

CITY OF HOSCHTON  
COUNTY OF JACKSON  
STATE OF GEORGIA

## ORDINANCE

### **ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF HOSCHTON; TO REPEAL ARTICLE X “SIGNS”; TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON; TO CREATE CHAPTER 43; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

1. Article X of the Zoning Ordinances of Hoschton Georgia is amended as follows:

#### **43-101 Purpose**

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of noncommercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and the City's overall public welfare as well as an aesthetic nuisance.

By enacting this ordinance, the Mayor and Council intent to:

- (a) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (b) Protect the public health, safety, and welfare of the citizens and others within the City;
- (c) Reduce traffic and pedestrian hazards;
- (d) Promote the aesthetic qualities of the City;
- (e) Protect property values by minimizing the possible adverse and visual blight caused by signs;
- (f) Promote economic development;
- (g) Ensure the fair and consistent enforcement of sign regulations; and
- (h) Promote the stated purpose of the City of Hoschton Zoning Regulations which are expressly incorporated herein.

#### **43-102 Definitions (Amended 6/4/2007)**

For the purpose of this Chapter, certain terms and words are hereby defined. Words used

in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the work “shall” is mandatory and not directory, the work “person” includes a firm, organization, partnership, trust and corporation, and the work “City” shall mean the City of Hoschton, Georgia.

As used in this Chapter, unless the context otherwise indicates, the following words and terms have the meaning ascribed to them:

*Advertising device* means any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

*Animated* means a sign with action, motion, or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature, or date.

*Arcade, directory, mall sign* means a serial sign which identifies the names of businesses, offices, professionals, industries, or other entities located within a planned center.

*Area of sign* means the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such from the background against which it is placed. The sign area of painted or affixed wall signs when composed of letters only is the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter. For double-faced signs, except for commercial off-premises signs, only the largest display faces shall be measured in computing the sign area.

*Banner* means a sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for a backing.

*Billboard* means an off-premises advertising sign or off-premises directional sign, other than a real estate directional sign, which advertises or directs attention to businesses, products, services, or establishments not conducted on the premises on which the signs are located.

*Business sign* means any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

*Canopy* means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

*Clock sign* means any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.

*Commercial sign* means a sign which identifies, advertises, or directs attention to a business,

or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.

*Construction sign* means a sign erected and maintained on premises announcing the proposed or existing construction of a building(s) or project.

*Double-faced sign* means a sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

*Entrance sign* shall mean any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, or industrial complex or some other building with multiple residential or commercial units. Entrance signs shall not exceed twenty four (24) square feet.

*Flashing sign* means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date shall not be considered as flashing signs.

*Freestanding sign* shall mean a sign securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of any building for support.

*Frontage, building* means the width in linear of the front exterior wall of a particular establishment.

*Frontage, road* means the width in linear feet of each lot where it abuts the right-of-way of any public street.

*Ground sign* means a permanently affixed sign which is wholly independent of a building for support.

*Illuminated sign, direct* means a sign illuminated by an internal light source.

*Illuminated sign, indirect* means a sign illuminated by an external light source directed primarily toward such sign.

*Licensee* means the person and/or entity erecting the sign on property of owner and/or permittee.

*Marquee* means a roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

*Marquee sign* means a business sign painted on, attached to or hung from a marquee.

*Menu Signs* is a small two sided sign that is portable and easily moved by one person, not over 6 square feet in area per face that does not impede pedestrian or automotive traffic.

*Nonconforming sign* means any sign which does not conform to the provisions of this Chapter.

*Nonconforming use* means a structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is located as outlined in the City Zoning Regulations.

*Off-premises signs.*

(a) *Off-premises advertising sign* means a sign which is not located upon the premises of the business or entity indicated or advertised by said sign. This includes products advertised in conjunction with a business entity.

