

ARTICLE XI

REGULATION OF SIGNS

Sec. 11.1 PURPOSES

It is the purpose of Euharlee in enacting these regulations to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this Ordinance to encourage an aesthetically attractive environment, allowing sufficient opportunities for communications to serve business, interest groups and the public, while complying with the Federal and State Constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In the absence of regulation, the number of signs tends to proliferate, with property owners desiring ever-increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises. In seeking to comply with federal and state law, the city has determined the following: large signs are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the Eleventh Circuit has recognized portable signs are visual clutter and a potential traffic hazard. The City's ordinance is consistent with such holdings, and is within the law and constitutional, which is a goal of the City. The goal of this Article is to avoid being an impermissible content-based regulation, and instead to be a permissible time, place and manner restriction.

Many signs can also be a hazard and negatively impact traffic safety, by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this Ordinance to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction. Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all the city's citizens.

Finally, it is the belief of the City that more communication is desirable during the election cycle, so that all citizens may freely express their viewpoints during the election campaigns, and therefore the ordinance allows increased opportunities to erect signs during these periods, without limiting content in any fashion. At all times, any sign permitted under this regulation can carry any message, political or non-

political, commercial or non-commercial. However, it is not the intent of this Article that all signs are built to the maximum size. The City encourages use of the minimum signage necessary to meet the purposes required.

Sec. 11.2 GENERAL REGULATIONS

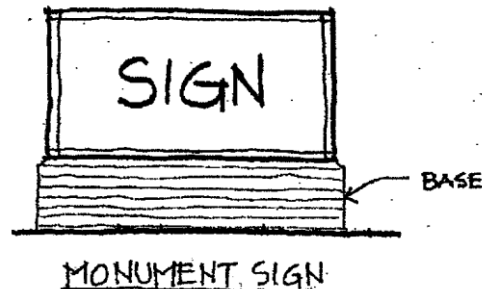
11.2.1 No sign shall be placed or maintained on any lot, development, building or other structure within the incorporated area of Euharlee except in conformity with this Sign Ordinance.

11.2.2 This Article does not regulate content of signs, only time, place and manner of sign erection. Notwithstanding any other restrictions in this Sign Ordinance, any sign, display or device allowed under this Ordinance may contain any commercial or non-commercial message. However, such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States, since prohibition of the foregoing is narrowly tailored to serve compelling government interests.

11.2.3 Definitions: As used in this Article, the following words have the following meanings. The general definitions and interpretative rules of the zoning ordinance shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.

Monument-Style Sign: Monument-style signs shall be permanently constructed, and not on a pole, should be with a base at least two feet high, with length and width of the base equal to or greater than the underside of the sign. The base shall be covered in brick, stone, masonry or similar permanent materials (excluding wood and metal), with the sign resting on the base. The Zoning Administrator may administratively approve other designs and materials consistent with this definition.

Amended November 9, 2010



Administrator may administratively approve other designs and materials consistent with this definition.

Planned Center: A single office, commercial, or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship (e.g., strip shopping mall, office complex, industrial park, etc.).

Sign: Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

Sign Face: The actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.

Sign Structure: This includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

Entrance Sign: A sign erected at the entrance to a development or subdivision. May only be single sided.

Ground Sign: A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

Wall Sign: A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 24 inches. A sign that is attached at an angle to the wall may extend outward no more than five feet, and requires an administrative variance from the Zoning Administrator.

Sidewalk, A-Type, Sandwich or curb – type signs: A portable sign consisting of two panels of equal size, which are hinged at the top and placed on the ground or pavement as to be self-supporting, or a similar one or two-sided portable sign designed to be placed on the ground. *Amended April, 2011.*

Sec. 11.3 PROCEDURES

11.3.1 Building Permits and Sign Registration.

- (A) Signs using electrical wiring and connections (i.e. illuminated signs), require a building permit, and the City Building Official should be contacted regarding such signs.

