteen (18) to twenty-four (24) inches high. The total height of the sign, including the base, cannot exceed eight (8) feet if the placement of the sign is a minimum of ten (10) feet behind the right-of-way. The maximum sign area allowed is thirty-two (32) square feet per side with a maximum of two (2) sides. All signs must be interior-illuminated. There shall be no change copy

boards.

Sec. 27 Billboards.

Billboards shall be allowed only in the LI zoning district. In no event shall billboards be allowed in any other zoning districts, or within corridors of influence or within the intersections of influence. An application for billboard permit shall be granted provided that the billboard location and application, in addition to any other requirements of this Article, meets the following specific requirements:

(1) The height of any billboard sign and supporting structure is limited to 30 feet.

(2) The maximum sign face on a billboard shall be 480 square feet per face. No billboard shall rotate or have any moving parts.

(3) No billboard shall have more than two faces such that both faces cannot be viewed from any point at the same time. Such sign faces shall be part of the same sign structure and shall not be more than 42 inches apart from any point of the sign, and the angle of separation shall not exceed 30 degrees.

(4) No billboard shall be located within 1,500 feet of any other billboard or within 1,500 feet of any residential community.

(5) In order to construct a billboard under the standards of this provision, the applicant is required to own a fee simple property interest or have a leasehold interest in a legally platted parcel dedicated to use as a billboard site and large enough for a Fall Zone. A Fall Zone is defined as an area large enough and set back far enough from any buildings, structures, parking lots open to the public or property lines equal to 133% of the height of the entire structure in every direction. Within the Fall Zone, no other buildings or structures may be constructed.

(6) The dimensions of the sign face shall not exceed 15 feet in height and 32 feet in length, with or without trim.

(7) Trees may not be removed or trimmed from adjacent parcels for the purpose of construction, maintenance or improvement of the visibility of a billboard; provided, however, trees may be trimmed on the premises owned by or under control of the billboard owner.

(8) Each billboard site shall have a designated driveway access point, which is shown on the site plan presented with the application. The applicant shall have a property interest specifically providing for ingress and egress to the site. The ingress and egress driveway shall be paved and two additional paved parking spaces shall be provided for inspection, maintenance, and supervision of the billboard.

(9) All billboard construction must meet engineering standards, which are capable of withstanding 125 mile per hour wind velocity.

(10) All illuminated billboards must use base mounted fluorescent or mercury vapor lights and shall be activated by photocells. Any additional lights, including, but not limited to, neon, animation or running lights is specifically prohibited.

(11) Any structure extending beyond the face of any billboard, excluding the aprons is specifically prohibited.

Sec. 28 Discontinued uses.

When a business or service using a sign is discontinued, all sign faces relating to such use shall be removed within ten (10) business days from the date of discontinuance. The sign structure may remain in place.

Sec. 29 Vacant and undeveloped property.

Any commercial or industrial zoned property that is not occupied on a regular basis, any commercial or industrial zoned property that is not developed property, and any commercial or industrial zoned property undergoing development may contain only one (1) free-standing sign authorized by this section, except during an election period. Such sign may be a double faced sign consisting of two sign panels erected back to back or in a V-formation, provided that such sign faces shall be part of the same sign structure and shall not be more than 42 inches apart from any point of the sign, and the angle of separation for a V-shaped structure shall not exceed 30 degrees. Each sign face shall be limited to seventy-five (75) square feet of sign area, and the sign shall be erected to a height of no more than 10 feet; provided, however, that an unlimited number of accessory signs may be erected with permission of the property owner, and without a permit, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate for election.

Sec. 30 Accessory signs.

Accessory signs shall be allowed, without permit or fee, in accordance with the following:

(1) Accessory signs shall be mounted not closer than 10 feet to the back of the curb or pavement or from the edge of the public right-of-way, whichever is further from the street. No accessory sign shall project over property lines. Such signs shall not exceed the dimensional limitations of section 2 (1).

(2) Not more than one accessory sign shall be allowed per platted parcel of property; provided that an unlimited number of accessory signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate.

(3) All accessory signs shall require permission of the property owner on whose property they are erected and shall meet all standards of this Article with respect to maintenance and location.

Sec. 31 Temporary signs.

(a) Permit required.

(1) No temporary sign not meeting the standards of an accessory sign may be displayed unless a permit is issued by the City of Dawsonville.

(2) Except as further restricted under subsection (e), a permit allowing usage of this type shall not exceed twenty-one (21) consecutive days in a calendar quarter, after which time the owner of the temporary sign or the owner of the premises shall remove the sign from the premises.

