

AN ORDINANCE

Amending the Code of Ordinances.

THE MAYOR AND BOARD OF ALDERMEN DO HEREBY ORDAIN THAT CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF ACWORTH, GEORGIA IS HEREBY AMENDED TO READ AS FOLLOWS:

Article I - In General

Section 1 Purpose and Findings

We, the Mayor and Board of Aldermen of the City of Acworth, find that the following regulations are necessary to our fundamental goals of protecting the health, safety and welfare of residents, visitors and businesses in the City of Acworth.

A sign is by nature designed to draw attention. This characteristic makes signs a valuable medium of communication. However, this same characteristic distracts motorists and pedestrians and can degrade the aesthetic character of a place. Thus signs must be regulated to insure that they contribute to rather than detract from the visage of the community. Proper regulation is necessary to limit the negative impact of signs while encouraging the positive and constructive uses of signs. The City has an interest in regulating signage for public safety and aesthetic purposes. By limiting the number and size of signs within the City, the ordinance directly operates to reduce visual clutter for the motoring public.

This Ordinance regulates signs by establishing signage districts. These districts are determined by geography: the confluence of topography, flora, economy, and society. Size, height, materials, number, location on a lot, methods of construction, maintenance, and illumination are dictated by the Ordinance. It is believed that such controls will improve the general appearance of the City of Acworth; protect the lives and health of residents and visitors; protect public investments; have a positive impact upon the economy of the City; and enhance the attractiveness of Acworth as a place to live, recreate, and do business.

Signs are a valuable means of commercial advertising and noncommercial speech. This Ordinance is intended to reasonably regulate signs in the City of Acworth while showing full deference to the right to engage in constitutionally protected speech. It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Acworth except in accordance with the provisions of this Ordinance.

Section 2 Definitions

A-frame sign means a movable sign not permanently secured or attached to the ground or surface upon which it is located.

Administrative Action means any action that requires the interpretation of this or any other ordinance by the Zoning Administrator or any other City official. Such action shall include approval/denial of a sign application, determination of a sign classification, and interpretation of definitions not expressly enumerated in this ordinance. Actions shall not include anything requiring the enforcement of or compliance with this ordinance or any other city, State, or Federal codes.

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

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

Arcade, directory or mall sign means a serial sign 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 sign 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, only the largest display face shall be measured in computing the sign area.

Awning means any structure made of cloth, metal, or other material attached to a building.

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

Bench sign means any sign painted on or otherwise attached to a bench or other seat placed in a public right-of-way or meant to be seen by the public.

Billboard means an outdoor, off-site sign.

Building inspector means the building inspector of the city or her/his designated representative.

Bunting means a long colored strip of cloth or other pliable material used for festive decorations and containing no commercial or non-commercial message, logo, or emblem and must be attached to the structure.

Footcandle means a quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

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 lot means an official lot or parcel that contains a commercial use that conforms to the definition established by the Comprehensive Plan.

Construction sign means a sign erected and maintained on premises announcing the proposed or existing construction of a building or project advertising contractors or tenants associated with said project. Construction signs shall be permitted in accordance with all requirements of Section 29 – Semi-Permanent Directional Signs (SPDS) section of this ordinance with the exception of a maximum allowable face area of thirty-two (32) square feet.

Door sign means any type of sign attached to a door (including the doorframe or jamb), the lettered, numbered, pictorial or sculptured matter of which is visible from the exterior of the premises.

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

Façade means any face of a building. The dominant façade of the building is where its principal entrance is located and which may not face the street upon which its legal address is located.

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 that indicate only the time, temperature or date shall not be considered as flashing signs.

Freestanding sign means a single sign that stands unconnected to any permanent structures.

Frontage, building, means the width in linear feet 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.

Gateway means an area of the City of Acworth as delineated in the Comprehensive Plan and the Signage District Map important by virtue of its geography.

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

Height of sign means the distance in vertical feet from the level of the crown of the adjacent road to the highest point of the sign face.

Historic districts and places mean those areas, structures, or sites that have been formally designated by the Board of Alderman. Historic districts and places shall be limited to those that have been placed on the National Register, are eligible for inclusion on the National Register, and/or have been designated as historic districts or places by the Board of Aldermen.

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.

Industrial lot means an official lot or parcel that contains an industrial use that conforms to the definition established by the Comprehensive Plan.

Light Source means the element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Lighting, internal means lighting that illuminates the face of a sign but that emanates from the interior of the sign.

Lighting, indirect means lighting directed toward the face of a sign from a source that lies outside the physical structure of the sign.

Lumen means a quantitative unit measuring the amount of light emitted by a light source.

Monument sign means any sign that has a brick or stone base and frame within which advertising panels are contained.

Nonconforming sign means any sign that 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 zoning ordinance.

Normal maintenance and repair means painting and cleaning. This does not include significant structural alteration, modification that requires a building permit, or modification that costs in excess of 50% of the value of the sign prior to such maintenance and repair. The value of the sign shall be determined by the replacement cost of the sign, which shall be based on the value shown by the Cobb County Tax Assessor. If the tax assessor shows no value, then the value shall be based on the value of the sign as stated on the original permit application.

Occupant means a legal occupant of a building or premises licensed to engage in a business, occupation or profession, or exempt from license due to governmental, educational, religious or other exempt status.

Off-premises sign means a sign that is not located upon the premises of the business or entity indicated or advertised. This includes products advertised in conjunction with a business or entity. However, off-premises signs may display noncommercial messages or noncommercial speech that is permitted by the First Amendment to the United States Constitution or the free speech clause of the Georgia Constitution.

On-premises sign means a sign, other than a temporary sign, which may identify, advertise or promote a product or service, a person, place, activity, event or idea or any other thing located or obtainable on or at the location where the sign is located; and, in addition, on-premises signs may display noncommercial messages or noncommercial speech that is permitted by the First Amendment to the United States Constitution or the free speech clause of the Georgia Constitution.

Outparcel is a portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract of a planned development. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a Site Plan approved for the larger parcel. Outparcels are typically reviewed and permitted separately from the overall development.

Pedestal sign means a single sign that stands unconnected to any permanent structures and is mounted on a pedestal.