(b) *Off-premises directional sign* means a sign not located upon the premises of the business or entity indicated on the sign and only for the purpose of directing traffic to business establishments, real estate developments, public and private clubs, schools and other such facilities. The advertising of products and/or services shall not be allowed on the sign structure.

*Permittee* means the person and/or entity owning the land (landowner) on which the sign is erected.

*Planned center, office, commercial, or industrial* means a group of retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.

*Political sign* means a noncommercial sign identifying or urging voter support for a particular election, issue, political party, candidate for public office, political idea, or opinion.

*Portable sign* means sign which is not permanently affixed, including but not limited to signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of an advertising device.

*Real estate sign* means a temporary sign erected by the owner, or his agent advertising the real property upon which the sign is located for rent lease, or for sale.

*Roof sign* means a sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

*Sidewalk or sandwich sign* means a movable sign not secured or attached to the ground or surface upon which it is located.

*Sign* means a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

*Sign face* means that part of a sign that is or can be used for advertising purposes.

*Subdivision sign* shall mean freestanding or ground sign placed at the intersection of two roads, at least one (1) of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential subdivision. Subdivision signs may not exceed twenty four (24) square feet.

*Swinging or projecting sign* means a sign projecting more than six (6) inches from the outside wall or walls of any building upon which it is located.

*Temporary sign* means a sign of a nonpermanent nature. Unless otherwise provided herein, all such signs shall be removed within ten (10) days after the purpose of which the sign is intended to advertise has been accomplished.

*Trailer sign* means any sign mounted on wheels and that may be moved from one location to another.

*Wall sign* means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than (6) inches from the outside wall of such building or structure. The total lettering on one side of a building or structure shall constitute one (1) wall sign.

*Window sign* means a sign installed inside a window and intended to be viewed from the outside.

#### **43-103 Permit – Required.**

Except as specifically excluded from the provisions of this Chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the City without first having obtained a sign permit.

#### **43-104 Permit – Application.**

Application for sign permits required in §43.103 shall be filed by the sign owner or his agent in the office of the City Clerk or his/her designee(s) upon forms furnished by the City. Said application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this Chapter.
- (b) The approximate cost of the sign.
- (c) The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the City Clerk or his/her designee(s) shall be used.
- (d) The square foot area per sign and the aggregate square foot area.

(e) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

(f) Consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign on his property.

(g) The City Clerk or his/her designee(s) will require a sketch or print drawn to scale showing pertinent information such as display materials. Additional information of such print or sketch to insure compliance with this Chapter may be required.

(h) Name, address, phone number and business license number of the sign contractor.

All applicants for electrical signs must provide a completed electrical subcontractor affidavit.

The City shall process all sign permit applications and make a determination of whether to grant or deny applications within 30 business days of the city's actual receipt of an application and sign permit fee. The City Clerk or his/her designee(s) shall notify the applicant of his/her decision by hand delivery or by mailing a notice to the address on the permit application by Certified Mail, Return Mail Receipt Requested on or before the 30<sup>th</sup> day after the City's receipt of the application. If mailed, notice shall be deemed to have been given upon mailing in conformity with this section. The City Clerk or his/her designee(s) shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of original submission. If the City fails to act within the 30 day period, the permit shall be deemed to have been granted.

#### **43-105 Permit-Expiration Date.**

A sign permit shall become null and void if the sign for which he permit was issued has not been completed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired th be erected at the same location, a new applicant for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time. Should I be determined that a sign was issued pursuant to an application containing a false material statement, the City Clerk or his/her designee(s) shall revoke said application and the subject sign shall be removed. A revocation pursuant to this section be appealable pursuant to procedures for appeals contained in this Chapter.

#### **43-106 Permit – Fees.**

No permit shall be issued until appropriate application has been filed with the City Clerk or his/her designee(s) and a fee of \$100.00, or as may hereafter be provided by the Mayor and City Council.

