

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend CHAPTER 21 (SIGNS) also known as the Sign Ordinance; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS) by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined**. Text removed from current law appears as **red, bold and strikethrough**.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

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

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

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

TMOD-22-015

STONECREST ZONING

ORDINANCE UPDATE

Revisions to the Sign Ordinance, Chapter 21

Sec. 21-1. - Purpose and findings.

The city council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the city can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city, further, finds that signs have become excessive and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and substantially detract from the beauty and appearance of the city. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance from which this chapter is derived are as follows:

- (1)To protect the health, safety and general welfare of the citizens of the city, and to implement the policies and objectives of a comprehensive development plan of the city through the enactment of a comprehensive set of regulations governing signs in the city;
- (2)To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3)To preserve the value of property on which signs are located and from which signs may be viewed;
- (4)To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
- (5)To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
- (6)To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city;
- (7)To provide fair and reasonable opportunities for advertisement by the business community located within the city so as to promote the economic vitality of local businesses;
- (8)To ensure the protection of free speech rights under the state constitution and the United States Constitution with the city;
- (9)To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
- (10)To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of

the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;

(11) To provide for temporary signs in limited circumstances;

(12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; **and**

(13) To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter; **and**

(14) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

Sec. 21-2. - Definitions.

Parapet Wall means that integral part of a wall that extends above the top of a building.

Parapet Wall Sign means a sign attached parallel to but within 12 inches of a parapet wall, painted on a parapet wall, or erected and confined within a parapet wall, which is supported by said parapet wall and which displays only one sign face.

Shopping center means three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

~~Sign means a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For the purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein. Seasonal holiday decorations shall not be included within the definition of the term "sign" and regulated as such.~~

Sign means any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" shall include both "sign face" and "sign structure."

Sign Face means the portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

Subdivision Entrance Sign means a sign installed at the entrance of a subdivision approved pursuant to the Land Subdivision Ordinance of the City of Stonecrest.

Temporary Sign means a sign mounted on a stake or metal frame that is used for a limited time period and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

Wayfinding Directional sign means signage used to assist the public in navigating and locating parking, individual tenants, activity centers, ingress/egress points, and other features internal to a mixed-use development and that is not visible from public rights-of-way.

Sec. 21-23. - Permits.

(a) Except as specifically excluded from the requirements for obtaining a permit, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit or any other permit required by this chapter or other ordinances of the city. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this chapter.

b) Existing signs which conform to the provisions of this chapter that would be required to obtain a permit under the regulations of this chapter must register with the ~~director~~ **Director of Planning and Zoning** within 90 days of the effective date of the ordinance from which this chapter is derived if such signs do not have a valid permit pursuant to a previous ordinance and pay a permit fee. The information provided for registration will be the same information required in a permit application under [section 21-24](#). No permit fee will be required for the registration of existing signs which have a current valid permit under any previous ordinance regulating sign.

Sec. 21-28. - Enforcement and penalties.

a) The ~~director~~ **Director of Code Enforcement** may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this chapter or in violation of any other applicable ordinance regulating signage, including, but not limited to, the building and electrical codes.

Sec. 21-61. - Fees.

The cost of a sign permit shall be established by the city council and collected by the ~~director~~ **Director of Planning and Zoning**

Sec. 21-62. – Prohibited signs.

The following types of signs are prohibited throughout the city:

- (1) Signs placed in the dedicated right-of-way of any public road other than publicly-owned or -maintained signs and signs pertaining to railroad crossings;
- (2) Window signs which exceed 30 percent of the total window area for the entire business;
- (3) Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;
- (4) Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign;
- (5) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;
- (6) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;
- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure except as may be set forth herein;
- (8) Animated signs;
- (9) Signs that obstruct any fire escape, any means of egress or ventilation or that prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;
- (10) Signs that do not conform to city building and electrical codes;
- (11) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;
- (12) Roof signs;
- (13) Multi-faced signs, including:
 - a. Tri-vision signs; and
 - b. LED signs not meeting the standards of section 21-74;
- (14) Signs erected after the effective date of adoption of the ordinance from which this chapter

is derived that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;

(15)Balloons, pennant streamers or air or gas filled figures and any sign constructed of non-durable material, including, but not limited to, paper, cardboard or flexible plastic. This provision does not apply to flags, banners, or special event signs;

(16)Portable signs;

(17)Abandoned signs. Signs (including sign structures) shall be deemed abandoned if it does not present a neat and orderly appearance, which may be manifested by the following; rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy and/or if the business, service or commercial transaction to which it relates has been discontinued for six months;

(18)Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;

(19)Illegal signs; **and**

(20)Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street and visible therefrom.

