

AGENDA
HOSCHTON PLANNING AND ZONING COMMISSION
November 20, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

- I. Call to Order/Roll Call
- II. Recognitions
- III. Pledge of Allegiance
- IV. Moment of Silence for Individual Prayer and Self-Reflection
- V. Approval of Minutes (September 25, 2024) (no meeting held October)
- VI. Public Comment (*5-minute time limit*) (*for items unrelated to public hearings on agenda items*) (*sign-in required*)
- VII. New Business – Public Hearing

5-year Update of Comprehensive Plan: The purpose of the public hearing is to brief the community on the process to be used to develop the plan, opportunities for public participation in development of the plan, and to obtain input on the proposed planning process.

VIII. Other Business

- A. Presentation of Data on the Impacts of Residential Growth – Scott Butler (from Jackson County comprehensive planning process/steering committee)**
- B. Distribution of Hoschton Sign Ordinance for review (for future discussion and recommendations for amendment)**

IX. Adjourn

MINUTES
HOSCHTON PLANNING AND ZONING COMMISSION
September 25, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

MEMBERS PRESENT:

Edwin “Ace” Acevedo, Vice Chair
Scott Butler
Geoffrey Horney
Chuck Jonaitis
Christine Moody, Chair
Brenda Stokes
Tom Vivelo

OTHER CITY PERSONNEL PRESENT:

Hon. Debbie Martin, Mayor
Hon. Christina Brown, City Council Member
Hon. David Brown, Mayor Pro Tem
Jerry Weitz, Consulting City Planner
Jen Williams, Assistant City Clerk

MEMBERS ABSENT:

None

Call to Order

The meeting was called to order at 6:01 p.m. by Chair Moody. All members of the planning and zoning commission were present.

Chair Moody recognized Mayor Debbie Martin and Mayor Pro Tem David Brown, who were in attendance (Christina Brown, City Council member, joined the meeting at later time after initial recognitions). The pledge of allegiance to the flag was completed, as was a moment of silence for individual prayer and self-reflection.

Approval of Minutes

A motion was made by Chuck Jonaitis, seconded by Tom Vivelo, to approve the minutes of the July 24, 2024, meeting. The motion was unanimously approved (7-0).

Public Comment

There was no one who signed up to speak or who spoke at the meeting.

New Business – Public Hearings

Ordinance TA-2024-06: An Ordinance Amending the Zoning Ordinance of the City of Hoschton, Georgia, Article IV, “Zoning Districts and Official Zoning Map,” Section 4.14, “Mixed-Use District,” Table 4.3, “Permitted and Conditional Uses in Non-Residential Zoning Districts,” To Amend Day Care Center Permissions in the MU, Mixed-Use District Zoning District and for Other Purposes *[Consulting planner’s recommendation: approval]*

Jerry Weitz summarized the amendment proposal, which would add day care centers and related uses as permitted in the MU, Mixed Use District, zoning district. He explained that the zoning ordinance authorizes property owners to apply for changes to the text of the zoning ordinance, and that the ordinance had been initiated by a property owner. A public hearing was convened. The applicant was not present to speak on the matter. No one else spoke in favor of or in opposition to the proposed ordinance. The public hearing was closed.

Commission members discussed the proposed ordinance. Weitz clarified that the proposed ordinance was not site specific, meaning that it would (if approved) apply to any and all Mixed Use (MU) zoning districts in the city. He also said that there was only one MU zoning district in the city, and that is the property in front of Creekside Village subdivision.

Commissioner Scott Butler raised concern about traffic generated by day care centers. He indicated the proposed facility may have a few hundred students attending, and that there is no traffic signal where the proposed day care center would enter and exit (i.e., onto Eagles Bluff Way). Mr. Butler noted that at Peachtree Road and SR 53, which currently doesn't have a traffic signal, people take big chances pulling out onto SR 53 and that it is dangerous. He also indicated that if the ordinance is passed to allow a day care center as a permitted use, and one goes on the site proposed (within the commercial area of Creekside Village on the west side of State Route 53 south of Eagles Bluff Way), there would no ability to mitigate the traffic. Commissioner Acevedo also raised concerns about traffic from day care centers.

Jerry Weitz noted that the existing day care center on SR 53 in the downtown had been an issue with regard to traffic; until the day care center bought additional land and constructed a driveway around the day care building to store incoming traffic, cars spilled out onto SR 53, and the city was even allowing the Depot parking lot to serve as queueing for day care center entering traffic so as not to create disruptions on SR 53. Weitz noted, in response to concerns about mitigating traffic, that the ordinance could be changed to require a day care center be a "conditional" use rather than a "permitted" use. If made a conditional use, that would require the filing of an application for conditional use which would be reviewed by the planning commission and city council (after public hearings) and which could then be required to address traffic or other impacts of the proposed use.

After discussion, a motion was made by Chuck Jonaitis, seconded by Tom Vivelto, to recommend approval of Ordinance TA-2024-06 with a change to provide the proposed uses to be "conditional" rather than "permitted." The motion was approved unanimously (7-0).

Ordinance O-2024-05: An Ordinance Amending the Subdivision and Land Development Ordinance of the City of Hoschton, Georgia, Article VII, "Storm Drainage and Utilities," to add a new Section 707, "Oversizing of Utilities and Development Agreements."

Jerry Weitz summarized the amendment proposal. The ordinance would amend the subdivision and land development regulations to provide for a process of oversizing improvements and utilities in cases where other development would occur in the vicinity. Weitz indicated that there was a second (revised) version of the ordinance printed and in front of the commission members for consideration that evening as a substitute. He said that he had received comments from the

city attorney and had tried to address those concerns and suggestions with amendments to the original version.

A public hearing was convened. No one spoke in favor of or in opposition to the proposed amendment. The public hearing was closed. During discussion, it was stated that improvement and utility oversizing should be a part of the city's plans. There was discussion about the extent to which developers should fund the additional improvements or oversized utilities themselves without city participation. There was some sentiment expressed that developers should shoulder the burden of oversizing. Jerry Weitz indicated that there were legal principles associated with "exactions" and impact fees and other off-site impact requirements, and that the city could not burden a given developer with improvement requirements or utility oversizing that do not have direct benefits to the development. Commissioner Acevedo indicated he was comfortable with the revised ordinance, because it had several points of city review and acceptance of a development agreement for improvement and utility oversizing, including the city engineer, city attorney, and city council. Accordingly, a motion was made by Commissioner Acevedo, seconded by Commissioner Jonaitis, to approve the revised version of Ordinance O-2024-05 that was presented at the meeting. The motion passed with a vote of 5 in favor to 2 opposed, with Commissioners Scott Butler and Tom Vivello voting against the motion.