- (B) A permit is required from the Zoning Administrator prior to erection of a sign. However, all parties are advised to consult with the Zoning Administrator to avoid erecting signs that violate this Article, and it is suggested that a Sign Registration Form be filed prior to construction to ensure the sign is in compliance with the Article.
- (C) Sign Registration Form. Within sixty days of the erection of any Standard Permitted Sign or Additional Permitted Sign in the O/I, C-N, C-1, I-1, I-2, M-1 or PUD zoning districts, the sign or property owner is required to file a Sign Registration Form regarding the sign.
- (D) The Sign Registration Form shall be provided by the Zoning Administrator, and shall require at a minimum the following information, as well as any additional information required by the Zoning Administrator to determine if the sign complies with this Article. One sign form shall be required per sign:
 - (i) the name and address of the property owner and sign owner, if different;
 - (ii) the address of the sign, and description of the parcel upon which the sign is located;
 - (iii) the zoning district of the property containing the sign;
 - (iv) site plan showing the location of the sign on the lot, including indicating setbacks and distances of the sign to adjacent property lines and rights-of-way;
 - (v) elevation drawing showing the height and dimensions of sign face(s), and height of sign structure;
 - (vi) square foot area per sign face and the aggregate square foot area if there is more than one sign face; and
 - (vii) the signature of either the property owner or sign owner.

11.3.2 **The City reserves the right to take legal action to remove signs erected in violation of this Article.** Failure to file a Sign Registration Form in timely fashion shall be a violation of this Article.

Sec. 11.4 PERMITTED SIGNS

11.4.1 If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited.

11.4.2 Standard Permitted Signs.

The following signs are permitted in the following zoning districts. See

Sec. 11.2.3 for definitions. A double-sided (double-faced) sign is counted as one sign, but each face counts towards the maximum area permitted. (see Sec. 11.5.2. Area see Sec. 11.5.3. Values in the table are shown in feet (ft.) or square feet (sf)

Table of Standard Permitted Signs.

Districts /Uses	No. of ground signs	Total area of all ground sign faces	Max area of single ground sign face	Max height of ground signs	Window Signs (% of window area facing road frontage)	Wall Signs (number/ max total area) ³	Max size of single wall sign ³
A-1, RE-1, RE-2	3	32 sf	16 sf	5 ft.	2, up to 8 sf total area	None	n/a
R-1, R-2, R-3, and R-6	3 (4.)	16 sf	16 sf	5 ft.	2, up to 8 sf total area	None	n/a
C-1, C-N, O/I, single lot, use under 10,000 sf	1 ²	70 sf	35 sf	6ft.	25%	2/60 sf	40 sf
C-1, C-N, O/I single lot, use over 10,000 sf	1 ²	100 sf	50 sf	8 ft.	25%	3/90 sf	60 sf
O/I, C-1, C-N Planned Center	2 ²	200 sf	50 sf	8 ft	25%	2 per business/ 60 sf per business	40 sf
I-1, I-2, M-1 single lot	1 ²	70 sf	35 sf	6 ft.	25%	4/150 sf	60 sf
I-1, I-2, Planned Center	2 ²	200 sf	50 sf	8 ft.	25%	4 per business/ 150 sf per business	250 sf
PUD ¹	Fn. ¹	Fn. ¹	Fn. ¹	Fn. ¹	Fn. ¹	Fn. ¹	Fn. ¹

¹ Within a PUD district, signs are allowed consistent with the closest parallel zoning district relating to the underlying uses, either R-1, R-2 or C-N.

² Monument-style signs are the only style ground signs permitted for this district and use.

³ No wall sign may cover more than 10% of the wall it is located on. Only one wall sign per side of the building, limited to the maximum area stated. In no event shall more than one wall sign be displayed on the same wall or façade.

4: Home Occupations - Signs relating to residential home-based business shall not be allowed per Section 6.7 of Zoning Ordinance.