Notwithstanding the foregoing holiday lights and decorations displayed not more than 30 days before a holiday shall be exempted from this section-;

(21) Human signs; and

(22) Billboard signs.

Sec. 21-65. - Restrictions in residential zoning districts.

~~(1)~~ ~~(A)~~ There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

~~(2) Ground signs are prohibited, with the exception of monument signs;~~

~~(3)~~ ~~(B)~~ No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

~~(4)~~ ~~(C)~~ Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

~~(5)~~ ~~(D)~~ Reserved; and

~~(6)~~ ~~(E)~~ No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, **private all** elementary, middle, or high school provided such sign meets all other requirements of this chapter.

(F) Entrance wall signs.

(1) Single-family residential:

One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage.

Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.

(2) Townhome and multifamily:

Monument signs. One maximum 32-square-foot entry wall or monument sign or two single- faced entrance wall or monument signs not to exceed 16 square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including 500 linear feet of frontage. The sign shall have a maximum height of six feet (see exception), shall not be internally illuminated unless backlit illumination is used. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten feet in height

(G) Multifamily residential uses.

(1) Signs for multi-family residential uses zoned MR-1, MR-2, MR-3, HR-1, HR-2, HR-3 provisions per section 21-72 for nonresidential use sign regulations.

Sec. 21-69. - Wall or projecting signs.

(a)

Wall or projecting signs shall be securely fastened to the building surface.

(b)

No wall sign greater than 180 square feet shall be ~~placed below the 12th story of a building~~ **confined to the upper 30 feet of the façade.**

(c)

Projecting signs may project from the building up to two feet, provided that no projecting sign shall be maintained less than ten feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.

(d)

No wall or projecting sign shall extend above the parapet wall.

(e)

Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation.

(f)

Wall signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature sign.

Sec. 21-70. – ~~Ground signs~~ Monument Signs

~~(a) The height of any directional sign shall not be more than three feet above the ground.~~

~~(a)~~ ~~(b)~~ All ground signs allowed for primary facades shall be placed between the primary facade and the street, the primary facade faces.

~~(b)~~ ~~(c)~~ All ground signs allowed for secondary facades shall be placed between the secondary facade and the street, the secondary facade faces.

~~(d) all ground signs in the MU-1-5 zoning districts shall be monument signs.~~

Architectural Treatment			
			
Prohibited			Permitted

Table 21.72

	Monument Sign	Canopy or Wall Sign	Directional Sign	Window Sign
Max. height	10'	N/A	3'	N/A
Max. width	20'	80 percent of the wall or canopy width	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b))	6	10 percent of the window space
Max. number allowed	One per façade-street <u>frontage</u>	1/ primary façade on <u>buildings less than 8 stories</u> ; 2/ and 1 secondary façade on <u>buildings 8 stories or more</u>	2 authorized curb cut	N/A

Required setback from electrical transmission lines	10'	N/A	0'	N/A
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(b)

In lieu of the sign regulations of Table [21-72](#)(a) above, a lot developed as a planned commercial center shall be allowed the following:

TABLE [21-72](#)(b)

EXPAND	Monument Sign	Wall Sign	Directional Sign
Max. height	10'; for properties over 40 acres, 12'	N/A	3'
Max. width	20'	80% of the wall or canopy width	3'
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See section 21-69 (b))	6

Max. number allowed	1/street frontage	1/facade buildings less than eight stories; 2/facade on buildings eight stories or more	2/authorized curb cut
Max. projection from structure	N/A	6'	N/A
Required setback from electrical	10'	N/A	0'

	Monument Sign	Wall Sign	Directional Sign
transmission lines			

(c)

No property zoned for nonresidential use may have more than one ground sign that is oriented towards travelers along the same street.

Sec. 21-82. - ~~Wayfinding signage.~~ Directional Signs

- (a) *Location.* Wayfinding Directional signs shall not be affixed or otherwise attached to trees, traffic signals, benches, street signs, or fencing, and shall be subject to the following regulations:
 - a. Signs must allow for a minimum five-foot-wide clear pedestrian pathway to and from all building entrances and exits.
 - b. Signs for courtyard entries shall be limited to one sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten feet of the courtyard entrance.
- (b) *Size.* Wayfinding Directional signs shall be a maximum of 16 square feet in area and ten feet in height.
- (c) *Design.* Wayfinding Directional signs shall have a compatible design, be constructed of durable materials with a substantial base and landscape plantings, and colors that complement the existing allowable signage for the center subject to the approval of the director or his designee.
- (d) *Miscellaneous.*
 - a. Signs shall not be internally illuminated;
 - b. A sign permit is required for the wayfinding directional package for a mixed-use development.