Planned Developments (including planned shopping center, planned office, planned industrial, planned mixed-use) means a group of at least three retail stores, service establishments, offices, industries or any other businesses planned to serve the public, that is in common ownership or condominium ownership. Individually owned outparcels may be included in planned developments, provided they meet the minimum district standards. Planned developments are approved site-plan specific and allow for minor reductions of bulk area requirements typically in exchange for greenspace/openspace and other amenities. Planned developments allow for uniqueness of site and architectural design.

Portable sign means any sign:

- That is capable of being moved or intended to be moved from one location to another; removal of wheels does not indicate permanence.
- That is considered a portable sign in the normal course of commerce, even though the sign may be temporarily or permanently affixed to the ground;
- The design of which indicates it is capable of being moved or intended to be moved from one location to another;
- That is not permanently affixed to a building or the ground;
- That is used in such a manner as to be portable;
- That is attached to, mounted on, painted or drawn on any vehicles, whether motorized or drawn, or any moveable sign structure which may be designed for transport, which is placed, parked on or maintained at one particular location-

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

Sign means a device or representation for visual communication used for the purpose of bringing the subject of the sign to the attention of others.

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

Snipe sign means a temporary sign or poster affixed to a tree, fence, telephone pole, public benches, streetlights, public property, or public right-of-way, except government and political signs.

Temporary sign means a sign of a non-permanent design.

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 six inches from the outside wall of such building or structure. The total lettering on one side of a building or structure shall constitute one wall sign.

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

Section 3 Signs Not Requiring Permits

The following other types of signs are exempted from formal permitting but must be in conformance with all other requirements of this Ordinance.

- A. Nameplates of two (2) square feet or less in sign area, which are fastened directly to the building or structure.
- B. Window signs.
- C. Decorative flags shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the decorative flag to the pavement directly below and shall have no point higher than the highest point of the building façade. If the flag becomes faded or tattered/torn, the flag must be immediately removed from display.

Section 4 Nonconforming Signs

Nonconforming signs shall not be expanded or enlarged, though activities associated with regular maintenance may be performed without violating this Ordinance. However, the owner must file for a permit and shall specify the sign being registered as nonconforming and shall state that the sign was completely installed before the effective date of this ordinance. The payment of a fee is not required for the registration of a nonconforming sign.

A nonconforming sign may not be removed by an act of the owner and later replaced by another nonconforming sign.

Signs erected after the adoption of this ordinance which do not conform to the requirements set forth within shall be removed immediately. With regard to signs for which a permit is required, any sign shall be considered an illegal sign if the information furnished to obtain the permit upon the application was not correct.

Section 5 Maintenance and appearance of signs

All signs shall be maintained in good condition so as to present a neat and orderly appearance. Sign faces and structural supports shall be free of any cracking, peeling paint, warping, rusting, and significant color fading

Section 6 Electrical and structural safety

All electrical signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the City of Acworth Building Department. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes. All signs over 12 feet in height are required to have structural and electrical plans submitted by a Georgia Registered Professional Engineer and shall, at a minimum, abide by the following electrical and structural requirements:

A. Electrical drawing(s) plan review requirements.

- a. Drawings for each illuminated sign shall clearly indicate the electrical requirements including the size and location of the electrical disconnect, the type and size of wire, the conduit size and estimated load. Drawings shall also specify the name of a nationally recognized organization as applicable to the illuminated sign to be installed.
- b. Electrical installations shall meet the requirements of the NFPA National Electrical Code and must be performed by a Georgia licensed electrician.

B. Structural drawing(s) plan review requirements.

- a. Drawings for each sign structure shall clearly specify the required materials, sizes, and locations for all structural components. Complete details shall be provided that clearly indicates the required connections between all structural components including anchorage to the foundation. Details shall also indicate required attachments of sign cabinets to the supporting structure.
- b. Sign foundation requirements shall be clearly indicated on the drawings including, but not limited to, footing size and reinforcement, 28-day compressive strength of concrete, anchor bolt size and embedment depth.
- c. Drawings for signs that require design by a Georgia registered professional engineer shall contain the following minimum design data in addition to the information required in [subsections a. and b.:
 - (1) State on drawings that the design complies with the SBCCI Standard Building Code;
 - (2) State on drawings that the wind load design complies with ASCE 7 (minimum design loads for buildings and other structures);

- (3) Basic wind speed (mph), design wind pressure (PSF), exposure category (B or C);
- (4) Minimum required soil bearing capacity (PSF);
- (5) Structural material specifications (including but not limited to ASTM designation, yield strength (SKI), and material grade, if applicable).

Section 7 Permit

Required for all signs 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. A change in only the copy of a sign or advertising device shall not constitute a substantial change. The Board of Aldermen and Mayor shall set permit fees.

Applications for sign permits required by this Ordinance shall be filed by the sign owner or his agent in the office of the Building Department upon forms furnished by the Building Department office. The application shall describe and set forth the following:

- A. The type and purpose of the sign.
- B. The value of the sign.
- C. The street address of the property upon which the sign is to be located and the proposed location of the sign on the property. In the absence of a street address, a method of location acceptable to the Zoning Administrator shall be used.
- D. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
- E. The name and address of the owner of the real property upon which the sign is to be located.
- F. Written consent of the owner, or his agent, granting permission for the placement or maintenance of the sign.
- G. A sketch or print drawn to scale showing all pertinent information required by the Zoning Administrator such as wind pressure requirements and display materials, including sign colors. The Administrator may, at her/his discretion, require additional information on the print or sketch to ensure compliance with this chapter.
- H. The name, address, telephone number and business license number of the sign contractor.

Documentation required for plan review and obtaining a building permit.

In order to obtain a building permit for an oversized sign or billboard, three complete sets of drawings must be submitted to the building plan review section of planning and development. The drawings shall clearly indicate the structural and electrical construction requirements for each proposed sign and at a minimum contain the information described in Section 6 (A&B). The drawings shall also clearly indicate the proposed sign location. This submission requirement shall be in addition to the application submission requirements stated above (Section 7, A-H).

A building permit can be obtained after drawings containing the complete structural and electrical information stated above have been stamped by the building official.

Section 8 Permit Application

- A. Upon receipt of a properly completed application for a sign as permitted under the provisions of this Ordinance, the City Administrator or designee shall examine and process the application.

- B. Applications for signs that do not comply with the provisions of this ordinance, incomplete applications, and applications containing any false material statements will be denied.
- C. If a permit application is denied, the Administrator or designee shall provide written notice to the applicant of said denial within 30 days of receipt of the completed application. Notification to the applicant shall be made via First Class Mail to the address on the permit application or via email to the address listed on the permit application. The written notice of denial shall set forth the reasons the application was denied.
- D. If the City fails to respond within 30 days of receipt of the application, the application shall be deemed approved unless material misrepresentations were made in said application.

Section 9 Permit Expiration

A sign permit shall be come null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 10 Permit Revocation

Should it later be determined that a sign permit was issued as a result of an incomplete application or an application containing false material, or that a permits was erroneously issued in violation of this statement, the Administrator or the designee shall revoke the permit and send written notice of revocation to the sign owner via First Class mail to the address listed on the permit application or via email to the address listed on the permit application. The written notice of revocation shall set forth the reasons the permit was revoked.

Section 11 Construction and Sign Inspections

Every sign and all parts shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations. All newly signs shall be constructed and lettered in a professional manner as determined by staff (i.e. no freehand written lettering). All signs shall be inspected, per the requirements below:

Inspection requirements.

- a. Drawings for sign structures that have been stamped by the building official shall be kept readily accessible at the job site at all times during construction. The building permit card shall be posted in the immediate vicinity of the proposed ground sign location.
- b. The electrical subcontractor must submit a completed subcontractor affidavit to the building department at least two days prior to requesting an electrical inspection.
- c. Each sign, for which a building permit has been issued, requires inspection by the building inspector during the following stages of construction:
 - (1) A foundation inspection is performed after excavation and prior to concrete placement with steel reinforcement, anchor bolts, and structural posts in place.
 - (2) An electrical inspection is performed only after the foundation has been inspected and approved by the city inspector.
 - (3) A final inspection is performed after completion of all construction and a building final is issued.

- (4) Erosion and sediment control measures shall be maintained throughout construction in accordance with city ordinances and procedures.

Section 12 Variances

There shall be no deviation from the terms of this Ordinance, unless the City's Board of Aldermen, acting as a body, have granted a variance. Variances from the provisions of this Ordinance may be applied for and granted in the same procedural manner as variances from the City of Acworth Zoning Ordinance.

- A. For a variance to be granted from this Ordinance, each of the following must be shown.
1. No characteristics contrary to the public interest or this Ordinance will be promoted.
 2. No resulting variance shall create an effect or condition contrary to the public safety and welfare.
 3. Relief shall not impair the purposes of this Ordinance.
 4. A unique hardship exists because of an extraordinary and exceptional condition(s) pertaining to the particular piece of property in question because of a characteristic of its size, shape, and topography.
 5. The condition causing the hardship is unique and is not common to the region in general
- B. The Administrator is hereby authorized to grant variances from the standards of this article, where the aforesaid criteria are met and where the intent of the article can be achieved and equal performance obtained by granting the variance (refer to the City of Acworth schedule of fees.) The authority to grant such variances shall be limited to 10% of any standard.

Note, economic or financial hardship alone may not be sufficient to support the grant of a variance. Signs that are nonconforming as of the effective date of this Ordinance shall be granted automatic variance with no further action required on the part of permit holders. Variance procedures shall apply to new signs erected thereafter.

Section 13 Appeals

An applicant or any interested person may appeal an administrative action or decision of the Zoning Administrator or designee. Appeal must be made to the Board of Aldermen. All appeals shall be submitted in writing, shall state reasons for the appeal, and shall be filed with the city clerk within thirty (30) days of the date of the notice of the decision in accordance with this ordinance. The Board shall give at least fifteen (15) days notice before hearing the appeal. Such notice shall be given to the general public and parties of interest. The Board may affirm, reverse, or modify the decision of the Zoning Administrator or designee. The decision of the Board shall be final and made within ninety (90) days after the appeal is filed with the Board.

An appeal from the final decision of the Board of Aldermen shall be taken by certiorari to Cobb Superior Court within thirty (30) days of the final action of the Board of Alderman.

Section 14 Prohibitions

- A. Abandoned signs, which advertise an activity, business, product or service no longer conducted or available.
- B. Air- and gas-filled (inflatable) devices unless otherwise specifically authorized in this ordinance.
- C. Balloons or streamers unless otherwise specifically authorized in this ordinance.
- D. Billboards with surface areas larger than four hundred (400) square feet.

- E. No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device. Said signs shall not be used, constructed, maintained, or located where, by reason of position, shape, wording or color, they may be confused with any authorized traffic control device or emergency vehicle device or markings.
- F. No sign that interferes with such utilities as water mains and hydrants, sanitary sewerage, gas, electricity, and communications equipment or lines, nor interfere with natural or manmade stormwater drainage facilities.
- G. Off premises commercial signs and advertising devices unless otherwise specifically authorized in this ordinance. This section does not prohibit the display of non-commercial signage.
- H. Roof signs (this shall include all signs, temporary or permanent).I. Rotating or animated signs involving motion or sound except clocks, time, temperature and date signs.
- J. Searchlights and similar devices unless otherwise specifically authorized in this ordinance.
- K. Signs which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds. This provision does not prohibit radio transmissions used in conjunction with any sign.
- L. Signs not in good repair, specifically including any sign, which is in a state of disassembly, or any sign, which has its internal lighting, exposed to view.
- M. Snipe signs.
- N. Signs similar to or mimicking official governmental traffic control signs, signals, or emergency vehicle devices.
- O. Signs that interfere with safe and free ingress and egress of any door, emergency exit, driveway, street, or roadway.
- P. No signs shall be permitted within any right of way or easement provided for a railroad, active or abandoned.

Section 15 Illumination

No sign shall give off light, which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. This shall be determined by measuring the footcandles (lumens per square foot) that fall on adjacent properties. No sign shall exceed one half (0.5) maintained footcandles at any adjacent property line in a residential district and two (2.0) maintained footcandles at any public right-of-way, unless otherwise authorized by this Ordinance or the Board of Aldermen.

To reduce energy use, all sign illumination systems should incorporate contemporary energy saving techniques and materials. These could include, but are not limited to, solar panels, high-efficiency fixtures, reflective materials, etc. All monument signs which incorporate lighting shall have underground utility service. Commercial signs in residential sign districts shall not be illuminated.

Section 16 Changeable Copy

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual, automatic, or electrically or mechanically activated changeable copy. No permit is required to change copy on a legally permitted sign.

Section 17 Sign Area

The area of a sign shall be the space within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of the sign face or faces and shall not include the support structure. For double-faced signs, only one (1) display face shall be measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less and attached to a common structure. If the two (2) faces of a double-faced sign are of unequal area, the larger of the two (2) faces shall be the area used for calculations. No sign shall be allowed to protrude above the façade roof line of the building to which it is attached or with which it shares a lot.

Section 18 Vision Clearance

No sign shall be erected that obstructs sign distance at an intersection or along a public right-of-way. In all sign districts, no sign of any type or design that obstructs vision between the heights of three (3) feet and fifteen (15) feet above grade shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of streets and/or railroads. Traffic control signs and signals are exempt from this regulation.

Section 19 Compliance

Unless otherwise specifically provided by resolution of the Mayor and Board of Aldermen, ensuring compliance with this Ordinance shall be within the jurisdiction of the City Code Compliance Officer, including the Zoning Administrator and all law and code compliance personnel of the City. Compliance personnel shall have such powers as are reasonably necessary to enforce and give effect to this Ordinance. With regard to any provision of this Ordinance relating to traffic safety or public rights-of-way, the Public Works Director shall also be deemed to be a compliance person. Any violation of this Ordinance is hereby declared to be a public nuisance.

The compliance personnel shall determine when and if a sign is in violation of this ordinance. When the compliance personnel determines that a sign is in violation of this ordinance, he/she shall issue a notice of non-compliance to the owner of said sign. This notice shall be sent registered mail return receipt requested, to the permit holder; or if the sign owner cannot be found or cannot be determined, then to the sign, erector and property owner and/or any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The notice of non-compliance shall list the reasons the sign is in non-compliance. The owner of said sign shall have seven (7) days from the receipt of the notice of non-compliance to either:

- 1) Bring the sign into compliance,
- 2) Remove the sign, or
- 3) Come to a written agreement with the compliance officer as to a specific date in which the sign will be brought into compliance.

In the event the owner does not bring a sign into compliance with the sign ordinance per one of the three items listed above, a citation shall be issued by the City of Acworth citing the owner for violating the sign ordinance and such citation shall be returnable to the Acworth Municipal Court.

Section 20 Removal

The Acworth Municipal Court may order the removal of any sign in violation of this Ordinance. The cost of removal shall be the responsibility of the sign owner and/or any other party that procured the erection of the sign.

Section 21 Penalties

In addition to any other penalty provided in this Ordinance or in any separate resolution, sign permit holders may be punished for any one sign found in violation of this Ordinance. The punishment shall be set by the Acworth Municipal Judge not to exceed the maximum penalty prescribed by O.C.G.A. 36-1-20 and as amended from time to time.

Article II-Permanent Signs**Section 22 Policies**

- A. In general, commercial and industrial owners are encouraged to develop the public identity of their operations through high-quality and innovative structural design. Signs should adhere to the architectural motifs set forth by the building but should not be relied upon as the sole means of identification.
- B. Signs shall be in proportion with and visually related to the streetscape and scale of the area in the City of Acworth.
- C. Unless excepted by this Ordinance, all signs within the City of Acworth shall be constructed of wood, masonry, glass, and/or high-grade metal.
- D. Signs shall follow specific guidelines concerning height, materials, color, and size.
- E. Signs may serve to identify the business, structure, activity, or parcel at its location of business. Signs may also serve to express protected non-commercial messages.
- F. Freestanding monument or pedestal signs shall not extend over public property or right-of-way.
- G. Free standing monument or pedestal signs shall be composed of the primary materials of the front façade of the building. The Zoning Administrator shall have the discretion to approve other materials of a higher quality should those materials be in conformance with the size, shape, scope, and design of the building or nearby structures.
- H. The signing for new businesses within existing projects shall comply with the provisions of this Ordinance.
- I. Sign design should be guided by the following general principles:
 - 1. Permeability: the ease with which an individual unfamiliar with a place is able to move about using available signage.
 - 2. Context: sensitivity to the prevailing urban context (color, material, mass, function).
 - 3. Place: as visible parts of the urban landscape, signs are a tactile part of the character of a place.
 - 4. Creativity: within given limits, signs can help beautify the built environment.

Section 23 Signage Districts and Standards

The design guidelines in this Ordinance shall be applied according to the boundaries of sign districts. Based on prevailing patterns of topography, flora, economy, and society, the districts were established to provide clear guidelines for the design and development of signage. To a great extent, the districts conform to the patterns of land use established by the City's Existing and Future Land Use Maps. District boundaries can be established, revoked, or modified only by action of the City's Board of

Aldermen. The boundaries of each district are outlined in the Acworth Sign District Map. The City reserves the right to assign property beyond the limits of the Sign District Map to specific district in the event of its annexation in the city limits. In the event a sign district is not assigned, at the time of annexation, the annexed property shall automatically be included in the Residential Sign District.

In all districts, there shall be only one ground sign per frontage, unless specifically allowed in a district or otherwise approved by the Mayor and Board of Aldermen. Planned shopping center, office, commercial, industrial parks and mixed use centers are encouraged to use one free-standing monument sign per common frontage.

Paintings on structures, which convey a message, are considered signs and are governed by this Sign Ordinance.

Historic Business District (HBD): as shown on the Official Sign District Map, includes a small area in the core of the downtown. This area is the site of the earliest commercial activities in Acworth and contains many of the City's oldest structures. Signs in this district shall be approved by one representative from the Historic Preservation Committee (HPC), Downtown Development Authority (DDA), and City staff using standards established by the U.S. Department of Interior. This committee shall meet on an as-needed basis. There shall be at least a one-week delay from the time the applicant applies, so that staff can make an analysis of the application and the meeting can be set.

Central Business District (CBD): as shown on the Official Sign District Map. This area incorporates most of the business in the downtown area of Acworth (excluding the area within the HBD).

Highway 41 Corridor District: as shown on the Official Sign District Map, includes areas along the fast growing U.S. Highway 41 corridor.

Highway 92 Corridor District: as shown on the Official Sign District Map, includes areas parallel to and fronting upon State Highway 92 from Main Street to Cowan Rd. and from Main Street to Orr Road within the City of Acworth.

Light Commercial (Main Street/ Baker Rd) Corridor District: as shown on the Official Sign District Map, includes areas parallel to and fronting upon Main Street and includes areas parallel to and fronting upon Baker Rd. within the City of Acworth.

Gateway District: as shown on the Official Sign District Map, includes areas identified in the Acworth Comprehensive Plan as important geographic points in the City for reasons of topography, flora, economy, and/or society.

Residential District: as shown on the Official Sign District Map, includes areas within the City currently developed or planned for development primarily for residential (single- and/or multi-family) purposes.

Industrial District: as shown on the Official Sign District Map, includes areas within the City and identified in the Acworth Comprehensive Plan as currently developed or planned for development for industrial (light and/or heavy) purposes.

Public/Institutional: as shown on the Official Sign District Map, includes areas within the City and identified in the Acworth Comprehensive Plan as currently developed or planned for development for public and/or institutional purposes are exempt from this Ordinance.

Section 24 District Regulations**Historic Business District (HBD)**

In the Historic Business District (HBD), approval of sign applications shall be determined on a case by case basis. Property owners and/or developers wishing to erect or alter a sign in the HBD must request a formal review by one representative of HPC, DDA, and City staff to determine appropriate and suitable size, type, design, and material. Each evaluating group shall have equal stature in the process. Standards previously established by the U.S. Department of the Interior will be used for evaluation, along with the following standards:

- a. New signs shall be of traditional materials such as wood, glass, copper or bronze letters. Sandblasted wood signs are appropriate. Plastic substrate signs, plywood signs or unfinished wood are not appropriate.
- b. Signs shall be sized in proportion to the building. Avoid oversized signs. Wall signs shall not exceed more than thirty (30%) percent of the wall area on which they are displayed.
- c. Buildings shall have no more than two signs.
- d. Signs which resemble logos or symbols for businesses are appropriate and encouraged.
- e. Signs shall have no more than three colors – colors should be coordinate with overall building colors.
- f. Serif or script lettering is traditional lettering styles for signs. Other types of lettering shall be reviewed on a case by case basis.
- g. Traditional sign locations include storefront belt courses, upper façade walls (not to exceed 30% of the overall wall surface), hanging or mounted inside windows, or projecting from the face of the building.
- h. Mounting brackets and hardware for signs shall be anchored into mortar not masonry.
- i. Lighting for signs shall be concealed. Spot or up-lit lighting for signs is recommended. Internally lit signs are not appropriate for the downtown area.
- j. The use of banners is permitted subject to a Temporary Sign Permit.
- k. A-frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment ; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment displaying the sign. Only one A-frame sign may be utilized per property, may not exceed 24” in

width by 36” in height, may not have any additional signage or other external features added to the sign or its structure, and may not be attached to sawhorses, easels, or other means of propping up signage.

Applicants may appeal a denial of an application by the HBD Committee to the Mayor and Board of Aldermen.

Central Business District (CBD)

The total square footage of all signage shall be determined according to the number of linear feet of street frontage per business in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure, at the rate of one (1) square foot of sign for one (1) linear foot of frontage. In cases where a multi-tenant structure has two primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages. Signs may be monument, wall-mounted, sandwich board, awning, window, or hanging. . In no event shall wall signs exceed more than thirty (30%) percent of the wall area on which they are displayed. Monument signs shall be less than five (5) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and be set at least five (5) feet from any property line. Each lot shall have no more than one monument sign. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement directly below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lit internally or externally. A-frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment displaying the sign; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment displaying the sign. Only one A-frame sign may be utilized per property, may not exceed 24” in width by 36” in height, may not have any additional signage or other external features added to the sign or its structure, and may not be attached to sawhorses, easels, or other means of propping up signage.

As defined in this Ordinance, shopping centers shall be allowed one double-faced monument sign no larger than one hundred fifty (150) square feet per side and a maximum height of five (5) feet measured from the level of the crown of the adjacent road to the highest point on the sign structure. Space on this sign may be subdivided among tenants and/or outparcels in the shopping center as the developer sees fit. Each monument sign must be set at least five (5) feet from any property line. However, commercial developers are encouraged to find other means than signage to identify their properties. Special architectural and landscape features can effectively serve similar purposes. Outparcels of planned developments shall abide by the general standards of the CBD district.

Highway 41 Corridor District

In the Highway 41 Corridor District, The total square footage of all signage shall be determined according to the number of linear feet of street frontage per business in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure at the rate of one (1) square foot of sign for one (1) linear foot of frontage. In cases where a multi-tenant structure has two

primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages. Signs may be monument, wall-mounted, sandwich board, awning, window, or hanging. Monument signs shall be less than twenty five (25) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and be set at least three (3) feet from any property line. If a monument sign has more than two sides, each additional side shall be counted towards the overall square footage. Each lot shall have no more than one monument sign. In no event shall wall signs exceed more than thirty (30%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement directly below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted internally or externally. A-frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment displaying the sign; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment advertising. Only one A-frame sign may be utilized per property, may not exceed 24" in width by 36" in height, may not have any additional signage or other external features added to the sign or its structure, and may not be attached to sawhorses, easels, or other means of propping up signage).

For parcels over ten acres, the Zoning Administrator shall have the discretion to allow up to two (2) double-faced monument signs per street frontage if the development has two curb cuts and the signs are at least four hundred (400) feet apart. In this case, the height of the signs shall not exceed fifteen (15) feet and overall square footage for both signs shall not exceed one thousand (1000) square feet.

As defined in this Ordinance, planned developments shall be allowed one double-faced monument sign no larger than one thousand (1000) square feet per side and a maximum height of thirty five (35) feet measured from the level of the crown of the adjacent road to the highest point on the sign structure. Space on this sign may be subdivided among tenants and/or outparcels in the shopping center as the developer sees fit. Each monument sign must be set at least fifty (50) feet from any property line. However, commercial developers are encouraged to find other means than signage to identify their properties. Special architectural and landscape features can effectively serve similar purposes.

Outparcels of planned developments shall abide by the general standards of the Highway 41 district, except ground signs shall not exceed fifteen (15) feet in height.

Highway 92 Corridor District

The total square footage of all signage shall be determined according to the number of linear feet of street frontage per business in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure at the rate of one (1) square foot of sign for one (1) linear foot of frontage. In cases where a multi-tenant structure has two primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the

total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages.— Monument signs shall be less than fifteen (15) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and be set at least ten (10) feet from any property line. Each lot shall have no more than one monument sign. In no event shall wall signs exceed more than thirty (25%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement directly below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted internally or indirectly. A-frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment displaying the sign; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment displaying the sign. Only one A-frame sign may be utilized per business/per property, may not exceed 24” in width by 36” in height, may not have any additional signage or other external features added to the sign or its structure, and may not be attached to sawhorses, easels, or other means of propping up signage).

For parcels over ten acres, the Zoning Administrator shall have the discretion to allow up to two (2) double-faced monument signs per street frontage if the development has two curb cuts and the signs are at least four hundred (400) feet apart. In this case, the height of the signs shall not exceed fifteen (15) feet and overall square footage for both signs shall not exceed one thousand (1000) square feet.

As defined in this Ordinance, planned developments shall be allowed one double-faced monument sign no larger than two hundred fifty (250) square feet per side and a maximum height of thirty (30) feet measured from the level of the crown of the adjacent road to the highest point on the sign structure. Space on this sign may be subdivided among tenants and/or outparcels in the shopping center as the developer sees fit. Each sign must be set at least twenty (20) feet from any property line. However, commercial developers are encouraged to find other means than signage to identify their properties. Special architectural and landscape features can effectively serve similar purposes. Outparcels of planned developments shall abide by the general standards of the Highway 92 district, except ground signs shall not exceed ten (10) feet in height.

Light Commercial (Main Street/Baker) Road Corridor District

The total square footage of all signage shall be determined according to the number of linear feet of street frontage per business in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure at the rate of one (1) square foot of sign for one (1) linear foot of frontage (as measured along the dominant façade of the principal building). In cases where a multi-tenant structure has two primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages. Monument signs shall be less than fifteen (15) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and be set at least ten (10) feet from any property line. Each lot shall have no more than one monument sign. In no event shall wall signs exceed more than thirty (25%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement directly below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the

prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted internally or indirectly. A-Frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment displaying the sign; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment displaying the sign. Only one A-frame sign may be utilized per business/per property, may not exceed 24" in width by 36" in height, may not have any additional signage or other external features added to the sign or its structure, and may not be attached to sawhorses, easels, or other means of propping up signage.

For parcels over ten acres, the Zoning Administrator shall have the discretion to allow up to two (2) double-faced monument signs per street frontage if the development has two curb cuts and the signs are at least four hundred (400) feet apart. In this case, the height of the signs shall not exceed fifteen (15) feet and overall square footage for both signs shall not exceed one thousand (1000) square feet.

As defined in this Ordinance, planned developments shall be allowed one double-faced monument sign no larger than two hundred fifty (250) square feet per side and a maximum height of thirty (30) feet measured from the level of the crown of the adjacent road to the highest point on the sign structure. Space on this sign may be subdivided among tenants and/or outparcels in the shopping center as the developer sees fit. Each sign must be set at least twenty (20) feet from any property line. However, commercial developers are encouraged to find other means than signage to identify their properties. Special architectural and landscape features can effectively serve similar purposes.

Outparcels of planned developments shall abide by the general standards of the Light Commercial district, except ground signs shall not exceed ten (10) feet in height.

Industrial District

The total square footage of signage shall be determined according to the number of linear feet of business street frontage in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure at the rate of one (1) square foot of sign for one (1) linear foot of frontage. In cases where a multi-tenant structure has two primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages. Signs may be monument, wall-mounted, awning, or hanging. - Monument signs shall be less than six (6) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and set at least fifteen (15) feet from all property lines. Each lot shall have no more than one monument sign. In no event shall wall signs exceed more than thirty (25%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted internally or indirectly.

In addition, one double-faced monument sign no larger than two hundred (200) square feet per side and a maximum height of fifteen (15) feet may be placed at the major entrances of all industrial developments or parks. Such sign must be set at least ten (10) feet from any property line. However,

developers are encouraged to find other means than signage to identify industrial areas. Architectural and landscape features can effectively serve similar purposes, often to much greater aesthetic ends.

Gateway District

The total square footage of signage shall be determined according to the number of linear feet of business street frontage in a freestanding structure on a single lot, or linear feet of business frontage for a multi-tenant structure at the rate of one (1) square foot of sign for one (1) linear foot of frontage. In cases where a multi-tenant structure has two primary entrances, a front and a rear, that are architecturally similar in façade and are both fully accessible by the public, the maximum allowable sign area shall be calculated at a rate of one and one half (1.5) square foot of sign for one (1) linear foot of business frontage. Only one, the primary, frontage may be utilized in this calculation and the total area shall be allocated into signage for both entrances. This area may not be utilized towards a single frontage; a sign must be placed on both frontages. Signs may be monument, wall-mounted, sandwich board, awning, or hanging. Monument signs shall be less than ten (10) feet in height, measured from the level of the crown of the adjacent road to the highest point on the sign structure and set at least ten (10) feet from all property lines. Each lot shall have no more than one monument sign. In no event shall wall signs exceed more than thirty (25%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement directly below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted internally or indirectly. A-frame signs shall be located no further than ten (10) feet from either the front door of the establishment displaying the sign or from an attached patio area utilized by the establishment displaying the sign; shall not impede pedestrian or vehicular traffic in any way; and shall be posted only during the posted operating hours of the establishment displaying the sign. Only one A-frame sign may be utilized per business/per property, may not exceed 24" in width by 36" in height, may not have any additional signage or other external features added to the sign or its structure, -and may not be attached to sawhorses, easels, or other means of propping up signage).

For parcels over ten acres, the Zoning Administrator shall have the discretion to allow up to two (2) double-faced monument signs per street frontage if the development has two curb cuts and the signs are at least four hundred (400) feet apart. In this case, the height of the signs shall not exceed fifteen (15) feet and overall square footage for both signs shall not exceed one thousand (1000) square feet.

As defined in this Ordinance, planned developments shall be allowed one double-faced monument sign no larger than two hundred fifty (250) square feet per side and a maximum height of thirty (30) feet measured from the level of the crown of the adjacent road to the highest point on the sign structure. Space on this sign may be subdivided among tenants and/or outparcels in the shopping center as the developer sees fit. Each sign must be set at least twenty (20) feet from any property line. However, commercial developers are encouraged to find other means than signage to identify their properties. Special architectural and landscape features can effectively serve similar purposes.

Outparcels of planned developments shall abide by the general standards of the Gateway district, except ground signs shall not exceed eight (8) feet in height.

Residential District

In the Residential District, one (1) sign shall be permitted for each unit. Signs may be wall-mounted or hanging. Signs shall not exceed four (4) square feet in area. Wall signs shall not exceed more than twenty five (25%) percent of the wall area on which they are displayed. Hanging and awning signs shall be a minimum of eight (8) feet above the grade of the public right-of-way as measured from the bottom of the sign structure to the pavement below and shall have no point higher than the highest point of the building façade. Signs shall adhere to the prevailing design scheme of the structure to which they are affixed, and shall be constructed of wood, masonry, or metal. Signs may be lighted indirectly only.

In addition, one double-faced monument sign no larger than one hundred (100) square feet per side, or two single-faced monuments no larger than fifty (50) square feet, and a maximum height of six (6) feet may be placed at the major entrances of all residential developments (single- and multi-family) measured from the level of the crown of the adjacent road to the highest point on the sign structure and set at least ten (10) feet from all property lines. However, subdivision developers are encouraged to find means other than signage to identify residential areas. Special architectural and landscape features can effectively serve similar purposes. In cases of a non-residential use within the residential sign district, the monument shall have a maximum height of eight (8) feet as measured from the level of the crown of the adjacent road to the highest point on the sign structure.”

Interstate 75 -- High rise sign overlay.

The Interstate 75 high rise sign overlay is intended to address visibility of Acworth businesses located within 500 feet of the interchange of Highway 92 at Interstate 75 and at Cherokee Street (Glade Road) and Interstate 75. Lake Acworth Drive and Baker Road were also used as natural boundaries to delineate the overlay district proposed (see sign district map for exact parcels contained within the overlay district). The city recognizes that visibility is a factor necessary for businesses to thrive. In an effort to encourage redevelopment opportunities, the city sets forth the following regulations that would provide high-rise signage opportunities to promote such businesses. This overlay addresses only high-rise signs, if requested, and does not take precedence over a parcel's existing sign district regulating wall sign, monument sign or other signage requirements.

- (1) Only one high-rise sign shall be permitted per parcel/business. If the sign is proposed at a master planned development containing more than one user, only one high-rise sign shall be permitted for the entire development.
- (2) A parcel requesting a high rise sign shall be a minimum of one acre in size and zoned C-2 (community retail commercial).
- (3) The new high rise sign shall be located no closer than 250 feet to the nearest residentially zoned property, as measured from the outermost perimeter of the sign.
- (4) The new high rise sign shall be erected no closer than 20 feet from any property line.
- (5) The maximum height allowable shall be 100 feet with a maximum face area of 300 square feet. The face area of the high rise sign shall not count against the overall allowable signage area permitted by the parcel's existing sign district.
- (6) Signs may be used to advertise businesses that are located on the property (no off premises commercial advertising), or may be used to display protected non-commercial messages.
- (7) Signs shall be internally lit only.
- (8) No flashing or animated signs, messages or components are to be allowed.

Section 25 Billboards

In order to promote a better aesthetic character in the City of Acworth, billboards shall be allowed in the Highway 41 Corridor District and the Highway 92 District. In these districts, billboards may be considered primary or secondary uses, and shall be allowed to occupy the same parcel as any other primary use, and therefore all uses must meet the minimum lot requirements of the zoning district in which the parcel lies. Incomplete applications will not be accepted for processing. The regulation and design of all billboards shall be governed by this Ordinance, with the following standards:

- 1) A state DOT permit must accompany an application for a billboard.
- 2) Billboards shall be allowed on properties within the Highway 92 and Highway 41 District, but only on those properties zoned C-2.
- 3) General advertising signs and off-premises signs shall not be permitted within any right of way or easement provided for a railroad.
- 4) Due to the public health, safety, and welfare concerns there shall be an initial inspection of billboards and re-inspection every 5 years.
- 5) New billboards are to be located no closer than 250 feet to the nearest residentially zoned property, as measured from the outermost perimeter of the sign.
- 6) Billboards will be required to meet the setback standards of the zoning district.
- 7) Any portion of the billboard will be required to stay outside the setback area (thus keeping the potential of billboards from falling into neighboring properties).
- 8) If a billboard is constructed on a C-2 property in the billboard districts (Highway 92 and Highway 41 Districts), should the property be rezoned to some other zoning category than C-2, the billboard would have to be removed.
- 9) No billboard shall have an area larger than four hundred (400) square feet excluding border and trim but including base, apron, supports, and other structural members.
- 10) No portion of any billboard shall be higher than forty (40) feet from the level of the ground.
- 11) No billboard shall be located within one thousand (1000) feet of any other billboard (including billboards outside the City Limits), as measured from any direction. A radial survey shall be provided by the applicant prepared by a registered land surveyor or professional engineer. Tax digest maps or other maps used for reference purposes shall not be accepted as a survey. Said survey shall illustrate (not just label) the nearest adjacent billboards and the parcels upon which they are located with the distances specified.
- 12) Billboards shall be erected only in the buildable area of a lot, and at least forty (40) feet from any property line.
- 13) No tree shall be cut, trimmed, or pruned in locating, erecting, or maintaining any billboard.
- 14) An LED Billboard Shall:
 - a) Contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message.
 - b) Electronic Changeable Message Signs may not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at the following distances:

SIGN SQ. FEET	DISTANCE
< 300'	150'
301' – 400'	200'

- c) The owner of said LED billboard sign shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Acworth.

- d) Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- e) No LED billboard sign shall be located within 5,000 feet of another LED billboard sign on either side of the road.
- f) Electronic Changeable Message Signs shall meet the same installation and permitting requirements and inspections as set out for electrical signs and all other signs.
- g) The owner of said LED billboard sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- h) The owner of said LED billboard sign shall provide to the City of Acworth contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time more than 5% of the LED display lights malfunction or are no longer working, the owner of said LED billboard shall make repairs to the sign within sixty (60) days or the sign will require removal.
- i) If the City of Acworth finds that the LED billboard sign causes a glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty four (24) hours of a request by the City, shall reduce the intensity of the sign to a level acceptable to the City.
- j) Each sign must comply with all Georgia Department of Transportation rules and regulations applicable to Electronic Changeable Message Signs where not in conflict with this Ordinance.

Article III-Temporary Signs

Section 26 Portable Signs

Portable signs shall be permitted in the Central Business District, the Highway 41 Corridor District, the Highway 92 Corridor District, the Light Commercial District, and the Gateway District. Each occupant or tenant of a lot located within one of the permissible districts may display one (1) temporary portable sign upon the occupant's lot. Each occupant or tenant shall be allowed up to three (3) contiguous fourteen (14) day periods or a period of three consecutive weekends (Thursday through Sunday), with a minimum thirty (30) day interval between posting periods per calendar year in which to legally display a temporary on-site portable sign and/or advertising device. It shall be unlawful to display any portable sign without a permit or otherwise in violation of this Ordinance.

The temporary permit shall be acquired prior to the display of any portable sign. The permit shall specify the first and last day of the period in which display of the temporary sign or advertising device is permitted. Display of the temporary sign or advertising device shall be allowed beginning at 12:01 a.m. on the first day specified on the permit. The permit shall expire at 11:59 p.m. on the last day specified on the permit. Signs placed pursuant this section shall be removed on or before the last day of the permit. The permit fee shall be set per the approved chart of fees.

Section 27 – Temporary Signs and Advertising Devices

Temporary signs shall be permitted in all zoning districts and are subject to the applicable sign regulations governing each district and the regulations set forth in this section. The following types of signs or advertising devices may be displayed without regard for content:

- Air- and gas-filled (inflatable) devices provided that the footprint area required for said devices does not exceed 200 square feet (including all tie-down or other support structures), and does not visually block adjacent businesses or tenants.
- Banners
- Feather style ground signs (two “feather” signs per permit)
- Balloons or streamers
- Searchlights and similar devices
- Other materials or display items that are utilized as signage including mannequins or statues. These items must not occupy any designated parking spaces or vehicular drive areas.

The following regulations shall apply:

- A. Temporary signs must be located on private property with permission of the owner and are not permitted in the public right-of-way.
- B. No more than one temporary sign or advertising device may be displayed on a permissible lot (not including posting on a business façade for a multi-tenant building) at any given time.
- C. Each permit shall be either a maximum of ten (10) fourteen (14) contiguous day periods or a period of three consecutive weekends (Thursday through Sunday), with a fourteen (14) day period between posting periods per temporary sign per calendar year.
- D. Temporary signs shall not exceed the size limitations specified for permanent signage in each zoning district.
- E. Temporary signs shall not be affixed in any manner to trees, natural objections, street light poles, utility poles, federal state or county signs or poles, or other permanent signs or sign structures.
- F. Each temporary sign shall be legibly marked with the name and telephone number of the sign owner or person responsible for any code violations.
- G. All temporary signs must acquire a temporary sign permit prior to displaying the sign. The permit shall specify the first and last day of the period in which display of the temporary sign or advertising device is permitted. Display of the temporary sign or advertising device shall be allowed beginning at 12:01 a.m. on the first day specified on the permit. The permit shall expire at 11:59 p.m. on the last day specified on the permit. Signs placed pursuant to temporary permits shall be removed on or before the last day of the permit. I. Newly established businesses will be given a fourteen (14) day grace period within the first six (6) months of the submittal of the business license application. Once this fourteen (14) day period is complete, the applicant shall comply with the temporary sign regulations. Upon removal of the banner/temporary sign, all supporting structures or posting materials must be fully removed until the next posting period.

Section 29 – Temporary Construction Signs

Temporary construction signs function to identify ongoing construction activity or to convey directions to a specific place under construction. The following regulations apply:

- A. Construction signs may have one face on each side of the sign. Each face may be up to sixteen (16) square feet. Construction signs shall not exceed eight (8) feet in height.

- B. Construction signs shall be mounted on single or double poles of sufficient strength to safely support the sign. Construction signs shall not be affixed in any manner to trees, natural objects, street light poles, utility poles, federal, state or county signs or poles, or other permanent sign structures.
- C. Construction signs shall be removed within ten days after the construction is completed. No mounting materials may remain in the ground after the sign has been removed.

Section 31 Electronic Signs – LED/Message Board

LED reader message board signs are permitted in all sign districts with the exception of the Residential and Downtown Historic Sign Districts with the following stipulations:

- The sign may utilize text or images or a combination thereof. Images must be static (not moving).
- No video of any kind allowed.
- The reader board panels cannot occupy more than 40% of the face of the sign or structure upon which it is applied to nor may it be the primary sign advertising the place of business.
- Electronic Changeable Message Signs may not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- The owner of said LED Message Board sign shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Acworth.
- Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- The owner of said LED sign shall provide to the City of Acworth contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time more than 5% of the LED display lights malfunction or are no longer working, the owner of said LED sign shall make repairs to the sign within sixty (60) days or the sign will require removal.
- If the City of Acworth finds that the LED sign causes a glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty four (24) hours of a request by the City, shall reduce the intensity of the sign to a level acceptable to the City.
- Signs may only be used to advertise businesses that are located on the property or to present public service information (no off premises advertising).
- No message or image may be displayed for less than five seconds.
- No message may be repeated at intervals of less than five seconds.
- No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 light columns per second.
- No flashing signs, messages or components.
- Electronic signs shall meet the same installation and permitting requirements and inspections as set out for electrical signs and all other signs.
- LED/Message board signs are not permitted on any billboard.

Article IV-Permit Fees

The Mayor and Board of Aldermen shall set fees from time to time. Fees shall be listed in the schedule of fees on file in the office of the city clerk.

Section 32 Conflict, Servability, and Effective Date

It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

All Ordinances in conflict with this Ordinance are hereby repealed.

This chapter shall not be construed as relieving or lessening the responsibility of any person owning, building, altering, constructing, removing, or moving any sign in the city for damages to anyone injured or damaged, either in person or property, by any defect of action therein. Nor shall the city or any agent thereof assume the liability by reason of issuance of a permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents. This code is enacted for the protection and benefit of the public and is not intended to benefit or protect any specific individual or group of individuals.

This Ordinance shall become effective upon passage by the Mayor and Board of Aldermen of the City of Acworth and signature of the Mayor subject to Georgia Laws 1983, page 4119.

Date: July 7, 2016

Signature on File
Thomas W. Allegood, Mayor

Attest: Signature on File
Regina Russell, City Clerk