(3) Only one (1) permit for temporary signage shall be issued for the same premises within the same quarter of the year (i.e., January 1 - March 31, April 1 - June 30, etc.). In the event a temporary sign is not removed within five (5) days after the expiration or revocation of the permit, no new temporary sign permit will be issued for that premises for a period of the remainder of twelve (12) months.

(b) Location. Unless otherwise restricted herein, temporary signs are allowed in general commercial, office, professional, and industrial zoning districts.

(c) Placement. All signs must be set back outside the right-of-way. The placement of a temporary sign in a parking space required to meet the minimum parking requirements for the premises is prohibited.

(d) Maximum height and area. The sign area of temporary signs shall not exceed the exterior measurement of four (4) feet in height or eight (8) feet in length, and shall not exceed a maximum of thirty-two (32) square feet in area per face.

(e) Maximum dimensions of inflatable signs or devices. One (1) air or gas-filled or other inflatable device may be allowed under a temporary sign permit in lieu of or in addition to a sign. Such devices shall not exceed a height of thirty (30) feet, as measured from the permanent structure upon which it is affixed, nor exceed a total of nine (9) cubic feet. Such signs or devices shall be securely attached to some permanent structure or to the ground. Inflatable signs and devices shall not be erected or displayed beyond seven (7) days out of any twenty-one (21) day permit period.

(f) Fastening of sign. Every temporary sign, when in use, shall in some manner be securely fastened to a permanent structure or to the ground; further, any portable or mobile sign or device on a vehicle shall have its wheels locked so that only the person renting, leasing, owning, or providing the sign shall have the capability of

unlocking the wheels.

(g) Lighting. All incandescent bulbs in, on, or attached to any temporary sign shall be P.A.R.-rated outdoor lamps of not more than 100 watts; however, spot-type bulbs are prohibited. Animation is prohibited on all temporary signs.

(h) Required label. Each temporary sign or device shall have permanently affixed thereto and prominently displayed thereon the name, address, and telephone number of the owner of the sign or device.

(i) Number. No more than one temporary sign is permitted per premises.

(j) Fee. Fees shall be established from time to time by the City Council.

Sec. 32 Variances from provisions.

(a) Any person, firm, or corporation seeking a variance from the terms of this Article may file a written petition with the Office of Planning and Zoning, which shall forward the written petition to the City Council. The City Council shall hear all such petitions within forty-five (45) days of receipt by the Office of Planning and Zoning, and shall act upon all such petitions within fifteen (15) calendar days of hearing, unless the applicant consents to a longer deliberation period.

(b) The purpose of a variance is to authorize a deviation from the terms of this Article, when, due to special conditions, a literal enforcement of the provisions of this Article will, in an individual case, result in an unusual hardship, so that the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign shall not constitute a valid reason to grant a variance. Moreover, mere economic hardship shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding of the City Council that all of the following conditions exist:

(1) Extraordinary and exceptional conditions pertain to the subject property as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;

(2) A literal interpretation of the provisions of this Article would deprive the applicant of rights that are commonly enjoyed by other similar properties,

(3) Granting the requested variance will not confer upon the applicant's property any significant privileges that are denied to other similar properties;

(4) The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or the general welfare of the public;

(5) The special circumstances are not the result of action of the applicant; and

(6) The requested variance is the minimum variance that will make possible the logical use of the land, building, or structure.

(c) Any person, firm, or corporation aggrieved by the decision of the City Council may appeal by certiorari as provided by law.

Sec. 33 Noncommercial speech protected; obscenity prohibited.

It is not the intent of this Article to regulate the content of speech through signage controls. To the extent any court of competent jurisdiction interprets any provision of this Article to restrict the content of speech, it is the intent of the City Council that all allowable signs may display a noncommercial message in addition to, or in lieu of, any other message; provided that any expression defined as obscene under O.C.G.A., Section 16-12-80 is prohibited

Sec. 34 Maintenance.

(a) The owner of any sign shall be responsible for ensuring that the sign is inspected annually and in good condition.

(b) Every sign, including those specifically exempt from this Article with respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-14 resistant material. The Building Department Director, or his or her designee, shall have the authority to inspect all signs and to issue a citation or order the repainting, repair, alteration, or removal of a sign which shall constitute a hazard to public safety, health, or general welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

(c) Any person, firm, or entity aggrieved by the provisions of subsection (b) may request a hearing before the City Council in accordance with Section 11.

Sec. 35 Non-conforming signs.