11.4.3 Additional Permitted Signs.

- (A) Entrance signs. Entrance signs are additional signs permitted at the entrance to a residential subdivision. Entrance signs may only be single-sided, monument-style signs, unless only one is erected, in which case it can be double-sided. Maximum height shall be five feet, maximum area of a sign face shall be 24 square feet. Entrance signs must be setback from the right of way a distance equal to their height plus one foot, and must be placed so as to not block sight lines for traffic. The location of such signs shall be submitted to the City engineer for review and approval prior to construction.
- (B) Sandwich-Board/Sidewalk Signs. Only one such sign shall be allowed per business within commercial zoning districts and can only be located on the exterior during hours of business. The size shall be no larger than two foot in width by three foot in height (2' x 3') per panel. Lettering can be either permanent or erasable in nature (i.e. chalkboard), however, the sign cannot contain electronic display or changeable letter text using non-permanent letters, numbers or symbols. On business located within a building with party walls (example: strip center, condominium, etc.), the sign shall be placed no further than ten (10') feet from the business's front entrance and shall be placed on the front sidewalk. In businesses located within a freestanding structure, the sign shall be located on the sidewalk along the front of the primary business being advertised. The sign shall be placed in a manner so that it shall not interfere with pedestrian and/or vehicular circulation. In situations whereas the placement of such a sign shall be in question due to a unique layout of the site, the planning and zoning administrator may enter a ruling on the location with consideration as to the intent of this section.

Amended April, 2011

11.4.4 Class 1 Temporary Signs (Weekend Signs)

Class 1 temporary signs are temporary signs permitted to be erected after 1:00 p.m. on any Friday and must be taken down by 8:00 p.m. the following Sunday.

- (A) Class 1 temporary signs may not exceed three feet in height and four square feet per side, and shall not be more than two-sided. Such signs may not be of a permanent nature.
- (B) Class 1 temporary signs may be erected in any zoning district. Such signs must not be placed within ten feet of the curb or pavement or right of way, and cannot be placed within the right-of-way. They may only be placed with the property owner's permission.
- (C) Nothing in this section affects the regular sign ordinance provisions; these are extra signs allowed during the times and days stated above. Any message can be placed on Class 1 temporary signs, subject to Sec. 11.2.2.

- (D) Class 1 temporary signs that are erected unlawfully or in violation of this Article, that constitute a safety hazard, that are located in improper areas, or are left erected beyond the permissible time frame, are a public nuisance and are subject to being removed and destroyed by the City without notice.
- (E) No more than one Class 1 temporary sign may be erected for every 10 feet of road frontage on any lot. Such signs may not pose a traffic hazard nor create a nuisance, and shall comply with all other relevant provisions of this Article (e.g. type, location, construction, etc.).

11.4.5 Class 2 Temporary Signs (Election Cycle Signs)

Class 2 temporary signs are temporary signs permitted to be erected during any election cycle.

- (A) Class 2 temporary signs shall not exceed five feet in height and sixteen square feet per side, and shall not be more than two-sided. Such signs may not be of a permanent nature.
- (B) Class 2 temporary signs are permitted in any zoning district. Such signs must be placed ten feet of the curb or pavement or right of way, and cannot be erected within the right-of-way. They may only be placed with the property owner's permission.
- (C) The election cycle is the time period starting 60 days prior to any primary, special election, general election, or run-off in the precinct(s) containing the City of Euharlee, and ending 5 days after the primary, special election, general election, or run-off, is held. Election cycles may overlap. For example, the election cycle for a general election may overlap with the election cycle for a runoff.
- (D) Nothing in this section affects the regular sign ordinance provisions; these are extra signs allowed during the election cycle. Any message can be placed on Class 2 temporary signs, subject to Sec. 11.2.2.
- (E) Class 2 temporary signs that are erected unlawfully or in violation of this Article, that constitute a safety hazard, that are located in improper areas, or are left erected beyond the permissible time frame, are a public nuisance and are subject to being removed and destroyed by the City without notice.
- (F) No more than one Class 2 temporary sign may be erected for every 10 feet of road frontage on any lot. Such signs may not pose a traffic hazard nor create a nuisance, and shall comply with all other relevant provisions of this Article (e.g. type, location, construction, etc.).