### **43-107 Identification Labels.**

With each new permit the City Clerk or his/her designee(s) shall issue an identification label bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such label to the sign in the lower right hand area so it will be easily seen. The absence of a proper label shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the provisions of this Chapter.

### **43-108 Continuance of Non-Conforming Permanent Signs.**

The lawful use of a permanent sign existing at the time of the enactment or the amendment of this ordinance may be continued even though such use does not conform to the provisions this Chapter except that the non-conforming sign shall not be:

- (a) Extended to occupy a greater are of land.
- (b) Enlarged, altered, modified, improved or rebuilt in conformance with this Chapter but it may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.

Non-conforming signs no longer in use by the owner or operator shall be removed within ten (10) days of discontinuance of use for four months or the City shall order the removal of such signs at the expense of the owner or operator. Discontinuance may be determined by:

- (a) Failure to renew occupation tax certificate;
- (b) Cancellation of City services; or
- (c) Abandonment of property;

A non-conforming sign may not be removed by an act of an owner and later replaced by another non-conforming sign.

### **43-109 Misleading Advertising.**

It shall be unlawful for a person to display false or misleading statements upon signs or other public places calculated to mislead the public as to anything sold, services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language sufficient to mislead a reasonable or prudent person shall be prima facie evidence of a violation of this Section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.

**43-110 Conforming, Nonconforming Sign Prohibited for Same Establishment on Same Lot.**

No conforming sign or advertising device shall be erected for the same establishment on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Chapter.

**43-111 City Occupation Tax Certificate, Public Liability Insurance Required.**

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall provide an occupation tax certificate valid in the State of Georgia and a certificate of insurance from an insurance company authorized to conduct business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of one-hundred thousand dollars (\$100,000.00) for property damage for any one (1) claim and public liability insurance in an amount not less than one million dollars (\$1,000,000.00) for injuries, including accidental death to one (1) person.

**43-112 Prohibited Signs. (Amended 6/4/2007)**

The following types of signs are prohibited throughout the City of Hoschton:

- (1) Signs on public rights-of-way other than publicly owned or maintained signs.
- (2) Window signs which exceed thirty (30) percent of the window area.
- (3) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80.
- (4) Signs which 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, except as allowed by § 43-114(b) below.
- (5) Signs which 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 which 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, post, curb, utility pole, natural feature, or other structure except as may be set forth herein.
- (8) Signs which advertise any activity, service, or product prohibited by the laws or regulations of the United States or the State of Georgia or by the ordinances or resolutions of Jackson County or the City of Hoschton. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.

(9) Animated signs (except for time and weather information signs, official warning and regulator sign(s)).

(10) Signs which obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape.

(11) Signs which do not conform to building and electrical codes.

(12) 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.

(13) Roof signs.

(14) Tri-faced signs.

(15) Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.

(16) Any sign constructed of non-durable material including, but no limited to, paper, card-board or flexible plastic that has been displayed for more than (60) days. Nothing herein shall prohibit such a sign from being replaced by an identical sign. This provision does not apply to flags or banners which are governed by §§43-130 and 43-131.

(17) Portable signs.

(18) Signs located on any substandard lot created after the enactment of this Chapter, unless the substandard lot is created as the result of governmental action.

(19) Abandoned commercial signs. Commercial signs (including sign structures) shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for thirty (30) days. Discontinuance may be determined by

- a. Failure to renew occupation tax certificate;
- b. Cancellation of city services; or
- c. Abandonment of property.

(20) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.

(21) Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected 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.

(22) Rotating signs.

### **43-113 RESERVED**

### **43-114 Exemptions From Permitting Requirements (Amended 6/4/2007)**

(a) Signs erected by a public officer in the performance of his/her duties, including but not limited to: public notices, safety signs, danger signs, traffic official control devices, memorial plaques, and historical markers shall be exempt from the provisions of this Chapter.

(b) The following types of signs shall be exempt from the permit requirements of §43-103.