Discussion item: 5-Year Update of Comprehensive Plan

Jerry Weitz indicated this was on the agenda for discussion if needed but that there was no action required. He indicated that the city was required to prepare and adopt a 5-year update of the comprehensive plan, and that the plan would need to be adopted by October 31, 2025. He indicated that the planning commission would have a voting role in recommending updates to the comprehensive plan. The city would be scheduling initial public hearings before the planning commission and city council on this matter, probably in November.

Weitz noted also that the city would be required to appoint and convene a comprehensive plan steering committee which would oversee the planning process. He indicated that it was up to the Mayor and City Council as to how to comprise such a committee. Weitz asked Mayor Martin to speak regarding the city's intentions relative to the steering committee. Mayor Martin addressed the commission, indicating that the city expected to establish a committee with approximately 12 members, including two members from the city council, two members from the planning commission, and several business owners. There was no further discussion about the upcoming planning process.

There being no other business, on a motion by Chair Moddy, seconded by Tom Vivello, and approved unanimously, the meeting was adjourned at approximately 7:15 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:

Christine Moody, Chair

F:\Planning & Zoning\Jerry Weitz 2020\Planning Commission 2024\Minutes\Hoschton PZ Minutes 9-25-24.docx

HOSCHTON COMPREHENSIVE PLAN 5-YEAR UPDATE TENTATIVE SCHEDULE

Date (or Month)	Event
November 20, 2024	Public hearing Planning and Zoning Commission
December 12, 2024	Public hearing City Council
January-March 2025	Stakeholder interviews
January-May 2025	Steering committee meetings (5-6
June 2025	Public hearing Planning and Zoning Commission
July 2025	Public hearing City Council
July 2025	Submit complete draft plan for Regional and State Review
July-August 2025	Regional and State Review Period
October 2025	Adoption by City Council
October 31, 2025	Recertification deadline

Note: City transportation planning process will be initiated with a separate schedule lapsing behind the comprehensive planning process.

Topics Covered: Natural and historic resources, population, housing, economic development, community facilities and services, land use, broadband, transportation, and capital improvements element for development impact fees

Tentative Sequence of Topics for Steering Committee Meeting Content

- Public participation strategies (additional actions if any)
- Vision, goals, and policies
- Needs and opportunities
- Summary of stakeholder input
- Land use element including future land use plan map
- Other components (environment, housing, broadband, intergovernmental, etc.)
- Community facilities and capital improvements element
- Community work program
- Review of full draft of plan

Comprehensive plan steering committee (appointed):

Hon. Tina Brown – City Council
Hon. Scott Courter – City Council
Hon. Dave Brown – City Council
Chris Hardin – Resident
Christine Moody – Planning & Zoning Commission Chair
Chuck Jonaitis – Planning & Zoning Commission
Matt Ruppel – Business Owner
Hon. Debbie Martin – Mayor

Lead Planner: Jerry Weitz, Jerry Weitz & Associates, Inc. (city planning consultant)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. O-2021-03

**AN ORDINANCE REPEALING CHAPTER 43, "SIGNS"
OF THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON
AND ADOPTING A NEW CHAPTER 43, "SIGNS AND ADVERTISING DEVICES;"
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO
PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES**

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF
HOSCHTON AS FOLLOWS:**

Section 1.

Chapter 43, "Signs" is hereby repealed and a new Chapter 43, "Signs and Advertising Devices," is adopted to read as follows:

**"CHAPTER 43
SIGNS AND ADVERTISING DEVICES**

Section 43-101. Findings.
Section 43-102. Purposes.
Section 43-103. Intentions.
Section 43-104. Jurisdiction and General Applicability.
Section 43-105. Definitions.
Section 43-106. Exemptions.
Section 43-107. Prohibited Signs.
Section 43-108. Location Restrictions.
Section 43-109. Lighting Restrictions.
Section 43-110. Maximum Sign Height.
Section 43-111. Principal Ground Signs.
Section 43-112. Accessory Ground Signs.
Section 43-113. Residential Subdivision or Project Entrance Signs.
Section 43-114. Wall Signs.
Section 43-115. Window Signs.
Section 43-116. Signs During Sale or Construction.
Section 43-117. SR 53 Corner Lot Additional Sign Allowance.
Section 43-118. Sandwich Board Signs.
Section 43-119. Signs on Fences.
Section 43-120. Drive-through Lane Signage.
Section 43-121. Flags.
Section 43-122. Electronic Changeable Copy Signs.
Section 43-123. Interim Banner or Interim Advertising.
Section 43-124. Suspended Signs.
Section 43-125. Projecting Signs.
Section 43-126. Special Event Signage, Establishment.
Section 43-127. Marketing Signage for a Residential Subdivision.
Section 43-128. Weekend Signs.

Section 43-129. Variance or Special Authorization.
Section 43-130. Nonconforming Signs.
Section 43-131. Additional Signage on Lot with Nonconforming Sign.
Section 43-132. Building and Electrical Permits for Signs.
Section 43-133. Sign Permit.
Section 43-134. Sign Maintenance.
Section 43-135. Discontinued Signs.
Section 43-136. Enforcement of Illegal Signs.
Section 43-137. Sign Regulations for Planned Unit Developments.

Section 43-101. Findings.