11.4.6 Special Exception Signs. Special exception signs are temporary signs permitted upon approval of the Planning and Zoning Commission for limited times. Unless a special exception permit is granted, the following

signs are prohibited. Any applicant seeking a special exception sign shall submit an application and provide the information requested by the Zoning Administrator, who shall put the request on the agenda for the next Planning and Zoning Commission hearing, which shall make the decision to grant or deny the sign. No notice or advertisement shall be required other than placing the request on the agenda in advance of the meeting. The application shall state the purpose of the request, the number and type of signs, the duration of the use of the signs, and any further information relevant to the request. In considering any request the Commission should consider the spirit and intent of the sign regulations, any negative impact on the surrounding community, any negative aesthetic impact, any impact on traffic or pedestrian safety or circulation, and the proposed benefit to the applicant. Special exception sign applications shall not be judged based on the content of the message, and may be granted for commercial or non-commercial purposes.

Special exception signs shall only be granted for two reasons:

1. The applicant is seeking to have signage relating to a particular or special event or in any event for a limited duration not to exceed two weeks. The same applicant shall not seek such signage more than four times per year. This type of special exception is applicable to any of the three types of special exception signs listed below.
2. Due to circumstances beyond the applicant's control (e.g., refusal by the landlord to permit permanent signage), the applicant cannot erect any permanent signage on their premises and therefore seek a special exception sign to in effect function in place of a standard permitted sign. The duration approved shall be the minimum amount of time that is reasonable. This type of special exception is only available for a banner sign, and no more than one such special exception may be granted.

Three types of signs can be sought under a special exception:

- (A) Banner Signs. These are temporary signs in the form of a banner, generally that are hung from poles, wires or structures.
- (B) Inflatable Signs. These are temporary signs in the form of a figure or animal generally inflated and either moving or still, whether blown by a fan or inflated by heat or lighter-than-air gasses (including "sky dancers" and "air dancers").
- (C) Living or Human Signs. These are signs held by or attached to an appropriately dressed human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, idea or product.

The grant or denial of a special exception sign permit may be appealed to the City Council by filing a written notice within five days of the decision. Only the applicant, the city staff or an affected neighbor can appeal such decision. The City Council shall consider grant the appeal only if it finds

that the Commission acted arbitrarily or improperly interpreted the ordinance.

Amended _____

- 11.4.7 Internal Signs. Any sign not visible from the outside of a structure or to passing members of the public is not restricted or regulated by this Article.

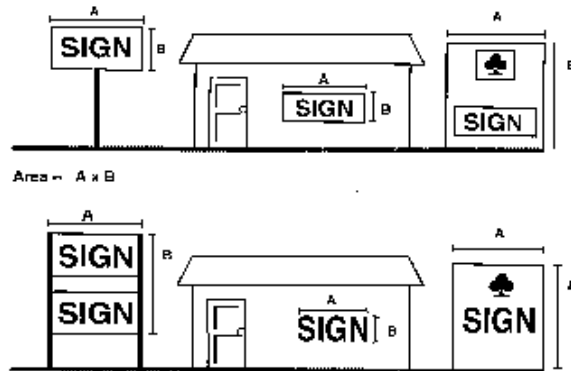
Sec. 11.5 REGULATIONS FOR SIGNS

11.5.1 Location and Setback

- (A) The property owner must give permission for all sign placement on the owner's property. Signs are not permitted in a City right-of-way without City permission.
- (B) All signs must comply with all side and rear setbacks of the underlying zoning ordinance.
- (C) Signs on private property can be located in front setback areas. For safety reasons, all such signs and sign structures, unless otherwise specified in this Article, must be set back at least five feet from the public right-of-way, or at least ten feet from the back of curb or edge of pavement, whichever is farther. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
- (D) Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

- 11.5.2 Height; Height Limits. Height is measured from grade to the highest portion of the sign structure. Height limitations in this Article control over the general height limitations of this zoning ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Article, rather than general height limitations. Height limitations apply to both the sign and the sign structure, whichever is the tallest. Height is measured from preexisting grade prior to construction. The base of a monument-style sign is included in the height calculation. The Zoning Administrator shall make the determination of height.

- 11.5.3 Calculation of Area. The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. The base of a monument-style sign is not counted towards the sign area. The Zoning Administrator shall make the determination of area. See examples:



Examples of Sign Face Area Measurements

- 11.5.4 Unusual Shaped Signs. Unusual shaped signs are signs that are any shape other than a square or rectangle, and includes signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base. The Zoning Administrator shall make a determination of what elements are included within this box. As a result, unusual shaped signs will end up with far less actual sign face than would be permitted for a square sign.
- 11.5.5 Projecting Signs. Wall signs may project as specified above. Any sign with an element that would project more than five feet outside the main body of the sign area, in any direction, requires an administrative variance from the Zoning Administrator. A sign that is attached at an angle to the wall may extend outward no more than five feet, and requires an administrative variance from the Zoning Administrator.
- 11.5.6 Number. For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit, as determined by the Zoning Administrator.

11.5.7 Illumination

- (A) Signs cannot be internally illuminated. All signs may be externally

illuminated. External illumination of any sign shall be positioned and shielded so that the light source cannot be seen directly by any passing motorists nor from adjacent dwellings or businesses. The intensity of light from external illumination shall not exceed 20 foot candles at any point on the sign face. Colored lamps are not permitted.

- (B) Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted. LED signs, "TV" type signs, Electronic Variable Message Center (EVMC) signs, or similar signs with changing images or displaying moving pictures are not permitted.
- (C) All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
- (D) The Zoning Administrator shall be authorized to consider an administrative variance to approve prohibited changing copy signs, and internal illumination signs, considering whether the internal illumination or changing copy better serves the purposes of this Article, is more compatible with the preexisting uses or adjacent property, better serves public safety, and/or better serves aesthetic goals of the City.

Sec. 11.6 SAFETY AND CONSTRUCTION STANDARDS

- 11.6.1 Official Confusion. Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- 11.6.2 Fire Safety. No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- 11.6.3 Corner Visibility. No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- 11.6.4 Traffic Visibility. No sign shall obstruct the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road).
- 11.6.5 Construction and Maintenance. All signs shall comply with the current applicable state standard minimum codes, the International Building Code (ICC) and, for illuminated signs, the National Electrical Code (NFPA). Signs other than Class 1 and Class 2 temporary signs must be constructed of durable materials, capable of withstanding weather and wind loads. Sign faces may not be covered with temporary banners or membranes. All

signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Sign face messages must be removed from an abandoned sign if a location has been out of business for six months or more; however the sign structure may remain if property owner is actively pursuing a new tenant or buyer.

- 11.6.6 Temporary Sign Standards. All Class 1 and Class 2 temporary signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device.
- 11.6.7 Removal of Unsafe Signs and Safety Hazards. The City may remove a sign in violation of this Article, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property; or said sign poses an immediate safety threat to the life or health of any members of the public.

Sec. 11.7 PROHIBITED SIGNS

The following types of signs are prohibited, as stated:

- 11.7.1 Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).
- 11.7.2 Rotating signs.
- 11.7.3 Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers. Inflatable figures and objects (e.g., creatures, beer cans) fall into this category. See Sec. 11.4.6 for limited exception.
- 11.7.4 Swinging or projecting signs, unless an administrative variance is granted by the Zoning Administrator. No such sign can project more than five feet, and in no case shall this type of sign exceed ten square feet in sign area. See Sec. 11.5.5.
- 11.7.5 Changing copy signs, moving signs, or signs with moving parts. This includes animated signs involving motion or sound; “trivision”-type signs (with mechanically-rotating panels); signs displaying moving pictures or images; signs with waiving elements, whether motorized or wind-powered; or similar moving signs. See Sec. 11.4.6 for limited exception.

11.7.6 Flashing, blinking or signs of varying light intensity, or signs containing exposed neon tubing. Signs with reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed.

Amended November 9, 2010

11.7.7 Courtesy benches, trash cans, and similar devices displaying signs.

11.7.8 Trailer signs (means signs larger than three square feet mounted on trailers).

Amended August 7, 2012 (City Council meeting) as part of the Zoning Ordinance.