(1) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the available window space.

(2) Non-illuminated freestanding signs having an aggregate sign area per lot of the (10) square feet or less. However, each such sign may not exceed six (6) square feet in size and may not be greater than four (4) feet above the grade level of the adjacent street to which the sign is located or three (3) feet above ground level, whichever is greater.

(3) Signs for the sole purposes of displaying street numbers as may be required by other ordinances and other signs required by law.

(4) Non-commercial flags and banners as provided in §§ 43-129 and 43-130.

(5) Non-governmental traffic control devices in or adjacent to parking areas and driveways.

(6) Menu Signs. Menu signs may only be displayed by (1) a business establishment with a business license issued by the City and a physical location in the City, and such signs shall only be displayed while the establishment is open but not before 6 am and not after 9 pm or (2) a person or organization sponsoring or hosting an event in the City as provided in 43.131 (Weekend Directional signs advertising Private Sale or Events). Two menu signs per lot or parcel are allowed. Menu signs shall not impede pedestrian or automotive traffic. No menu sign shall be located within 10 feet of the pavement of any street and shall not be permitted on any public right of way.

### **43-115 Discontinued Businesses.**

When a business or service using identification or business sign is discontinued, all signs and sign structures relating to this business or service shall be removed within thirty (30) days from the date of discontinuance. Discontinuance may be determined by:

- (a) Failure to renew occupation tax certificate;
- (b) Cancellation of City services or
- (c) Abandonment of property.

#### **43-116 Maintenance.**

- (a) All signs shall be maintained in good condition so as to present a neat and orderly appearance. The City of Hoschton may order removal after due notice any sign which shows gross neglect or has become dilapidated.
- (b) The City of Hoschton shall give the owner ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the City of Hoschton shall order the removal of the sign or signs at the expense of the owner.

#### **43-117 Illumination**

- (a) The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
- (b) No sign shall have blinking, flashing or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
- (c) No colored lights shall be used at any location or any manner so as to be confused with or construed as traffic control devices.
- (d) Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

#### **43-118 Signs permitted and regulated in Zoning Districts According to Purpose of Such Signs.**

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

#### **43-119 Restrictions in Residential Zoning Districts.**

These shall be a maximum of two (2) subdivision or entrance signs per entrance into any residential subdivision or residential real estate development, face each sign not exceed 24 sq. ft. in area and 4 ft. in height. Entrance signs may be illuminated. Temporary signs, as defined, not

exceeding 6 sq. ft. are permitted.

#### **43-120 Provisions for Nonresidential Districts.**

The following signs are permitted in all nonresidential zoning districts except as noted:

(a) One (1) freestanding or ground sign (including arcade, directory or mall sign) per entrance, limited to sixty (60) square feet and not exceeding a height of sixteen (16) feet; and

(1) One wall sign per unit, each of which is limited to 12 square feet in size, or one (1) square foot per linear foot of wall on which the sign is erected, whichever is greater; and

(b) Location requirements. Freestanding signs (except for signs allowed by subsection 43-121(a) on a non-residential lot shall comply with subsections 43-121(d)(1) and (2) and shall be confined to the buildable area of the lot.

(c) Any sign provided for in any zoning district may contain noncommercial messages.

#### **43-121 Height and Setback Requirements.**

(a) The height of all freestanding and ground signs at their highest point above the level of the ground shall not exceed sixteen (16) feet in non-residentially zoned districts and shall be governed by § 10.19 in residentially zoned districts. The level of the ground shall not be altered in such a way to provide additional sign height. The height of monopole sign structures shall be measured from the base of the pole at ground level to the top of the pole or top of the highest sign face, whichever is higher. The height of any multi-pole sign structure shall be measured the same as a monopole structure, except that the measurement shall be made using the shortest pole. Ground signs shall be measured from ground level base of the sign structure (deemed to include any skirting) to the highest point of the sign.