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

- (a) Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents; and
- (b) Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs; and
- (c) Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists; and
- (d) The appearance of the city is substantially influenced by signs, and it is essential to the city's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the city; and
- (e) The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can have a particularly detrimental effect on adjacent properties and contribute to an overall image of blight in the community; and
- (f) Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize the value and benefit of public investments in streetscapes; and
- (g) Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses, because business owners may be compelled to erect larger and costlier signs to outperform neighboring or nearby businesses. Such competition for visibility among business can result in too many signs and excessive sizes and heights, to a point of diminishing returns where individual business signs are no longer adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message. If signs are

left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business of choice in the sea of advertising devices; and

- (h) Signs placed on building walls can be excessive if not regulated as to the area of the sign face, and it is in the public interest to ensure that signs are proportional to the building wall on which the signs are placed. It is considered inappropriate to attach signs to certain objects like rocks and benches, thereby justifying certain prohibitions. It is also considered inappropriate to allow signs above rooflines of buildings, justifying prohibition, since roof signs interrupt the silhouette of the building, overpower the architecture of the building, and can also block views.
- (i) Some signs and advertising devices are designed to move in the wind. For instance, a flag, or feather banners (also called "wind blades"), or ribbons on strings, etc. are designed to capture attention due to movement in the wind. Such signs and advertising devices have greater potential for attracting attention to them given their movement. Without regulations on these types of advertising devices, the result would be clutter and degradation of community appearance.
- (j) Signs, if improperly maintained, present an unkempt appearance and may present an image of blight to visitors, residents, and employees. It is in the interest of the city to ensure that signs are properly maintained to avoid the appearance of blight and also to prevent possible detrimental impact on property values that may result from such blight.
- (k) The regulations contained in this chapter are no more extensive than necessary to serve the substantial governmental interests and purposes identified in this chapter.

Section 43-102. Purposes.

The purposes of this chapter are to promote and protect the public health, safety, general welfare, and aesthetics, specifically including but not limited to the following:

- (a) To provide for the expression of commercial and noncommercial speech by citizens and businesses in the city, and to afford adequate opportunity for self-expression through free speech;
- (b) To reduce clutter and to improve the general attractiveness of the city;
- (c) To enable the public to locate goods, services, and facilities in the city without difficulty and confusion;
- (d) To ensure the reasonable, orderly, and effective display of signs;
- (e) To reduce the probability of traffic accidents due to signs obstructing or confusing the vision of drivers, bicyclists, or pedestrians;
- (f) To ensure that signs are compatible with their surroundings and to protect property values;

- (g) 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;
- (h) To insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs; and
- (i) To balance the rights of individuals to convey their messages through signs with the rights of the public to be protected against the unrestricted proliferation of signs.

Section 43-103. Intentions.

- (a) **Time, place, and manner restrictions.** It is the intent of this chapter to regulate the composition, type, location, placement, height, size, quantity, illumination, duration, and manner of signs and advertising devices that may be displayed. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the intentions and purposes of this chapter. These intentions and purposes are valid and lawful governmental interests. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this chapter.
- (b) **Content neutrality.** The city intends to adopt and implement regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. It is the intent of this chapter to allow political, religious, or personal (non-commercial) messages on any sign permitted to be erected by this chapter.

Section 43-104. Jurisdiction and General Applicability.

No sign or advertising device may be erected, placed, established, painted, created, moved, or maintained within the city limits of Hoschton except in conformity with this chapter.

Section 43-105. Definitions.

Accessory ground sign: A secondary sign allowance provided for in this chapter, for a sign erected on the ground.

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this chapter, an advertising device is a "sign."

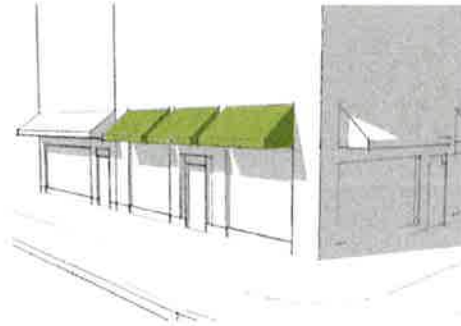
Agricultural use: Any parcel where agriculture, farming, or agriculturally related uses constitute the principal use of the property, as interpreted by the Zoning Administrator.

Air-blown device: Any device not otherwise specifically defined in this chapter, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. Also referred to as "air puppets." For purposes of this chapter, air-blown devices are advertising devices.

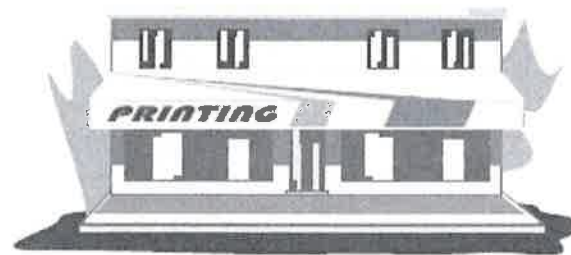
Alteration: A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a “suspended sign.” For purposes of this chapter, the transition of a message on an electronic changeable copy sign shall not be considered “animation.” An electronic changeable copy sign, as separately defined, is not an animated sign.

Awning: An architectural projection or shelter projecting from and supported by an exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.



Awning sign: A sign displayed on or attached flat against the surface or surfaces of an awning. Awning signs are “wall signs” for the purposes of this chapter.



AWNING

Source: United States Sign Council, 2011.
Model Code for Regulation of On-Premise Signs.

Back-lit awning: An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this chapter, a banner is a “sign.” A banner may be installed on a building or structure or may be attached to poles or other supports and freestanding. It is characteristic of a banner that, even though tied to a support, there is some movement in the wind.

Building frontage: The length (in linear feet) of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Canopy sign: A sign attached, painted on, or made an integral part of a canopy, whether that canopy is attached to a building or structure or freestanding. An attached canopy is a multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns or supports at additional points. Canopy signs, whether attached, painted on, or made an integral part of an attached canopy (including suspension underneath an attached canopy), are wall signs for the purposes of this chapter.



CANOPY

Source: United States Sign Council, 2011.
Model Code for Regulation of On-Premise Signs.

Changeable copy sign, electronic: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means. This definition includes any sign which results in the illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, which allows the message change to be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. Electronic changeable copy signs are also "internally illuminated" signs.

Changeable copy sign, manual: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed manually on the sign itself, such as by replacement of letters, or in the case of a chalkboard which can be erased and the message rewritten.

Changeable copy sign, mechanical: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by movement or rotation of panels or slats.

Channel letter (open faced): A dimensional letter with a back and sides but no face at the front of the letter. Open faced channel letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

Channel letter (internally illuminated): A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

Channel letter (reverse): A dimensional letter with a face and sides but no back, opposite to an open faced channel letter. A reverse channel letter has an open channel facing the wall or building to which it is affixed. A reverse channel letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a backlit channel letter; also referenced as a halo or silhouette lighted channel letter. The face of a reverse channel letter does not illuminate.