(a) Signs which were approved and erected under the previous sign regulations, other than temporary or portable signs, may continue in existence until one of the following conditions occurs:

(1) The deterioration of the sign or damage to the sign makes it unsightly or a hazard; or

(2) The sign has been damaged by act of God by at least 50% of its value, such that more than minor repairs are required to restore the sign to a reasonable condition. Under this subparagraph, the City shall not remove or order the

removal of such a non-conforming sign without paying just compensation in accordance with O.C.G.A. Section 32-6-83. In the event the City elects not to pay compensation for removal of any sign damaged by at least 50 % of its value, the sign may be restored to its original condition.

(b) A non-conforming sign shall not continue if use of the premises served by the sign ceases for any reason for a period of more than six (6) months. After such time, the sign shall lose its legal non-conforming status and shall be removed. Any subsequent sign erected on the premises shall conform with all requirements of this Article.

(c) A non-conforming sign shall not be replaced by another non-conforming sign, *except* that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted until the sign is due to be removed under the provisions of subsection (a) above. A sign structure may remain in place provided it is safe and structurally sound.

(d) Minor repairs and maintenance of non-conforming signs, such as repainting or electrical repairs, shall be permitted until the sign is due to be removed under the provisions of subsection (a) above. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the provisions of this Article; other than repair of a sign damaged by act of God pursuant to subsection (a)(2).

(e) Nothing in this section shall excuse the owner of a non-conforming sign from payment of all applicable fees and other costs due as a result of the existence of the sign within the City.

(f) No non-conforming sign shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by the sign at the time it became non-conforming, unless moving the sign makes it conforming.

(g) Any sign in violation of this section shall result in the sign owner receiving written notice of a violation by personal service or certified mail. The Director of Planning and Zoning may, in addition to other remedies, and after due notice, issue a citation for violation of this Article, requiring the presence of the violator in the municipal court, or may institute injunctive or other appropriate legal or administrative proceedings to prevent, correct, or abate such violation.

Sec. 36 Violation of ordinance; removal of violating signs.

(a) Any sign that is located on property which becomes vacant or is unoccupied for a period of six months or more, or any sign that pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be

removed by the owner of the sign or the owner of the premises.

(b) No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

(c) The Building Department Director, or his or her designee, shall cause to be removed any sign in any public right-of-way without notice. If a sign endangers the public safety, such as an electrically or structurally dangerous sign, or a sign for which no permit has been issued where one is required, the Building Department Director shall attempt to notify the property or sign owner to remove the sign; provided, however, the City reserves the right to remove, without notice, any sign determined by the Building Department Director to be an imminent hazard to the public safety.

(d) Any sign in violation of this Article shall result in the sign owner receiving written notice of violation by personal service or certified mail, except in circumstances of imminent peril to the public safety. The notice shall allow the owner ten (10) days, or such longer time as reasonable under the circumstances, to remove the sign or otherwise to bring the sign into compliance with this Article. Where the owner fails to comply with the notice, the Building Department Director may issue citation requiring the presence of the violator in the municipal court. The Building Department Director, or his or her designee, may, in addition to other remedies, institute injunctive, or other appropriate legal or administrative proceedings to prevent, correct or abate such violation.

Sec. 37 Penalties for violations; enforcement.

(a) Violations of this Article shall be punishable by the issuance of a citation and summons to municipal court. Any person found guilty of violating this Article shall be fined not less than \$50.00 and not more than \$200.00 per violation. If the offending sign is not removed or corrected within ten (10) business days of the disposition of the citation in municipal court, the owner shall be subject to multiple violations and fines in municipal court until the sign is removed or brought into compliance with this Article.

(b) In the event that any sign is erected or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Article, the Building Department Director, or his or her designee, may, in addition to other remedies, issue a citation for violation and summons to the municipal court, or institute injunctive or other appropriate actions to prevent or abate such violations.

(c) This Article shall be administered and enforced by the Office of Planning and Zoning in conjunction with the Building Department

Section 38 Conflicts.

All ordinances or parts of ordinances in express conflict with any provision of this Article

are hereby repealed.

Section 39 Severability.

If any provision or portion of a provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, it is the intent of the Mayor and Council of the City of Dawsonville, Georgia, that said invalidity shall not affect other provisions of this Ordinance or application of this Ordinance to any other person or circumstance which can be given effect without the invalid provision or application; and to this end, the provisions of this Ordinance are declared severable to the maximum extent permitted by law.

Section 40 Effective date.

This Ordinance shall become effective immediately upon its passage and adoption.

SO ADOPTED by the City Council of Dawsonville, Georgia, this ____ day of May, 2004.

CITY OF DAWSONVILLE

By: _____
Mayor, City of Dawsonville

Council Member

Council Member

Council Member

Council Member

Attested to by City Clerk