(b) The height of all wall and canopy signs at their highest point above ground level shall be as provided in §43-124 of this Chapter.

(c) No sign or sign structure above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two (2) streets. However, a sign support structure not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this Chapter are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.

(d) All signs shall be set back as follows:

(1) Ten (10) feet from the curblines of each street adjacent to the lot upon which the sign is situated (applicable to all zoning districts);

(2) If the right-of-way is more than ten (10) feet from the curbline as described in (1) above, the sign shall be set back at least (1) foot from the right-of-way (applicable to all zoning districts);

(3) In a residential zoning district, if the distance between the right-of-way to the front of the principal structure is less than fifteen (15) feet, signs shall be set back two-thirds (2/3) of the distance between the curbline and the front of the principal structure on the lot on which the sign is located.

#### **43-122 Illegal Signs.**

*Illegal signs; impoundment; authority of the code enforcer; recovery of expenses;* The code enforcer shall be authorized to abate or impound any prohibited sign or sign that is in violation of these regulations. This section shall not apply to grandfathered non-confirming signs

(a) The code enforcer shall be authorized to abate or impound any sign that is in violation of these regulations if not abated by the property owner and/or the sign owner within twenty-four (24) hours after notice has been given, unless the time limit has been more specifically noted elsewhere in this section. If the property owner or sign owner cannot be found, the code enforcer may impound the sign after a reasonable attempt to contact said person has been made.

(b) In the event that the such abatement or impoundment requires more than nominal effort, and the owner of any lot or premises upon which an illegal sign as described in this section fails to legally correct, remedy or remove such sign within ten (10) days after initial notice to do so is given in accord with this chapter, the city may do such work as necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefore and charge the expenses and appropriate administrative costs incurred thereby to the owner of such lot. The doing of the work by the city shall not relieve such person from prosecution for failure to comply with such notice in violation of this section.

(c) The city shall deliver a detailed invoice of such expenses and administrative fees to the owner and require payment within thirty (30) days. Such expenses may be assessed against the lot or real estate upon which the work was done or the improvements made. Whenever any work is done or improvements are made by the city under the provisions of this section, and payment is not received within thirty (30) days, the city clerk or her designee on behalf of the city may file a statement of the expenses incurred thereby in proper form with the Clerk of Superior Court. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.

(d) After the statement provided for in subsection 43-121(c) is filed, the city shall have a lien on the lot or real estate upon which the work was done or improvement made to secure the expenses thereof. Such lien shall be second only to tax liens, and the amount thereof shall bear interest at the rate of eight (8) percent per annum from the date of payment by the city of such expenses. For any such expenditures and interest, suit may be instituted and recovered and foreclosure of the lien may be had in the name of the city, and the statement of expenses made in accord with subsection 43-121(b) and (c), or a certified copy thereof, shall be prima facie proof

of the amount expended for such work or improvements. The city clerk or her designee is hereby authorized to execute releases of liens upon payment thereof.

(e) Any sign that does not comply with the restrictions established herein and is impounded by the city will be released to the owner after paying twenty-five dollars (\$25.00) for each such sign, plus any costs contained on a statement provided for in subsection 43-121(c). Signs not claimed within five (5) days of removal by the city may be destroyed. If the city has removed, unclaimed sign from a permit holder or has destroyed such a sign, any permit issued by the city shall be suspended until the sign is paid for. The permit shall be terminated if a permit holder is found in violation on three (3) or more occasions.

### **43-123 Wall and Canopy Signs**

(a) **Wall or Projected Signs.** Wall or projected signs shall be securely fastened to the building surface. These signs may project from the building three (3) feet; provided that if they project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above the ground level when erected over pedestrian walkways or driveways but fourteen (14) feet over areas of truck service access. All wall and projecting signs shall not exceed above the parapet wall.

(b) **Canopy Signs.** Canopy signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and fourteen (14) feet above areas of vehicle service access at the lowest extremity of the sign. Canopy signs shall be otherwise regulated as provided for wall signs.