Commercial use: A property containing one or two for-profit entities of a commercial nature including but not limited to restaurants, retail trade establishments, and services. Any property containing two commercial uses shall be considered a commercial use, not a multi-tenant property.

Derelict sign: A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the city's jurisdiction.

Dissolve: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

Externally illuminated sign: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Activities performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure are excluded from this definition.

Fade: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Feather banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this chapter, a feather banner is an advertising device and sign.



Flag: A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this chapter, except as specifically authorized, a "flag" is an advertising device and "sign."

Ground sign: A sign or advertising device which is wholly independent of a building or structure for support (i.e., freestanding). A ground sign may contain more than one sign face, and it is typically double-faced.

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

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated); or reflecting off its surface(s) (i.e., externally illuminated).

Incidental sign: A sign, emblem, decal, or other message designed and sized to be read only from close range (i.e., 5 feet or less), attached to or integrated into a device or structure more than 25 feet from the right-of-way of a road, and not readily legible from any public rights-of-way.

Industrial use: A property containing one or two for-profit entities of an industrial nature, including but not limited to manufacturing, warehousing, and wholesale trade.

Inflatable sign: Any sign or balloon, other than that defined as an “air blown device,” that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled device depicting a container, figure, or product. For purposes of this chapter, inflatable signs and balloons are considered advertising devices.

Institutional use: Any property containing one or two not-for-profit entities of an institutional nature, including but not limited to churches, hospitals, and professional, and civic and charitable organizations.

Interior sign: Any sign erected within a building, including product displays. This definition does not include “window” signs, as defined.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a transparent or translucent panel. An electronic changeable copy sign is an internally illuminated sign.

Mansard: A roof-like facade comparable to an exterior building wall.

Mansard sign: A sign painted on, attached to, or hung from a mansard. For purposes of this chapter, mansard signs are “wall signs.”



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Monument sign: A sign where the structural part of the sign below the sign face encompasses an area no more than 50% of the area of the sign face and which is composed of brick, stone, or other similar quality material, and which the base is composed of or finished on the exterior with brick or stone or other approved material that is at least 18 inches in height above the ground.



MONUMENT

Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Multi-tenant property: Any parcel designed, occupied, or intended for occupancy for three or more leasable spaces or parcels under one ownership or management. This chapter distinguishes between multi-tenant properties based on use as follows: residential (a “major” residential subdivision, a multiple-family apartment complex, or a manufactured home park); institutional (e.g., government or nonprofit complex); commercial (an office park with multiple buildings on individual parcels or multiple office buildings on a single parcel, a commercial shopping center, or a single commercial building with three or more leasable spaces); and industrial (industrial park with separate parcels or a single industrial building with three or more leasable spaces).

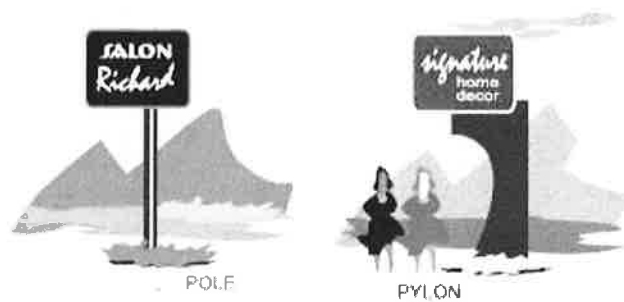
Multiple-faced sign: A sign containing three or more faces.

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

Nonconforming sign: Any sign which lawfully existed on the effective date of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments to this chapter since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter, pennants are advertising devices.

Pole or pylon sign: A sign that is mounted on a freestanding pole or poles, columns, or similar support such that the bottom of the sign structure is not in contact with the ground along the entire portion of the sign face. A pole or pylon sign is distinguishable from a monument sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs

Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this chapter.

Projecting sign: A sign that projects more than eighteen inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



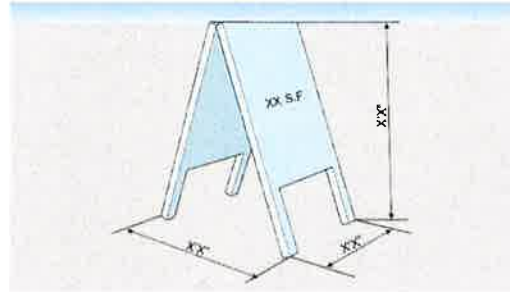
Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Revolving sign: A sign that has the capability to revolve about an axis. For purposes of this chapter, a revolving sign is an "animated" sign.

Road frontage: The distance in linear feet of a parcel where it abuts the right-of-way of any public street.

Roof sign: A sign projecting to a greater height than the eve or highest point of a building roof. A sign placed on the fascia portion of a mansard roof, or a sign placed on a roof below the eve or highest point of a building roof is not a roof sign.

Sandwich board sign: A portable sign that typically consists of two faces connected and hinged at the top and with a message targeted to pedestrians. They are also commonly referred to as A-frame signs.



Scoreboard: A sign contained within an athletic venue and which is directed so as to be visible to the attendees of an athletic event.

Scroll: A mode of message transition on an electronic changeable copy sign in which the message appears to move vertically across the display surface.

Sign: A lettered, numbered, symbolic, pictorial, visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. The term sign includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign copy area. The area of any double-sided or "V" shaped sign shall be the area of the largest single copy area only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all copy areas of the sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

The following provisions shall also apply to determinations of sign area:

1. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's copy area.
2. Sign area for ground signs does not include the structural support for the ground sign (e.g., pole or monument base), unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

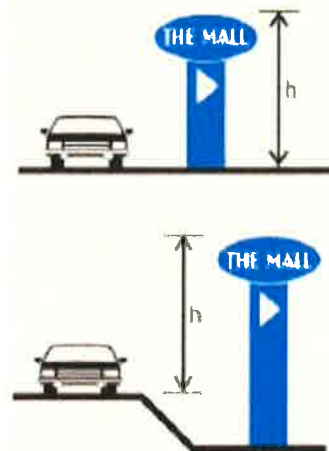
3. When a sign incorporates a property address, the area devoted to the property address shall not be included in any calculations for purposes of determining the maximum permissible sign area.

Sign copy: The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign copy area: The surface upon, against or through which the writing, lettering, or other message is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign copy area shall include the entire area of the sign panel, cabinet or face substrate upon which the sign writing, lettering, or other message is displayed or illustrated, but not open space between separate panels.
2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign copy area shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign copy area shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign height: The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.



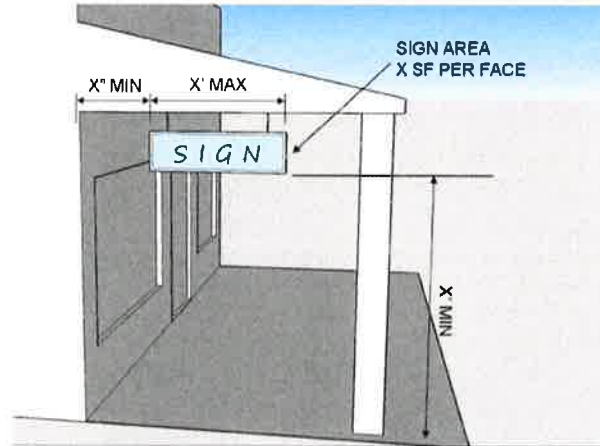
Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Sign in need of maintenance: Any sign or advertising device that includes any of the following or similar condition as identified by the city: lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned; painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended; a

significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned; or one or more illumination devices are not working and have not been replaced.

Sign structure: Any structure designed for the support of a sign.

Suspended sign: A sign attached to the underside of a canopy, awning or the cover of a walkway or beneath a support extending from a building. A suspended sign is distinguishable from an animated sign even if the sign copy area is attached to a building or structure in a way that can be set in motion with wind pressure. This term does not include any freestanding signs.



Temporary ground sign: A sign of a nonpermanent nature and erected for a limited duration. This term includes signs constructed from cardboard, coated paperboard, or corrugated plastic and which are either attached to a wooden post or stake in the ground, or set with a wire metal frame in the ground.

Transition: A visual effect used on an electronic changeable copy sign to change from one message to another.

Travel: A mode of message transition on an electronic changeable copy sign, in which the message appears to move horizontally across the display surface.

V sign: A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

Vacant property: Any property that contains no building or principal use; or a building that contains a building or structure which has not been occupied for six or more consecutive months.

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner that can be viewed from the public right(s)-of-way; provided, however, that this definition shall not apply when (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business; or (2) such conveyances are actively being used for storage of construction materials for, and on the same parcel where a construction project for which building is underway and required permits have been issued. Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a vehicular sign for purposes of this chapter.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, in a parallel fashion, and which does not project more than 4 inches from the outside wall of such building or structure.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Windblown device: Any device that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. This device includes streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. For purposes of this chapter, windblown devices are advertising devices. Flags, banners, air blown devices, and suspended signs are defined separately and are therefore not considered windblown devices for purposes of this chapter.

Window sign: A sign that is placed on a windowpane or a glass door. Displays which show products or depict services sold on the premises and which are inside a building and not affixed to an exterior window or door are "interior signs" and shall not be classified as window signs.

Section 43-106. Exemptions.

The following types of messaging and signs are exempt from this chapter. No sign permit is required, and this chapter does not impose regulations on the following:

- (a) Signs, building markers, and decorative or architectural features carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color.
- (b) Cemetery stones and markings of individual graves or burial plots.
- (c) Holiday decorations, provided that they temporary (seasonal basis) and are removed within a reasonable period following the holiday season to which they pertain.
- (d) Incidental signs.
- (e) Interior signs.
- (f) Murals, but only when erected as part of a public art program or other program recognized by the Governing Authority of the City of Hoschton.

- (g) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, memorial plaques, and signs of historical interest, including street pole banners erected by a public entity.
- (h) Scoreboards that are part of a public or private recreational facility.
- (i) Signs required by federal or state law, including but not limited to signs identifying disabled parking spaces required pursuant to applicable state law or the Hoschton zoning ordinance.
- (j) Signs not legible from a public right-of-way or adjacent property, or from outdoor areas of public property.
- (k) Street/property address identifiers and building identification numbers.
- (l) Traffic safety signs, installed within the right-of-way of a public street under the authority of the state or a local government, or traffic safety signs installed along driveways and in off-street parking lots, per the requirements of the City and consistent with the Manual on Uniform Traffic Control Devices.

Section 43-107. Prohibited Signs.

The following signs and advertising devices are prohibited unless otherwise specifically provided in this chapter:

- (a) Signs erected within a state or city right-of-way without the permission of the owner. Any unauthorized traffic control device or sign or message placed in a public right-of-way by a private organization or individual constitutes a public nuisance and is subject to removal.
- (b) Signs erected without the permission of the property owner.
- (c) Signs that obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or that prevent the free passage from one part of a roof to any other part thereof.
- (d) Signs shaped in a manner and with a color that imitates, or could be mistaken for, an official traffic control sign, such as a red, octagonal "stop" sign or yellow, triangular "yield" sign.
- (e) Vehicular signs.

Section 43-108. Location Restrictions.

- (a) **Signs in Public Right of Way.** No sign shall be erected on or encroach on any public right-of-way unless authorization is specifically granted by the Governing Authority of the City of Hoschton. Such sign shall be consistent with applicable state law with regard to signage in public rights-of-ways.

- (b) **Visibility Clearance Area.** No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway. In addition, no sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.
- (c) **Obstruction of Visibility of Public Sign.** No sign shall be located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
- (d) **Height Clearance.** Projecting signs and any sign suspended from a canopy shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.

Section 43-109. Lighting Restrictions.

- (a) Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or combination of agricultural and residential use, shall not be illuminated.
- (b) Temporary signs shall not be illuminated.

Section 43-110. Maximum Sign Height.

- (a) Unless otherwise specifically provided in this chapter, signs shall not exceed the height allowances provided in Table 43-1:

Table 43-1 Maximum Ground Sign Height

Type of Sign	Commercial	Industrial	Institutional	Agricultural/ Residential	Vacant
	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)
Principal ground signs	24	24	24	12	12
Accessory and all other ground signs where permitted	12	12	12	6	6

- (b) Wall signs shall not exceed the height of the building wall on which it is attached.

Section 43-111. Principal Ground Signs.

- (a) One principal ground sign per property frontage shall be permitted for each lot used for one or two commercial, industrial, or institutional uses, not to exceed the following area limits: 96 square feet for commercial or industrial land use and 72 square feet for institutional use.
- (b) One principal ground sign per property frontage shall be permitted for each lot with three or more commercial, industrial, or institutional uses, not to exceed the following area

limits: 120square feet for commercial or industrial land use and 96square feet for institutional uses.

- (c) A principal use ground sign is not permitted for individual residential or agricultural land uses or for vacant property.

Section 43-112. Accessory Ground Signs.

Two accessory ground signs per property frontage shall be permitted for each lot used for commercial, industrial, institutional, residential dwelling, agricultural land use, and for each vacant property, not to exceed the following area limits per individual sign:

- (a) 16 square feet for commercial and industrial;
- (b) 12 square feet for institutional, and
- (c) 6 square feet for residential or agricultural land use or vacant property.

Section 43-113. Residential Subdivision or Project Entrance Signs.

- (a) Any residential subdivision or multiple-family residential complex shall be permitted one ground sign for each entrance to the subdivision or complex, not exceeding 72 square feet of area for each sign.
- (b) Alternatively, such residential subdivision or complex may install two ground signs per entrance to the subdivision or complex (one on each side of the entrance), not exceeding 36 square feet of area for each sign. When a subdivision or project entrance sign is constructed as an integral part of a wall, only the portion of the monument that contains a message shall be counted for purposes of determining maximum sign area.

Section 43-114. Wall Signs.

Wall signage is permitted for commercial, industrial, and institutional land uses. The maximum number of wall signs shall be limited to two per building wall under ownership, lease, or rent, and the total area of wall signs shall not exceed two square foot of sign area per one linear feet of wall under ownership, lease, or rent.

Section 43-115. Window Signs.

Window signage is permitted for commercial, industrial, and institutional land uses. The number and area of signs is not restricted.

Section 43-116. Signs During Sale or Construction.

In addition to other signs allowed by this chapter, during the time a parcel or building is for sale, lease, or rent, or under construction, the following temporary sign allowance applies:

- (a) One ground sign per property frontage, not to exceed (for each sign permitted) 48 square feet for commercial or industrial, 32square feet for institutional, and 20 square feet for residential or agricultural uses; and

- (b) One wall sign not to exceed one square foot per linear feet of leased wall frontage; or one window sign with no maximum area limitation.

Section 43-117. SR 53 Corner Lot Additional Sign Allowance.

In addition to all other sign allowances provided in this chapter, any lot that has frontage on both State Route 53 and an intersecting public street (i.e., SR 53 corner lot) shall be allowed one additional ground sign not exceeding 48 square feet, or two additional wall signs not exceeding 48 square feet (combined area allowed for one or two wall signs).

Section 43-118. Sandwich Board Signs.

For commercial uses, one sandwich board sign no larger than ten square feet, is permitted for each 50 feet of building frontage under ownership, lease or rent, of a building, but only during times when the business is open. Such signs shall be unlawful if left in place outside of business hours.

Section 43-119. Signs on Fences.

One identification plate not exceeding 0.5 square foot of area may be affixed to any fence. One banner or other sign may be affixed to a fence on commercial or industrial properties, not to exceed 16 square feet in area. Such area may be increased to 32 square feet if the banner or sign affixed to a fence is in lieu of permitted ground or wall signage.

Section 43-120. Drive-through Lane Signage.

Drive-through lanes serving a restaurant may have a maximum of two display boards, each not exceeding 12 feet in height or 48 square feet in area.

Section 43-121. Flags.

- (a) **Generally.** Any residence, establishment, or institution may display as many as three flags per parcel, when displayed in accordance with this section. Flags may be displayed on a pole, projecting from a building or door, or placed in a window.
- (b) **Projecting flags.** Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. Flags displayed in such a manner shall not impede pedestrian or vehicular traffic.
- (c) **Window flags.** Flags may be hung in a window.
- (d) **Prohibition.** Flags shall not be attached to vehicles, utility poles, light posts, or to the ground in any manner inconsistent with this section.

Section 43-122. Electronic Changeable Copy Signs.

Electronic changeable copy signs may be permitted in conjunction with any permanent ground sign, or any wall or window sign, that is permitted by this chapter, subject to the following additional requirements:

- (a) **Use limitations.** Such signs shall be permitted only in conjunction with a commercial, industrial or institutional land use;
- (b) **Extent of coverage.** An electronic changeable copy sign may be a portion of a wall, window, or permanent ground sign, or it may comprise the entire sign area of such wall, window or permanent ground sign;
- (c) **Permits.** Such signs require the issuance of an electrical permit in addition to a sign permit;
- (d) **Limit 1 per establishment.** No more than 1 such sign shall be permitted for any individual establishment;
- (e) **Duration of message.** Each message on such sign shall remain fixed for at least six seconds;
- (f) **Transition time.** The change sequence of messages shall either occur immediately, or there shall be a transition time of less than one second between different messages. A "fade" or "dissolve" mode, may be used to accomplish a gradual transition from one message to another;

Section 43-123. Interim Banner or Interim Advertising.

This section applies to any business, industry, institution that has occupied space in a nonresidential building, but which does not yet have either a permanent wall sign or ground sign to identify the establishment. Such business, industry, institution or other occupant may erect a temporary banner not exceeding 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use on a front building wall, of the occupied space. The temporary banner shall not remain in place for more than 45 days and must be removed once a permanent wall sign is affixed or ground sign is erected, whichever first occurs.

In lieu of temporary banner allowance authorized in this section, the city shall authorize other signs and advertising devices in combination with a functional equivalent of 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use square feet in signs and advertising devices including but not limited to: feather banners, temporary ground or wall signs, and flags.

Section 43-124. Suspended Signs.

One suspended sign per commercial establishment, not exceeding 8 square feet, shall be allowed in addition to permitted wall signage.

Section 43-125. Projecting Signs.

Projecting signs are permissible as a substitute to a permitted wall sign, subject to the limitations for wall signs and the following additional requirements:

- (a) Projecting signs shall project perpendicularly from the building.
- (b) Projecting signs shall not project more than 3 feet beyond the face of the building.

- (c) Projecting signs shall be secured in place with a frame mount assembly.
- (d) Projecting signs shall have a ground clearance of no less than 8 feet above the lowest ground elevation.

Section 43-126. Special Event Signage, Establishment.

Upon application for a special event sign permit, additional signage and advertising devices may be authorized by the Zoning Administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) Only three (3) temporary special event sign permits shall be issued to any one (1) business, industry or institution in any calendar year.
- (b) A special event signage permit shall be valid for a maximum of thirty (30) days; provided, however, that a business or institution may elect to have and in such instances the city shall authorize one temporary special event sign permit per calendar year for a period not to exceed sixty (60) days.
- (c) It shall be a violation of this chapter to continue to display of temporary signs or advertising devices authorized pursuant to this section, after the expiration of a special event signage permit, unless another such permit is lawfully issued.
- (d) At the discretion of the applicant for a special event sign permit, the following may be authorized by the Zoning Administrator, provided that the total square footage of special event signage shall not exceed 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use or its equivalent as determined by the Zoning Administrator banner, feather banner, flag, hand-held sign, sign erected on a fence on the site, wind-blown device, pennants, air-blown device or inflatable sign.

Section 43-127. Marketing Signage for a Residential Subdivision.

This special sign allowance shall apply to subdivisions containing detached, single-family dwellings. Notwithstanding the prohibitions on certain types of signs and advertising devices as specified in this chapter, upon application for a special event sign permit, additional signage and advertising devices may be authorized by the Zoning Administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) **Duration.** The duration of the special event sign permit shall not exceed six months, unless renewed.
- (b) **Number, type, and area.** The applicant may seek one of the following options
 1. One or more temporary ground signs, on premise, not to exceed 32 square feet in area (total for all signs); or
 2. No more than two banners or feather banners, not to exceed 32 square feet total for all such banners or feather banners; or

3. No more than two off-premise signs, not to exceed 32 square feet in total; this option shall require that authorization from the property owner be secured and evidence thereof to be submitted as a part of the permit application;

Section 43-128. Weekend Signs.

In addition to other sign allowances authorized by this chapter, signs on properties in all land use categories including vacant lands are also allowed between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m. as temporary signs and subject to the following provisions:

- (a) Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- (b) Such signs shall not exceed 6 square feet in area nor be more than 3 feet in height.
- (c) Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

Section 43-129. Variance or Special Authorization.

A property owner or sign owner may apply for a variance from the provisions of this chapter or a special authorization for signage or advertising device usage not otherwise permitted by this chapter, in accordance with this section.

- (a) The application shall be accompanied by information about the proposed sign or advertising device to be utilized. The Zoning Administrator may require information about the variance or special authorization sufficient to enable evaluation of the request. Variance or special authorization applications shall be accompanied by a fee of \$100.00 per application. Each property for which a variance or special authorization application is filed shall constitute a separate application.
- (b) Applications to vary the sign regulations in this chapter or to authorize special allowances for advertising devices shall not require public notice.
- (c) Any such application for variance or special allowance must be submitted to the zoning administrator and determined complete at least ten (10) business days prior to the meeting of City Council at which the application is to be considered.
- (d) The city council may approve, conditionally approve, or deny an application for variance or request for special allowance for signage or advertising. Approval by City Council shall constitute the only authorization required, unless an additional permit is required for the signage or special advertising as determined by the zoning administrator.

Section 43-130. Nonconforming Signs.

Signs which do not meet all requirements of this chapter on its effective date, or which do not meet provisions of this chapter at the time of its amendment, may stay in place until or unless provided otherwise by this chapter.

- (a) No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this chapter.

- (b) Nonconforming signs shall not be modified to add additional lighting or altered in any way that increases the value of said nonconforming sign.
- (c) A nonconforming sign which has been damaged to such extent that repairs equal to or exceeding fifty percent of the sign's current replacement value, as may be determined by independent appraisal or the Zoning Administrator, shall not be repaired or replaced except in conformity with this chapter.
- (d) Minor repairs and maintenance of nonconforming signs shall be permitted.
- (e) A nonconforming sign shall not be moved or replaced by another nonconforming sign unless in conformity with this chapter, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted (this shall not authorize the addition of an electronic message display to a nonconforming sign).

Section 43-131. Additional Signage on Lot with Nonconforming Sign.

No principal use or accessory use ground sign or wall sign shall be authorized or permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this chapter. This provision shall not apply to billboards as lawfully existed on the effective date of this chapter.

Section 43-132. Building and Electrical Permits for Signs.

- (a) **Building permit.** A building permit, if required by the building code, shall be obtained from the Building Inspector prior to installation or placement of any sign. It shall be unlawful for any person to post, display, or erect a sign in the city without first having obtained a building permit, if required by the building code for said sign.
- (b) **Electrical permit.** An electrical permit, if required by the building or electrical code, shall be obtained prior to the installation or placement of any illuminated sign. All electrical service to a sign once installed shall be in compliance with the electrical code. It shall be unlawful for any person to post, display, or erect a sign with an electrical connection in the unincorporated portion of the city without first having obtained an electrical permit, if required by the electrical code for said sign.
- (c) **Conformity.** All signs for which a building permit or electrical permit is required shall be constructed and maintained in conformance with all applicable building code and electrical code requirements.
- (d) **Application and structural plans.** The applicant for a building permit, if required, shall submit application materials as specified by the Building Inspector, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with requirements of the building code.
- (e) **Plan certification.** Plans required for issuance of a building permit for any projecting sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or be prepared using

standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.

- (f) **Process.** For signs requiring a building or electrical permit, the city shall process such permit applications in the same manner as required for any other building or electrical permit, according to procedures specified in the building or electrical code, whichever is applicable, and as administratively established by the building Inspector and as administered by the Zoning Administrator.
- (g) **Fees.** The fee for a building permit if required for a sign shall be as specified in the building permit fee schedule adopted by the City Council.

Section 43-133. Sign Permit.

- (a) **Required.** sign permit shall be required for: any ground, projecting, or wall, sign with a sign area exceeding 16 square feet; provided however, that a separate sign permit shall not be required if the sign requires a building and/or electrical permit
- (b) **Permit application.** An application for a sign permit shall require the authorization of the property owner(s). Only the sign owner or authorized agent of the sign owner may make application for a sign permit. Sign permits shall be issued only to the owner of the real property where the sign is to be located; or to an authorized agent of the property owner, or to a lessee who has the right to maintain a sign on the real property where the sign is to be located; or to a sign contractor, constructor, or erector as the agent of the owner or lessee.
- (c) **Application requirements.** An application for a sign permit, if required, shall be made on an application form furnished by the Zoning Administrator. The application form and application materials shall include the following:
 - 1. The names, mailing addresses, telephone numbers, and e-mail addresses of the sign owner, sign erector, property owner, lessee (if applicable), and the agent (if applicable) making the application; approval of the property owner shall be evidenced by signature on the application form by the property owner or authorized agent (in which case a power of attorney or other evidence of legal authority to act on behalf of the property owner shall also be submitted);
 - 2. A \$50.00 non-refundable application fee; if the application is made after the sign has already been erected, the fee shall be \$100.00 and non-refundable
 - 3. The address and description (e.g., tax parcel number) of the property on which the sign is to be erected;
 - 4. The type of sign to be permitted, as classified by this chapter;
 - 5. The number of sign faces and the height and area of the sign to be permitted; and
 - 6. The proposed placement location, shown on a sketch of the building façade if a wall sign or on a plot plan or boundary survey of the property if a ground sign.

- (d) **Permit application review.** When required, a sign permit application shall be submitted to the Zoning Administrator for review and disposition. Processing times from the date a complete application for a sign permit has been received, shall not exceed 15 calendar days, during which time the Zoning Administrator shall review the sign permit application for compliance with this chapter.
- (e) **Decision.** Upon determination that the application fully complies with the provisions of this chapter, the Zoning Administrator shall issue the sign permit. Issuance of a sign permit shall be considered sufficient notice to the applicant that such sign permit is approved. Applications for sign permits which do not comply with the provisions of this chapter or applicable building or electrical codes shall not be approved by the city, unless a variance or special authorization is applied for and granted by City Council. In addition, sign permits shall be withheld if the site on which the sign is proposed to be located contains a prohibited sign, a derelict sign, or a sign for which maintenance is required and which has not been maintained in accordance with the requirements of this chapter.
- (a) **Denial.** If an application for a sign permit is denied, the applicant shall be given written notice stating the reason(s) for the denial. A property owner may reapply for the same sign which was previously denied a sign permit, in order to secure permission for a sign which complies with this chapter and applicable building and electrical codes. An applicant may appeal the denial of a sign permit by filing a request for variance or special advertising authorization as specified in Section 43-129 of this chapter.

Section 43-134. Sign Maintenance.

- (a) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Property owners of a sign in need of maintenance shall be responsible for promptly maintaining such sign in good repair.
- (b) In cases of a sign in need of maintenance, the Zoning Administrator or other city designee for enforcement shall notify property owner and sign owner if different of the need to maintain signs. If a condition of sign in need of maintenance still exists for more than 30 calendar days after the date such notification was mailed, the Zoning Administrator or other city designee for enforcement shall issue a notice of violation and compliance order to the property owner and if different, the sign owner.

Section 43-135. Discontinued Signs.

- (a) If a principal use or activity on a property has ceased operation, any permanent ground signs including supports, and wall signs, permitted in connection with said principal use or activity shall be removed within 90 days of the discontinuance of said principal use or activity; provided, however, that a property owner with a significant investment in a sign structure that may reuse the sign structure for another activity within 1 year, may retain the sign structure in compliance with this section, provided that notice of such intent to retain the sign is provided in writing to the zoning administrator.
- (b) If a discontinued principal use ground or wall sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without sign copy until another principal use is established and a sign permit if required is issued for a new principal use ground or wall sign. The purpose of this

provision is to prevent the image of blight associated with a sign structure that has had the copy or sign panel removed, leaving interior supports of the sign structure exposed to public view.

- (c) If a discontinued principal use monument sign contains a sign copy area that is not removable without disassembling the monument, then the sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit, if required, is applied for and granted, or approved sign copy is affixed on the sign copy area of said monument.

Section 43-136. Enforcement of Illegal Signs.

- (a) Any action or inaction that violates the provisions of this chapter or the requirements of an approved sign permit may be subject to the enforcement actions authorized by the City of Hoschton Code of Ordinances and this chapter.
- (b) In the event the City determines that an applicant or other responsible party has failed to comply with the terms and conditions of a permit, an approved plan or the provisions of this chapter, the zoning administrator or authorized designee (including code enforcement officer) shall issue a written notice of violation to such applicant or other responsible party.
- (c) Prior to taking any of the enforcement actions or imposing any penalties, the city shall first notify the applicant or other responsible party in writing of the intended action, and shall provide a reasonable opportunity of not less than ten business days to cure such violation; provided, however, that violations that constitute an immediate danger to public health or public safety shall be cured within 24 hours of receipt of such written notice.
- (d) Derelict signs, and any signs erected without proper authorization in street rights of ways, or on private property alongside a right of way that constitute a safety hazard, may be removed from placement in such locations by city personnel.
- (e) In addition to enforcement mechanisms permissible with regard to violations of this chapter generally, no new sign shall be authorized to be erected on the same property, and no new sign shall be permitted by the city, unless the property on which the new sign is proposed is in compliance with the requirements of this chapter in all respects.

Section 43-137. Sign Regulations for Planned Unit Developments.

Within established planned unit development (PUD) zoning district boundaries, any sign allowances and permissions established as a part of such PUD conditional zoning approval shall prevail over the requirements of this chapter. Where a PUD conditional zoning approval exists but does not address the type of sign or the nature of advertising proposed, such signage within such PUD zoning district boundaries shall be subject to the requirements of this chapter.

Section 2.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4.

This ordinance may be codified as part of the Code of Ordinances of the City of Hoschton and may be reorganized or renumbered to effectuate that intent.

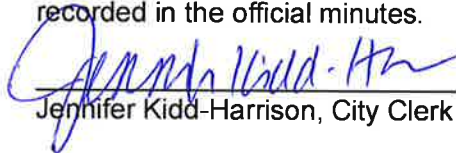
Section 5.

. The effective date of this ordinance shall be upon final approval by the Mayor of the City of Hoschton pursuant to Section 2.14(b) of the City Charter.

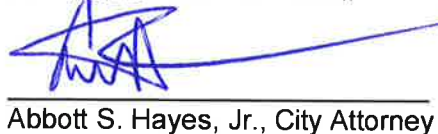
Adopted, this 19th day of April, 2021.


Shannon Sell, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.


Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM:


Abbott S. Hayes, Jr., City Attorney