Sec. 21-84 Temporary Construction Signs

Temporary Signage During Construction: Temporary signage during construction shall be permitted as follows:

(1) In R-100 through R-5 and RNC zoning districts. Unilluminated signs are permitted in single-family, two-family, and multi-family-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one sign per dwelling not to exceed six square feet per contractor or subcontractor.

(2) All other zoning districts: In all other zoning districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and six square feet per subcontractor.

(a) A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued.

Sec. 21-85 Temporary Signs

Temporary Sign Permit Required. The following temporary signs are permitted following issuance of a temporary sign permit.

(1) Promotional Signs. A temporary sign or attention getting device used to advertise a temporary special event.

(a) Air- or gas-filled balloons or other devices that have a capacity for air or gas that does not exceed 3 cubic feet.

(b) Flags, signs, pennants, streamers and banners, a maximum size of 32 square feet, except official government flags.

(c) Promotional signs can be used for a period not exceeding 10 consecutive days.

(d) No temporary sign permit for a promotional sign will be issued for the same premises more than 80 days per year.

(e) No business will be issued a promotional sign for more than one sign or device per street frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center is considered to have one street frontage.

(f) No sign can be located within the public right-of-way.

(2) Yard/Garage Sale Sign.

A temporary sign used to advertise a yard/garage sale.

(a) No sign can be located within the public right-of-way.

(b) Signs must be on private property with the property owner's consent.

(c) No sign is allowed on a telephone pole, tree or traffic sign.

(d) The maximum size of a sign is 4 square feet per sign.

(e) Signs are permitted 2 days prior to sale and must be removed the day after the sale.

(f) The temporary sign permit must be displayed upon the request of any municipal officer or citizen requesting identification or proof of permission for the yard/garage sale.

(g) A maximum of 6 signs per yard/garage sale are allowed.

(h) The temporary sign permit is valid only for family use and may not exceed 3 per year.

(3) Grand Opening Signs.

A temporary sign used to advertise a grand opening or final closing sale.

a. On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.

b. The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.

(4) Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.

(a) Signs are allowed for a maximum period of 2 consecutive days in any one week.

(b) A maximum of 3 signs per house/lot are allowed.

(c) Signs must be located within 2 miles of the property to which they refer, as measured along existing streets.

(d) No sign can be located within the public right-of-way.

(e) Signs cannot exceed a maximum area of 4 square feet per sign.

(f) Not more than 1 sign is allowed at any "T" intersection and no more than 2 signs are allowed at any 4-way intersection.

(g) Signs cannot have any balloons, streamers, and pennants attached to them.

(h) Such signs cannot be illuminated.

(i) Signs can only be placed on property with the owner's express written permission.

(5) On-Site Real Estate Signs. A temporary sign erected by the owner, or their agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

(a) Single-Family Residential District.

(i) Only one sign is permitted per lot or home for sale.

(ii) The sign cannot be illuminated.

(iii) The sign cannot exceed 6 square feet in area.

(iv) Signs must be removed within 10 days after the lot or building is leased, or sold.

(b) All Other Districts.

(i) Only 1 sign is permitted per parcel for sale or lease, except that corner lots may have 1 sign per frontage, separated by not less than 50 feet.

(ii) Once the building is occupied, no on-site real estate signs are allowed on the ground; they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.

(iii) The sign cannot be illuminated.

(iv) Each sign cannot exceed 32 square feet in area and 10 feet in height.

(v) Signs must be removed within 10 days after the lot or building is leased, or sold.

(vi) Signs cannot be located within the public right-of-way

(6) Temporary Signs Not Requiring a Permit. The following temporary signs are allowed without the issuance of a temporary sign permit, provided they meet the specified standards below.

(1) Political Signs. A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office. A political sign cannot exceed 32 square feet in area and 8 feet in height. Sign must be removed the day after election.

(2) Civic or Educational Institutions. Temporary signs not exceeding 4 feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations are allowed, provided signs are posted not more than 2 days before the event and removed the day after the event.