**43-124 Variances and Appeals.** The City Council shall have the following powers and duties in addition to any other duties provided elsewhere.

(a) *Administrative review.* To hear and decide whether there is an error in any order, requirement, decision or determination made by the City Clerk or his/her designee(s) in the enforcement of this Chapter.

(b) *Variances.* To authorize upon appeal in specific cases such variance from the terms of this Chapter as not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Chapter will, in an individual case result in unusual hardship, so the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the board that the following conditions exist:

(1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.

(2) A literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other similar properties.

(3) Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.

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

(5) The special circumstances are not the result of actions of the applicant.

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

(7) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning district involved.

(c) Appeal. An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer, to the City Council provided that they file written notice of an appeal with the City Clerk within 10 business days of the hearing officers' decision. Such appeal shall be considered by the Council at the next City Council meeting held after the city's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of two full business days before the meeting. If the applicant is not satisfied with the ruling of the City Council, he or she may seek judicial review by filing for a Writ of Certiorari in the Superior Court of Jackson County within 30 days of the decision of the City Council.

#### **43-125 Suspension, Revocation of Permit, License.**

Violation of any provisions of this chapter will be grounds for terminating the permit granted by the City to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked or canceled except for due cause as hereinafter defined, and the permittee and/or license is granted a public hearing before City Council. The permittee and/or licenses will be given ten (10) days written notice of the time place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. "Due cause" is he willful and/or continued violation of the provisions of this Chapter. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Chapter from being tried for violating this Chapter, or preclude the City from taking any other action authorized by this Code and/or any action authorized by law.

### **43-126 Enforcement.**

This Chapter shall be administered and enforced by the City Clerk, Ordinance Enforcement Officer or their designee(s) empowered to administer the Zoning Regulations of the City.

In case any sign, advertising device, or other device covered by this Chapter is or is proposed to be erected, constructed, altered, converted, or used in violation of any provisions of this Chapter, the City Clerk or his/her designee(s) or any other person authorized to issue citations for violations of Hoschton City Ordinances may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the City Code requiring the presence of the violator in the municipal court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection construction, alteration, conversion, or use to correct or abate such violation.

### **43-127 Penalty**

Any violation of this ordinance or any provision thereof shall be an offense and punishable in accordance with Chapter 33 of the Code of the City of Hoschton.

### **43-128 Temporary Directional Real Estate Signs.**

Temporary real estate directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound manner, and are removed at the owner's expense within 90 days following issuance of a certificate of occupancy for the final unit of each phase of the development. Temporary real estate directional signs shall comply with the following:

- (a) Such signs shall be located within two miles of the property to which they refer, as measured along existing streets.
- (b) No such sign shall be located within 10 feet of the pavement of any street and shall not be permitted on any public right-of-way.
- (c) Such sign shall not exceed 16 square feet in sign area where adjacent to any state or national highway, and shall not exceed 4 square feet in area where adjacent to all other streets.
- (d) Such signs referring to the same property and located on the same street shall be separated by a minimum distance of 1000 feet.
- (e) No more than two such signs advertising different project shall be permitted on any lot.
- (f) Such signs shall not be illuminated.
- (g) Overall sign height shall not exceed 6 feet.

(h) No signs prohibited under §43-112 shall be used as a Temporary Directional Real Estate Sign.

**43-129 Flags.**

All flags shall be displayed on purpose-built, professional fabricated flagpoles, which may be vertical or mast arm flagpoles. In non-residential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential districts shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.

The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the flagpole. In addition, flags are subject to the following limitations.

Pole Height	Maximum Flag Size (total square feet)
Up to 30 feet	30 square feet
30 to 50 feet	60 square feet
50 feet or greater	150 square feet

1. Each lot or parcel shall be allowed per flag pole.
2. A maximum of 2 flags shall be allowed per flagpole.
3. Flags displaying a logo, message, statement, or commercial message and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
4. A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
5. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
6. On officially designated county, state, or federal holidays, there shall be no maximum flag size or number or other limitations on display.
7. This section shall not be construed to restrict the right to display eligible flags as banners or non-commercial signage as provided in this Chapter.

**43-130 Banners.**

- (a)
1. Banners, streamers, pennants, balloons and similar temporary advertising

devices shall be permitted on private property during the grand opening of a business, no more than 5 days prior to the opening and no longer than 30 days after the date of the opening. After the grand opening, each business owner will be permitted to utilize such advertising devices on such property for a period not to exceed 30 days in any 4 month period, said period being measured from calendar month and day to future calendar month and day. For both grand openings and special sales, each lot or parcel shall be limited to no more than 2 banners. No banner, streamer or similar sign shall be used without first obtaining a permit for each such sign, the fee for which is 25% of the sign permit fee. Non-profit organization will require a permit but the fee will be waived.

2. Temporary Banners while permanent sign is being constructed: For new business locating in the City, owners, while applying for a permanent sign permit are allowed to place a temporary banner in the location of the permanent sign for no more than 60 days. In the 60 days period, drawings and plans for the permanent sign shall be provided and permit fee paid. The permanent sign must be installed and the banner must be removed before the expiration of the 60 days. If the permanent sign is not approved because it violates this ordinance, the banner must still be removed.

(b) Banners shall conform to the following standards:

1. Each banner shall not exceed fifteen (15) square feet.
2. Each banner must be individually attached to a pole, mast arm, or other structure.
3. The number of banners per lot shall be the same as that provided for flags in §43.130 above.
4. All banners must be maintained in good condition as provided for flags in §43-130 above.

(c) A person desiring to display a banner described in this subsection shall complete and submit an application for a permit on a form obtained from the City Clerk. At the time of filing the application, the applicant shall pay a \$25.00 application fee. In the event the permit is issued, the applicant shall post a \$150.00 bond with the City Clerk. The permit shall be numbered and dated and shall expire in thirty (30) days. The applicant shall attach the permit to the promotional sign. Nonprofit organizations shall be exempt from the payment of the application fee and posting of a bond.

(d) In the event the banner described in the subsection is not removed at the end of the thirty day period, the bond shall be forfeited. The applicant shall also be subject to being cited to appear in the Hoschton Municipal Court for violation of the section and subject to the punishment set out in section 43-127 of this Article. Each day the sign is not removed shall constitute a separate violation.

### **43-131 Weekend Directional Signs Advertising Private Sales or Events.**

Weekend Directional Sign Advertising Private Sales or Events shall be permitted from 6:00 p.m. Thursday until 11:59 p.m. on Sunday subject to the following specific requirements:

(a) Such signs shall be located within two miles of the property to which they refer, as measured along existing streets;

(b) No such sign shall be located within 10 feet of the pavement of any street and shall not be permitted on any public right-of-way.

(c) Such signs shall not exceed 4 square feet in area and shall be self-supporting.

### **43-132 Chapter Severability.**

In the event any article, section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Mayor and Council of the City of Hoschton hereby declare that it would have adopted the remaining parts of this Chapter if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

### **43-133 Repealer; Effective Date.**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of any such conflict; except that no such repeal shall be effective with respect to any pending enforcement action or prosecution pursuant to existing law; and

This ordinance shall be effective upon its adoption by the Council of the City of Hoschton.

2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Article X of the Zoning Ordinance of the City of Hoschton is specifically repealed. However, all permits issued thereunder shall remain valid as permitted therein.

3. This ordinance will become part of the Code of Ordinances of the City Hoschton.

4. This ordinance shall be effective ten days after adoption by the City Council.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Erma Denney, Mayor

ATTEST:

\_\_\_\_\_  
Cindy George, City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney