

## Sign Ordinance – City of Duluth

### Chapter 11.5 - SIGNS

#### Sec. 11.5-1. - Purpose.

The regulation of location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the city without difficulty and confusion, to improve the general attractiveness of the community, and to protect property values therein. Signs are recognized as a development standard in keeping with other developmental standards such as uses permitted, building setbacks, minimum parking requirements, minimum lot size, maximum lot coverage, minimum landscaping, maximum unit density, etc. It is therefore the intention of the city to establish regulations governing the display of signs that will:

- (1) Promote and protect the public health, safety and general welfare.
- (2) Enhance the economy, business and industry of the city by promoting reasonable, orderly and effective display of signs.
- (3) Restrict signs and lights that increase visual clutter, or increase the probability of traffic accidents by obstructing vision or creating undue visual distraction.
- (4) Promote signs which are compatible with their surroundings in terms of zoning, existing land use, and architectural guidelines.

(Ord. of 3-22-04)

#### Sec. 11.5-2. - Definitions.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definition. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense as the context may require. Words used in the future tense include the present tense as the context requires.

The word "shall" is mandatory and never discretionary.

The word "may" is permissive.

The words "map" or "zoning map" means the zoning map of the city, and the word "lot" includes the words "plot" or "parcel."

The phrase "planning commission" means the City of Duluth, Georgia, Municipal Planning Commission.

The phrase "city council" means the City of Duluth, Georgia, mayor and council.

The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies" and all other legal entities.

The word "building" includes the word "structure" and means all structures of every kind regardless of similarity to buildings.

The word "used" or "occupied" includes the words "intended," "arranged," "designed," "maintained" to be used or occupied.

The word "director" includes the words "director of the department of planning and development."

The word "department" includes the words "The City of Duluth Department of Planning and Development".

All references herein to state or federal legislation and codes shall be applicable to the most recently updated versions as amended.

For the purposes of this chapter, certain words or terms used herein shall be defined as follows:

Attention getting device. Any pennant, valance, propeller, spinner, ribbon, streamer, search light, balloon, painted color banding, or similar device or ornamentation designed for having the effect of attracting the attention of potential customers or the general public and shall be considered a sign and shall meet the requirements of this chapter. Neon shall be considered an attention getting device and shall be prohibited if on the exterior of the building or if readily visible from the exterior of the building.

Commercial message. Any wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product or service.

Fluorescent color. A color that is intense, brilliantly colored and apparently giving off light, "fluorescent color;" day glow, day-glo colors.

Iridescent color. A color which varies in color when seen at different angles; having a play of lustrous rainbow-like colors; pearlescent.

Sign. This term shall mean and include every outdoor advertising device, billboard, poster panel, statuary, banner, attention getting device, sign painted on a wall, window, marquee, awning or canopy, and shall include; announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person, group organization, corporation or other legal entity, when the same is placed in view of the general public traveling along a public street right-of-way.

Sign, animated. Any sign of which all or part thereof visibly moves or imitates movement in any fashion whatsoever; and any sign which contains or uses for illumination any light(s) or lighting device(s) which change color, flash or alternate, show movement or motion, or change the appearance of said sign of any part thereof automatically (ie., electronic message readerboard).

Sign, banner. A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, or insignia of political, professional, religious, educational, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

Sign, billboard. Any monument sign erected on undeveloped property.

Sign, box/cabinet. A sign being flat in appearance with little or no dimension. Box signs include flat signs either internally or indirectly illuminated and with or without a frame.

Sign, building marker. Any sign indicating the name of a building, the date and incidental information about its construction, and is cut into a masonry surface or made of bronze or other permanent material.

Sign, canopy. A sign affixed to, superimposed upon or painted, on a roof-like structure, which is extended over a sidewalk or walkway or vehicle access area. A flush canopy sign is one that is mounted in such a manner that a continuous plane with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

Sign, channel letter. A sign where the letters are comprised of a U-shaped aluminum channel, with plastic front faces which are individually cut and form letters spelling out a word or words for identification of a business, product or service on a building or monument sign. This includes signs where the letters can be lighted with neon or light emitting diodes (LED). Neon letters cannot be left open without faces.

Sign, dilapidated/deteriorated. A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Sign, directory. A sign displaying the name and/or occupation of the occupants of a building. This type of sign is typically found at the entrance to the building or inside the building.

Sign, double-faced. 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 (1) face is designed to be seen from one (1) direction and the other side from another direction.

Sign, face. The portion of a sign on which text or graphic(s) is placed. A sign may also be anything used to attract attention or attention getting device as defined above (ie., paint, color bands).

Sign, flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

Sign, height. The distance in vertical feet from the ground to the highest point of the sign face or support structure.

Sign, historic. Any animated neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the preservation district review board. Extensions, additions or embellishments are not considered part of a historic sign.

Sign, historic hanging pole. For the purpose of this chapter, a hanging pole sign shall be defined as an upside down "L" shaped pole mounted in the ground with one (1) or more signs hanging from it. This type of sign shall be permitted only in certain districts as described in this chapter.

Sign, illuminated. A sign designed to give forth artificial light directly through transparent or translucent material from a source of light within this sign, including but, not limited to, neon and exposed lamp signs or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs. An illuminated sign, which indicates only the time, temperature or date, shall not be considered a flashing sign.

Sign, illuminated direct. A sign illuminated by an internal source.

Sign, illuminated indirect. A sign illuminated by an external light source directed primarily toward such sign.

Sign, incidental. A general information sign that has a purpose secondary to the use of the parcel on which it is placed. This includes but is not limited to credit cards accepted, hours of operation, official notice or service as required by state law, trade affiliations, ATM machines or logos, "telephone", "self service", traffic control for ingress and egress to the parcel, drive thru or traffic flow signs. These signs are typically located on doors, windows or building walls. No sign with a commercial message legible from the right-of-way shall be considered incidental.

Sign, kiosk. A sign consisting of three (3) to five (5) sides which lists the names of businesses located on a property or in a building.

Sign, marquee. A sign that is designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a monument sign or a wall sign, also know as a "reader-board sign."

Sign, mobile. A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle (whether motorized or drawn), which is placed, parked or maintained at one (1) particular location for the express purpose and intent of promotion.

Sign, monument. A permanent sign that is completely enclosed of materials that match the facade of the principal use (brick, stone, stucco or wood), or any combination thereof, and that is self-supporting. Accent materials may be approved by the planning director on a case-by-case basis. The top of the sign display area is located a minimum of twelve (12) inches below the top of the sign structure. No air space shall be visible within or between any portion of the sign display area and sign structure. Poles or pylon signs shall not be classified as monument signs and are not permitted.

Sign, neon. An illuminated sign containing a glass tube filled with neon or phosphors, which is bent to form letters, symbols or other shapes.

Sign, nonconforming. A lawfully erected sign which, on the effective date of this chapter, fails to comply with requirements of this chapter.

Sign, permanent. Any billboard, wall sign, canopy sign, projecting sign, under canopy sign, or monument sign which is securely affixed to the ground and not readily removable. Temporary signs shall not be considered permanent signs.

Sign, pole/pylon. A sign which is not a monument.

Sign, portable. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier or other nonmotorized mobile structure with or without wheels. This does not include sandwich board, A-frame or other temporary signs as permitted in this chapter.

Sign, primary wall. For the purposes of this chapter, the primary wall sign shall be the sign on the front facade of the building. The front facade shall be designated as the area where the customer entrance is located.

Sign, prohibited. Any sign, other than a nonconforming sign, not conforming to this chapter.

Sign, projecting. A sign projected horizontally more than six (6) inches from the outside wall or walls of any building upon which it is located or from a canopy.

Sign, roof. A sign erected upon and above a roof structure and wholly supported by the roof structure placed upon a roof.

Sign, secondary wall. For the purposes of this chapter, the secondary wall sign shall be the sign on the side(s) facade of the building where there may not be a customer entrance.

Sign, A-frame, sidewalk or sandwich. A temporary, movable sign not secured or attached to the ground or surface upon which it is located. This type of sign is typically "A" shaped or in some variation thereof and which is usually double sided. This includes a sign displayed on an easel.

Sign, special event. A sign displaying advertising that is temporary in nature, is not permanently attached to the ground or sign surface and is utilized for special events such as but, not limited to, grand openings, seasonal sales, liquidations, going out of business sales, fire sales, and promotions.

Sign, subdivision. Any sign designed to identify a subdivision, neighborhood or residential complex. Subdivision signs could also be used to identify a business or office park.

Sign, surface area. The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color, forming an integral part of the display used to differentiate this sign from the background against which it is placed. Any band of color used to draw attention may be considered part of the sign face and should be counted in the square footage calculations. Excluded from this are the necessary supports or uprights on which this sign is placed. However, any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or figure of any kind composing the display face shall be included in the computation of the sign whether this open space be enclosed or not by a frame or border. For projecting or double-faced signs, only one (1) display face shall be measured in computing sign area which the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less, provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

Sign, temporary. Any sign temporary in nature such as banners, sandwich board, portable readerboard with changeable letters, portable, or other signs that can be easily removed and/or relocated and may be utilized for special events.

Sign, under canopy. Any under canopy sign is one (1) that is suspended from the underside of a canopy (including awnings), is perpendicular to the wall surface of a building, and whose copy is not clearly visible from the public right-of-way. An under canopy sign is typically smaller in size than the wall of canopy sign and is typically used for assisting and directing pedestrian traffic.

Sign, wall. A sign attached to or painted on the exterior wall of a building. The total lettering on one (1) facade of a building or structure shall constitute one (1) wall sign.

(Ord. of 3-22-04; Ord. of 10-11-04)

Sec. 11.5-3. - Regulations for certain types of signs.

- (a) Wall or canopy signs. Shall be not less than eight (8) feet above the ground level and shall be permanently affixed to the wall or facade of the structure and shall not extend above the eave line. The mounting system must be reviewed by the building inspector, in conjunction with the application for sign permit. Wording or advertising on the canopy shall be construed as a "sign" and shall fall under the provisions specified in this chapter. Wall or projecting signs shall not extend above the parapet wall of a building or eave line of a pitched roof. Anchoring and other attachments shall meet the minimum requirements of the city building code.

Canopy sign and wall sign requirements shall be interchangeable. Only one (1) sign per facade or storefront, whether it be on the wall of the building or on a canopy shall be permitted, but not both. Canopy and wall signs shall be permitted in the nonresidential zoning excluding O-N district. Wall signs shall be permitted in all nonresidential zoning districts.

- (b) Projecting signs. Shall be securely fastened to the building surface and maintain a minimum clearance height of eight (8) feet above the ground level over areas of truck service access. The mounting system must be reviewed by the building inspector, in conjunction with the application for sign permit. Projecting signs shall not extend above the parapet wall of a building or the eave line of a pitched roof. Anchoring and other attachments shall meet the minimum requirements of the city building code. Projecting signs shall be permitted in all nonresidential zoning excluding the O-N zoning district. Projecting signs shall be permitted in lieu of a wall or canopy sign.
- (c) Monument signs. Shall be securely affixed to a substantial support structure, which is permanently attached to the ground, and wholly independent of any building. Footing, anchoring, wind loads or other construction detail shall meet the minimum requirements of the city building code. All monument signs shall be mounted on a base constructed of the same or similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on the site. All monument signs shall obtain both a sign permit as well as a building permit. Pole signs not meeting the above requirements are prohibited unless pre-existing.
- (d) Window signs. The area of these signs shall be restricted to fifty (50) percent of the area of the window. Incidental signs as defined in this chapter are not counted as window signs. Window signs shall be permitted in all nonresidential excluding the O-N zoning district. This chapter shall in no way be construed as to allow signage that is otherwise prohibited in the city's Code of Ordinances as it relates to packaged alcohol and on-site consumption of alcohol.

(Ord. of 3-22-04; Ord. of 10-11-04)

#### Sec. 11.5-4. - General provisions.

These general provisions shall apply in all districts with the exception of the CPD-R, CPD-C and CBD districts.

- (1) Number of signs. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where text, emblems, graphics, logos, etc. are displayed, in a random or unconnected manner, without organized relationship of elements, or where there is reasonable doubt as to the intended relationship of each component, each component or element shall be considered to be a single sign. Refer to the definition of sign surface area for additional information.
- (2) Height limitations. The height of any monument sign at its highest point above the level of the ground shall not exceed eight (8) feet, unless otherwise specified in this chapter. The level of the ground shall not be altered in such a way to provide additional sign height above the adjacent roadway. Signs shall not be placed on top of a berm.
- (3) Lighting requirements. Only permanent signs shall be illuminated, either directly or indirectly. No sign shall give off light that glares, blinds, interferes with the peace, comfort, convenience general welfare, or has any other such adverse effect of traffic, occupants, tenants 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. A permit will not be issued for an illuminated sign within one hundred (100) feet from any property line of a residentially zoned parcel. Flashing, blinking, fluctuating and animated signs are prohibited. No sign shall be erected which simulates an official traffic control, warning signal or public service sign (ie., colored lights). Signs in a residential district may only be illuminated indirectly (ie., spotlights or the like). Temporary signs shall not be illuminated.

Exposed neon shall be prohibited on the exterior of any building within the city limits. This prohibition shall apply to any signage, text, attention getting device, band of neon, or other form of installation on any building, sign or other structure. Any signage with internal lighting composed of neon tubing shall be covered with a colored or opaque housing so that the neon is not visible from the outside or have the appearance of neon, including a clear covering.

- (4) Construction and maintenance. All signs shall be constructed and maintained in conformance with the city building code. The city may, at its discretion, require certification to confirm that the structural requirements of these codes are met. The planning director shall have the authority to cause to be removed after due notice any sign which shows gross neglect or becomes dilapidated by giving the owner ten (10) days written notice to correct the deficiencies or to remove the sign(s). If the owner refuses to comply, the planning director shall have the authority to have said sign(s) removed at the expense of the owner. These signs, together with their supports, braces, guys and anchors, shall be kept in good repair and unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition. Refer to section 11.5-6(5) for required inspections and maintenance of billboards.
- (5) Language/legibility. Any sign or billboard within the city used to identify or describe a business, a commercial establishment or a nonresidential establishment or any commercial product or service that use the words in a language other than English, where the English translation of such words do not appear on the sign, the English translation of the sign shall be provided on the sign permit application. Nothing in this section shall be construed to prohibit the use of foreign words or characters that are proper nouns which have no English translation as long as they do not contain unconstitutionally obscene language or advertise an illegal activity. This section is adopted in order to aid in the identification of businesses and other commercial establishments in the city for police, fire and other emergency responses, and to avoid confusion and delay in response to such emergencies and to protect the public health, morals and welfare from the display of unconstitutionally obscene language and the advertisement of illegal activities. This section shall apply to any signs which are erected, constructed, crafted or modified after the effective date of this chapter. Nothing in this section shall prohibit the same and/or additional information on the sign from being written in a language other than English except no sign shall use obscene language or advertise illegal activity.

Wall signage within a nonresidential zoning district or building shall not use box or cabinet style signs for their primary identification. Incidental or ancillary or accent signs providing additional information may use box or cabinet style signs provided they have rounded edges and are no more than fifty (50) percent of the primary sign size. No fluorescent colors shall be used for either the background or foreground of the sign.

The use of raceways and individual formed/cut channel letters are permitted but the use of raceways is encouraged. If channel letters are used, any holes created on the wall as a result of a proposed change in signage, shall be filled and match or blended with the existing wall material as much as possible. The filling of holes shall be the responsibility of the shopping center owner. No new sign permit will be issued until all holes are filled.

Monument signs with a shopping center or other multi-tenant facility shall only use neutral colors, including black or gray, for their background. The neutral color shall be consistent throughout the sign. Any color, with the exception of fluorescent and iridescent colors, may be used for the foreground lettering. All font styles must be legible from the roadway.

- (6) Street number. Any monument sign or billboard used to identify or describe a business, a commercial establishment or a nonresidential establishment or any commercial product or service offered, shall contain the street number and the official street name in English letters and Arabic numbers of a size equivalent to the predominant size of the letters and numbers on the sign. This section is adopted in order to aid in the identification and location of businesses and other commercial establishments in the city, for police, fire and other emergency responses, and to avoid any delay in such emergencies. Nothing in this section shall prohibit the same and/or additional information on the sign from being written in a language other than English except no sign shall use obscene language or advertise illegal activity.
- (7) Location and spacing.
  - a. All signs shall be located on private property only, except those specifically permitted by this chapter. Signs cannot overhang the public right-of-way of any public or private street or driveway.
  - b. All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal or device.
  - c. No sign shall be attached to or placed against a building in such a way as to prevent egress through any door or window required or designed for access to any building; nor shall any sign be attached to or obstruct a fire escape, or interfere with openings required for proper light or ventilation.
  - d. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities in accordance with the state department of community affairs adopted National Electrical Code specifications. In no case shall any sign be installed within three (3) feet horizontally or vertically from any overhead utility line or utility guy wire.
  - e. No sign shall be erected within thirty (30) feet of an intersection with a public or private street, private drive or other access point so as to interfere with traffic movement and visibility.

(Ord. of 3-22-04; Ord. of 10-11-04; Ord. of 2-27-06)

Sec. 11.5-5. - Regulations applying to permanent signs.

In addition to the general regulations and restrictions applying to all sign classifications, permanent signs shall comply as follows:

- (1) Residential districts, including RA-200, R-100, R-75, RM, PRD, or PUD.
  - a. In any area zoned single family or multi-family residential, a maximum of two (2) monument signs shall be permitted per entrance of the development. Said signs shall not exceed the measurements specified in subparagraph c. below.
  - b. Location and spacing. If the developer chooses to construct two (2) signs per entrance, these signs shall be placed on either side of the roadway; signs cannot be constructed in a center island of any roadway.
  - c. Size and height. Identification signs or signs advertising the name of a subdivision or multi-family development shall be constructed as follows:
    8. Neon signs shall be permitted in the window unless it meets the definition of historic signs as stated in subsection 11.5-5(3)c.10.
    9. Neon shall be restricted unless it meets the definition of historic signs as stated in subsection 11.5-5(3)c.10.
    10. Historic signs. Any neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the preservation district review board. Extensions, additions or embellishments are not considered part of a historic sign.

1. Sign shall not exceed a height of fifteen (15) feet.
  2. A sign face shall not exceed fifty (50) square feet. If two (2) signs are planned, signs shall be symmetrical and shall not exceed fifty (50) square feet each.
- d. In all residential zoning districts, one (1) building marker per housing unit is allowed. These signs shall not exceed one (1) square foot. If affixed to a multi-tenant building in an RM district or property zoned for multi-family purposes, the building marker shall not exceed four (4) square feet maximum size.
- (2) Nonresidential districts, including C-1, C-2, HC, O-I, O-N, M-1, M-2, PCD, PIC, POD, or mixed use PUD development.
- a. For properties containing one (1) or two (2) individual businesses, one (1) monument sign per lot of record is permitted on the property. For properties containing three (3) or more businesses on the same lot, the sign regulations in d. below shall apply. Said sign shall not exceed fifty (50) square feet. On lots with two (2) road frontages, one (1) sign per road frontage is permitted with a total square footage of both sign faces not to exceed one hundred (100) square feet or twelve (12) feet in height.

Places of business within nonresidential zoning districts which do not own road frontage, may seek approval of a sign on or near the shared access easement to their business provided written permission is obtained from the property owner and requirements in the previous paragraph are met. Multiple buildings or properties served by the easement shall share one (1) sign at the road frontage as described in c. below. For sign restrictions in the O-N district, see f. below. The planning director shall have the authority to allow one (1) monument sign serving multiple parcels, provided all parcels utilize the same driveway or shared access easement. At least one (1) parcel shall have road frontage to qualify. For example, three (3) parcels sharing one (1) driveway to access easement where at least one (1) parcel has direct road frontage.

- b. No more than three (3) primary signs shall be permitted per building, and one (1) sign per facade shall be permitted on a single tenant building where the building three hundred (300) linear feet in length or smaller. This shall include wall signs, canopy signs and projecting signs, which regulations are interchangeable. Single tenant buildings which exceed three hundred (300) linear feet would be permitted a second primary wall sign on the facade which meets these criteria, whether it is front or side(s) of the building. The primary wall sign shall not exceed two (2) square feet per linear foot of the building facade. Secondary signs on the same facade shall be smaller in nature than the primary sign. For purposes of this chapter, the sign on the front facade shall be considered the primary sign, and the two (2) permitted signs on the sides of the building shall be secondary and subordinate and should be smaller in size than the primary wall sign on the front facade.

Signs shall not be permitted on rear walls except informational types, (i.e., shipping/receiving hours, etc.) with a maximum combined square footage of six (6) square feet, unless the rear of the building directly faces a main roadway, then the size restrictions for a wall sign in the paragraph above shall apply. For sign restrictions in the O-N district, see f. below.

In the case of a multiple tenant building such as a business center, or shopping center, one (1) wall sign per storefront/tenant shall be permitted as described below based on the width of the storefront. Signs shall not be permitted on the side(s) of the building that do not have direct road frontage to a main road. Multiple occupational tax forms shall not constitute a multi-tenant building in order to obtain additional signage on the exterior of the building. A multi-tenant building shall be classified as separate suites divided by a common firewall with individual ingress/egress to the outside and no common access through the common wall. For example, a doctor's office offering multiple services such as chiropractic, dietary, massage, etc. being provided by separate entities within the same office shall not be considered a multi-tenant building. Tenants and/or other individual profit centers leasing space within another business (i.e., deli, sales counter, photo booth, bank, bakery,



pharmacy, optical, and other similar uses as determined by the planning director) shall not be permitted to have signage on the outside of the building. Any wall or canopy sign on the storefront shall not exceed two (2) square feet per linear foot of the building or storefront, whichever is smaller.

- c. Incidental signs may be located on developed lots adjacent to but not within the right-of-way line, and must not exceed six (6) square feet in area or three (3) feet in height above ground. Incidental signs may also be placed on the wall of a building where there is a drive-thru window or service bays for specific services. Signs shall not exceed six (6) square feet each and shall not exceed one (1) sign per bay or drive-thru area. Incidental signs are not required to be monument signs. For sign restrictions in the O-N district, see (g) below.

Under canopy incidental signs shall be permitted for each business provided the sign does not exceed two (2) square feet each.

- d. A business center, or shopping center located within a PUD, PCD, C-2 or HC district is permitted one (1) monument sign per street frontage not to exceed one (1) square foot per linear foot of lot frontage, not to exceed one hundred fifty (150) square feet and twenty (20) feet in height. Individual businesses within the business center, or shopping center are allowed to have one (1) wall or canopy sign and one (1) under canopy incidental sign as specified in subparagraph b. above. The monument sign may be composed of individual signs or messages not to exceed the number of tenant spaces located in the business center, or shopping center.

- e. Convenience stores and service station with pump islands. Additional signage is permitted as follows:

- 1. One (1) sign per canopy facade per public street frontage with a maximum of sixteen (16) square feet shall be permitted. Text to display the price of gasoline (all grades) is permissible provided that the area used to display this information is no larger than eight (8) square feet and does not extend above or below the edge of the canopy.
- 2. Spreader bars (signs located under canopy over pump islands) shall be limited to no more than two (2) signs per spreader bar, not to exceed four (4) square feet per sign. However, total square footage for all spreader bars shall not exceed twenty-four (24) square feet.
- 3. On site separate drive-through car wash building(s), shall be permitted one (1) permanent wall sign, not to exceed eight (8) square feet with an approved sign permit. This sign shall be for incidental purposes only.

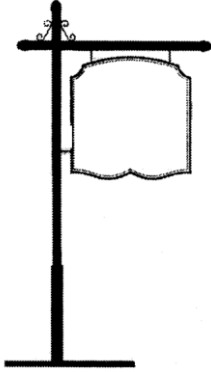
- f. Properties zoned O-N shall be limited to one (1) wall sign not to exceed ten (10) square feet of wall signage one (1) monument sign not to exceed twenty-four (24) square feet and eight (8) feet in height. Signs shall not be illuminated.

- (3) Historic downtown districts, CPD-R, CPD-C and CBD districts. Sign proliferation is a viable concern in the historic downtown districts as the city wishes to retain a "clean", uniform appearance within its central core. In order to promote a pedestrian-oriented market area in the historic downtown district, certain types of temporary signs shall be permitted without a sign permit or fee, but within certain guidelines.

All signs (permanent and temporary) located or maintained within the CBD and CPD-C districts shall comply with the following regulations in addition to other requirements of this chapter. All signs within the historic downtown districts shall be compatible with the 1880—1930 "turn of the century" style as defined by the city. When designing a sign within the historic downtown districts, the original architecture of the building shall be taken into consideration to ensure that the sign fits in with the architectural features made to define the sign space. If these elements are prevalent, the architecture of the building shall take precedence over the sign size, shape and placement. The building or storefront identity and style is most important. Sign materials should create dimension and evoke quality for the district. The preservation district review board shall

review and approve all signage within the historic downtown districts prior to permitting and installation. Where these regulations conflict with other regulations, this section shall take precedence.

- a. Preservation district review board. The city PDRB shall review all signs within the historic downtown districts with the exception of those signs specified in this chapter.
  1. Establish guidelines for colors and design of signs which can be approved without review.
  2. Grant variances and designate such conditions in connection therewith to those regulations for the CPD-R, CBD and CPD-C districts set forth herein where strict application of such regulations would result in practical difficulty or unnecessary hardship; but only in harmony with the spirit and intent of these regulations and in such a manner as to grant relief without substantial injury to the public interest and rights. Any person aggrieved by the decision of the PDRB regarding the grant or denial of a variance or decision may appeal to the zoning board of appeals by filing written notice with the PDRB within ten (10) days from the date of the decision.
- b. Regulations for signs in the CPD-R district. For properties within the designated CPD-R West Lawrenceville Street sub-area of the historic downtown, those properties shall be permitted to display one (1) building marker per property either on the wall of the building or a historic pole sign near the street. Sign shall not exceed two (2) square feet or three (3) feet in height from the ground level. Design and coloring shall be consistent with the guidelines in article 13 of the zoning ordinance, Duluth Town Center Design Guide or resources from the main street program.
- c. Regulations for signs by type in the CBD and CPD-C districts.
  1. Wall and canopy signs. One (1) primary wall or canopy sign per storefront shall be permitted on the facade which is the primary access point for customers. If the architectural features of the building dictate the square footage, then the design should be proportionate and appropriate to the facade of the building. Wall signs shall not be internally illuminated or backlit, but may be externally or indirectly illuminated with lighting fixtures consistent with those approved in article 13 of the zoning ordinance, the Duluth Town Center Design Guide and resources from the main street program.
  2. Monument signs. Monument signs shall be permitted in the historic districts where there is adequate property, front yard and visibility that would allow for placement of a monument sign. Illumination of monument signs shall be indirect only, internal illumination shall be prohibited. Lighting fixtures shall be consistent with those approved in article 13 of the zoning ordinance, the Duluth Town Center Design Guide and resources from the main street program. Other types of fixtures may require approval of the preservation district review board. Monument signs shall be setback from the sidewalk a minimum of two (2) feet in order to allow for landscaping and ease of pedestrian traffic flow.
  3. Historic pole signs. Historic pole signs shall be permitted in the historic districts where there is adequate property, front yard and visibility that would allow for placement of a monument sign. Historic pole signs shall have hanging signage, shall be "L" shaped and fabricated of wrought iron or other approved material. Sign structure shall not exceed ten (10) feet in height and shall not overhang the sidewalk or right-of-way. The maximum sign face for this type of sign shall be sixteen (16) square feet. This type of sign shall be permitted in lieu of a monument sign and not in addition to. An example of a historic pole sign is illustrated below.



### Historic Pole Sign

4. Projecting signs. Projecting signs for primary identification purposes shall be permitted in lieu of a wall or canopy sign. The sign shall be proportionate to the scale and features of the building. Installation and height requirements are described in section 11.5-3 of this chapter.

Under canopy projecting signs shall be permitted for incidental purposes. This type of sign shall be mounted perpendicular to the building front with a maximum projecting length of three (3) feet. The minimum height shall be eight (8) feet from the level of the sidewalk, or street level if no sidewalk is present. The placement of the sign shall be within two (2) feet of the primary ingress/egress for customers unless the architectural features of the building dictate specific placement. Under canopy incidental signs shall not require a sign permit, however review by the preservation district review board is required. This type of sign is not intended to preclude a larger primary wall or canopy identification sign, but in addition to.

5. Window signs. Window signs shall be encouraged in the historic downtown districts to promote identity and the look and feel of a pedestrian shopping village. Window signs shall not cover more than seventy-five (75) percent of the window and shall be approved by the planning director or his/her designee. Window signs may be painted on the inside of the window. Adhesive lettering shall not be permitted. Window signs may include the name of the business, services offered, logos and other similar information as determined by the planning director. Neon signs shall be permitted in the window. Hand written signs shall not be permitted.
6. Incidental signs. Incidental signs include hours of operation, credit cards accepted, open/closed, phone number, a repeat of the business name and other similar information. Incidental signs in the window shall be permitted with a maximum of three (3) square feet.
7. Restricted signs. Downtown merchants may display one (1) removable A-frame, sandwich board, easel and sidewalk sign on the sidewalk in front of the respective business during regular business hours without a sign permit. Sign must be placed within ten (10) feet of the main customer entrance to the building. However, signs may not be placed on the right-of-way, town green or become a visual obstruction to oncoming traffic or block the sidewalk for pedestrian activity. These signs may be double faced and shall be limited to six (6) square feet per side with a maximum height of four (4) feet. Certain other types of removable signs may be permitted at the discretion of the preservation district review board. Those other types include banners, pennants, and the like.
8. Neon signs shall be permitted in the window unless it meets the definition of historic signs as stated in subsection 11.5-5(3)c.10.

9. Neon shall be restricted unless it meets the definition of historic signs as stated in subsection 11.5-5(3)c.10.
  10. Historic signs. Any neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the preservation district review board. Extensions, additions or embellishments are not considered part of a historic sign.
- d. Prohibited materials. Printed plastic, flat vinyl, flat metal, and adhesive lettering materials for signs within the historic downtown districts shall be prohibited.
  - e. Directional signs. Merchants within the historic downtown districts may seek approval for off-site signage directing potential customers and passers by to their business. Merchants eligible for this type of sign must not have direct road frontage or are not readily visible from the public street. Businesses located in a building on the town green may seek signage to be consolidated with other merchants to direct customers from the town green to the front of their building.

(Ord. of 3-22-04; Ord. of 10-11-04)

Sec. 11.5-6. - Regulation applying to billboards.

In addition to the general regulations and restrictions applying to all sign classifications, billboard signs shall comply with the following:

- (1) All applications for billboards shall be accompanied by written permission of the owner of the property on which the proposed sign is to be placed, a site plan showing the proposed location of the sign, and a scale drawing of the sign.
- (2) Billboards will be permitted only on undeveloped property that is zoned M-1 or M-2 and shall be removed when a land disturbance (i.e., clearing, grubbing, grading or development) permit is issued for development on the property on which a billboard is located.
- (3) Location and spacing.
  - a. No billboard shall be placed within five hundred (500) feet of a residence, church, school, park or cemetery.
  - b. No billboard shall be located within one thousand (1,000) feet of another billboard as measured along the right-of-way of the street or streets on which such billboard is located, and provided further that no billboard may be located closer than five hundred (500) feet to another billboard in any direction.
  - c. Billboards shall be erected only in the buildable area of the lot. No trees or other vegetation shall be cut or removed in locating or erecting a billboard.
- (4) Size and height regulations. No billboard sign shall exceed fifty (50) square feet or have more than one (1) sign face or exceed twelve (12) feet in height.
- (5) Inspections and maintenance. At least once every two (2) years, an inspection report by a structural engineer licensed in the state or other qualified person (other than a building official) must be submitted to the city showing that the structural integrity of the billboard is intact.

(Ord. of 3-22-04)

Sec. 11.5-7. - Requirements and restrictions applying to temporary (nonpermanent) signs.

Each sign must be removed on or before the expiration of the permit. Temporary signs shall be permitted in all zoning districts with an approved temporary sign permit, except as otherwise specified in

this chapter. In addition to the general regulations and restrictions applying to all sign classifications, the following signs may be erected and shall be maintained in compliance with the following:

- (1) New businesses. Each business location zoned C-1, C-2, HC, PCD or PUD is entitled to one (1) thirty-day temporary sign permit within six (6) months of issuance of the certificate of occupancy. The permit is valid for thirty (30) consecutive days (cannot be broken up or shared with another business) and the business operator is entitled to display no more than five (5) signs or a total of three hundred (300) square feet cumulative. Change of ownership, new management, or the like shall not constitute a new business.

A temporary banner may be used in lieu of a permanent wall sign for a period not to exceed three (3) months, or until the permanent wall sign is installed, whichever comes first. Said banner may not exceed thirty (30) square feet and must be attached to the wall of the building facing the primary road frontage. An order from the sign contractor who has been hired to fabricate a permanent sign must be provided to the city with the appropriate temporary sign permit application.

- (2) Special event sign permit. Any person, firm, or corporation shall be allowed to display temporary signs for a special use or event outside the building provided the signs are located on the property. Temporary signs for a special event shall be permitted in the C-1, C-2, HC, PCD, RM, and PUD districts only, except as otherwise specified in this chapter. A temporary sign permit application shall be issued under the following conditions:
  - a. Prior to the special event, and the erection and placement of temporary signs, an application for a temporary sign permit shall be filed with the department of planning and development. A temporary sign permit may be used for, but, are not limited to, grand openings, liquidation sales, going out of business sales, fire sales, promotions, seasonal sales and the like.
  - b. The maximum number of temporary sign permits to be issued to a single business location shall be one (1) per quarter not to exceed thirty (30) consecutive days each except as provided for a new business under subsection (1) hereinabove. Under a temporary sign permit, a maximum of five (5) signs may be displayed with a maximum of total square footage not to exceed three hundred (300) square feet.
  - c. Air or gas filled devices are allowed for parcels greater than 2.5 acres in land area. These devices shall be required to obtain a temporary sign permit and adhere to the rules and regulations as described in subsection 11.5-7(2)b of this section. Inflatable devices must be de-inflated and properly disposed of or stored at the expiration of the permit period.
  - d. Identification stickers issued by the department of planning and development in conjunction with the proper permit must be adhered to the front side of all signs approved under the permit and must be visible from the street.
  - e. All signs and displays must be removed prior to the expiration date on the permit.
  - f. Location of temporary signs other than at the location of the proposed use or event must be approved by city council. In considering such requests, the city council shall apply the purposes of the zoning ordinance and the criteria set forth for granting a special use permit.
  - g. Temporary signs shall not be illuminated.
- (3) Signs associated with an approved temporary use permit. The permit period shall be valid the same dates as the approved temporary use permit. The permit fee shall be at twenty-five dollars (\$25.00) for the extended period. A business operator may apply for a temporary sign permit also, and must follow the regulations in subsection (2) hereinabove.
- (4) Small temporary signs. One (1) temporary sign per parcel shall be permitted at any given time without a sign permit or fee. Said sign may be a double faced sign, but shall not exceed three (3) feet in height and six (6) square feet per side, unless specifically waived by the mayor and city council.

(Ord. of 3-22-04; Ord. of. 3-11-13)

Sec. 11.5-8. - Exempt signs.

Except as otherwise provided, the following signs may be erected without securing a sign permit or payment of a fee, provided that each is in accordance with the prescribed conditions and all other applicable codes and regulations.

- (1) Informational bulletin boards for public charitable, educational, religious institutions, or homeowner associations when located on the premises of said institution or inside the subdivision or neighborhood or affixed to a building wall. Bulletin boards may not exceed twelve (12) square feet in area and may not be located within the public right-of-way.
- (2) Flags that do not convey a commercial message.
- (3) Signs erected by the city or any government entity in the right-of-way or on any government owned parcel are exempt from provisions of this chapter.
- (4) Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed two (2) square feet in area.
- (5) Historic signs and historic markers.
- (6) Temporary signs shall be allowed on undeveloped property or property under construction provided the sign does not exceed thirty-two (32) square feet and shall be limited to two (2) such signs per parcel or one (1) such sign per project entrance. These signs shall be removed within ten (10) days after the subject lot is sold, or construction is completed, respectively and prior to issuance of a certificate of occupancy by the city.
- (7) Apartments, condominiums or other multi-family rental properties zoned RM, PRD or PUD may display one (1) temporary sign per entrance, provided the sign face does not exceed four (4) square feet. No balloons, streamers or other attention getting devices may not be attached to the sign(s). This type of sign may be displayed year-round. Signs must be made of colors other than fluorescent type.

(Ord. of 3-22-04)

Sec. 11.5-9. - Permits, administration, enforcement, and penalties.

(a) Enforcement.

- (1) All of the provisions of this chapter shall be administered and enforced by the department of planning and development whose duties shall include rendering interpretations as to the requirements of this chapter, issuing permits, inspecting signs (both existing and installed) under the provisions of this chapter, and enforcement of all provisions of this chapter.
- (2) All questions arising in connection with the administration and enforcement of this chapter shall be presented first to the planning department and then to the zoning board of appeals on appeal of a decision from the planning director, subject to applicable provisions of this chapter.
- (3) A sign permit may be revoked by the planning director, or his/her designee, if it is found not to be in compliance with this chapter due to intentional misinformation, misrepresentation, or significant error on the sign permit application.
- (4) Issuance of a sign permit in no way prevents the planning director, or his/her designee, from later declaring the sign to be nonconforming or unlawful if upon further review of available information the sign is found not to comply with the requirements of this chapter.

(b) Issuance of permits.

- (1) The department is hereby authorized to issue a sign permit for any sign provided all requirements of this chapter are met. A sign permit must be issued by the department before a sign may be erected or attached to, suspended from, or supported on a building or structure and before an existing sign may be altered, enlarged, relocated or materially improved upon except as is herein provided. If a permit is not obtained prior to installation, the permit is subject to double fee.
  - (2) Each sign and sign structure, which exists on the effective date of this chapter, shall be registered by the owner with the department of planning and development within sixty (60) days of the effective date of this chapter. If the sign complies with all the requirements of this chapter, a sign permit shall be issued to the sign owner and if the sign was legally erected prior to this chapter, the sign or signs shall be allowed to continue to exist only under the requirements of nonconforming signs of this chapter and a permit shall be issued. No fee shall be required for signs legally erected prior to this chapter.
  - (3) If the plans, specifications and intended use of the applied for sign or part thereof conform in all respects to the applicable provisions of this chapter and the city building code, a sign permit shall be issued. A sign permit shall be issued or denied within ten (10) days upon proper application to the department. If no decision is made by the planning director within thirty (30) days, then the permit shall be deemed to be approved. If after review and investigation by the department, it is determined that the application meets the requirements contained herein, the permit shall be issued. If after review and investigation by the department, it is determined that the application fails to meet the requirements contained herein, the permit shall be denied, and the department shall notify the applicant in writing of the denial and reasons for denial. The written notice of denial shall be sent by certified mail to the designated address of the applicant on the application. Any applicant denied a sign permit under the provisions of this chapter may file a written appeal of the denial to the zoning board of appeals in accordance with article 18 of the zoning ordinance.
  - (4) All signs using electrical wiring and connection shall require a sign permit and an electrical permit. A sign permit shall become null and void if an electrical permit is not secured, if required, or if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.
- (c) Application for sign permit.
- (1) Sign permit applications shall be accompanied by a scale drawing of each proposed sign, site plan for monument signs, drawing of facade of building elevation showing proposed placement of each wall, canopy or projecting sign and any other information which the department may require in the exercise of sound discretion in acting upon the application.
  - (2) Any person performing new electrical work relating to signs must apply for an electrical permit and hold a valid electrician's trade license issued by the state to perform such work. If the electrical wiring exists from a previous sign and no new electrical wiring is necessary for illumination, the sign company may connect the electrical service.
- (d) Fees. Fees for all types of sign permits shall be charged as stated in the fee ordinance as amended from time to time. The sign permit fee shall be required of all signs requiring an electrical permit. The exemption from sign fees does not waive compliance with the sign provisions of this chapter including but, not limited to, all size, height and location restrictions.
- (e) Inspections.
- (1) The department shall inspect or cause to be inspected, by a duly authorized representative, every sign installed under the provisions of this chapter in order to determine that each sign meets the requirements set forth in this chapter. Inspections shall include but are not limited to, footings and electrical wiring.
  - (2) It shall be the duty of the department to notify the sign contractor (if known) and the sign owner or property owner, of any discrepancies or violations found during the sign inspection. This notice shall be in writing and provide the specifics as to the discrepancies or violations found during the inspection and may be served by certified mail, return receipt requested.

- (3) All deficiencies or violations shall be corrected, within forty-eight (48) hours, following service of this notice by the department or a duly authorized representative. The department or its duly authorized representative may extend the time limit to correct the violation no more than five (5) working days or reduce the limit no less than twenty-four (24) hours. The planning director may approve extension of the correction of the violation limit to fourteen (14) days with a written justification.
  - (4) The department or a duly authorized representative is herein authorized to enter private property for the purpose of making an inspection to insure compliance with all provisions of this chapter.
- (f) Abandoned signs.
- (1) If a building, structure or premise is vacated any associated temporary signs, shall be removed by the property owner or the sign owner, within ten (10) days, following service of notice by the department. If the property owner or sign owner fails to comply within ten (10) days after written notification, the city may cause the removal of the sign at the property owner's or sign owner's expense.
  - (2) If a sign or sign structure has not been in use whereby the property has been vacated for a period of three (3) months or longer and the sign has not been updated to convey a current message, any sign on the property, building, or structure loses its legal nonconforming status and must be removed or brought into compliance with the current sign regulations.
  - (3) If a sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed shall be removed by the property owner or the sign owner, within ten (10) days, following service of notice by the department. If the property owner or sign owner fails to comply within ten (10) days after written notification, the city may cause the removal of the sign at the property owner's or sign owner's expense.
- (g) Administrative fees, citations and penalties.
- (1) Any sworn officer of the city is hereby empowered to issue a citation for violation of this chapter in any case where it is found that a sign has been erected, constructed, reconstructed, altered, converted or maintained in violation of any provision of this chapter. Nonpermanent signs still erected after the expiration date of the approved sign permit shall be removed by the owner/applicant or a citation will be issued for violation of this chapter.
  - (2) Any person, firm or corporation who fails to comply with the requirements of this chapter shall, upon conviction of a violation of this chapter, be punished as provided by law by the imposition of a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1000.00) and may not be stayed or suspended, imprisonment of not more than thirty (30) days or both.
  - (3) Any employee of the city or community service workers under the supervision of a city employee shall have the authority to remove and confiscate any sign that is located within the public right-of-way and does not comply with the requirements of this chapter. Signs confiscated by any city employee for noncompliance, shall be stored at the city maintenance facility for a period of two (2) weeks. If signs are not claimed within two (2) weeks, signs shall be discarded without further investigation. The owners of confiscated signs may claim the confiscated signs within the two (2) week period but shall be required to pay an administrative fee of one hundred dollars (\$100.00) per sign confiscated to reimburse the city for the administrative time and use of resources incurred by the city in the confiscation and storage of the signs.

(Ord. of 3-22-04; Ord. of 10-11-04)

Sec. 11.5-10. - Nonconforming signs.

- (a) Signs which were legally in existence on the effective date of this chapter and became nonconforming with respect to the requirements of this chapter, may continue in existence as long as the size of the



sign is not increased beyond that existing size on the effective date of this chapter and any change thereto is made in conformance with this chapter.

- (b) A nonconforming sign shall not be replaced, enlarged, or altered except within the provisions of this chapter.
- (c) The substitution or interchange of poster panels or painted boards on nonconforming signs shall be permitted provided the size, shape or location of said sign does not change.
- (d) Repair and maintenance of nonconforming signs may be performed as necessary unless more than fifty (50) percent of the sign is repaired, altered, or replaced, as determined by the planning director. If more than fifty (50) percent of the sign is affected, then any legal nonconforming status is lost and the sign must be brought into compliance with the current sign regulations.
- (e) Each nonconforming sign shall be registered, as required herein, by the owner and if determined legally erected under the requirements of prior ordinances and resolutions, a sign permit shall be issued to the sign owner and the sign or signs so marked with the permit number and the name of the owner.
- (f) If the city, county, or any other lawfully constituted city, state or federal governmental authority, agency, or body having the power of eminent domain obtains title to property through condemnation or the threat of condemnation and the acquisition will require the removal or relocation of a sign controlled by this chapter, the owner of such sign may apply to the city council for approval to relocate such sign in accordance with the terms of this provision.

The following conditions must be satisfied in order to qualify for approval of the relocation:

- (1) The affected sign must be a legal non-conforming sign at the time it is affected by the condemnation or acquisition.
- (2) The affected sign shall be relocated onto the remainder of the property on which the sign was originally located, if possible. The affected sign should be relocated as close to the original location as feasible, taking into account the amount of property acquired, the amount of remaining property, the topography of the remaining property, and the ability of the affected sign to be relocated without affecting the use of the remainder of the property. If it is not possible to relocate the sign on the remainder of the same property, the sign may be relocated to other property. In no event shall the sign be relocated to property more than two thousand (2,000) linear feet (as measured along the right-of-way) from the existing location. The relocated sign shall be on property fronting on the same roadway or roadways on which the original location fronted.
- (3) The sign face of the relocated sign shall be no larger than the affected sign. The height of the relocated sign shall be consistent with the height of the affected sign, as measured from the grade of the adjacent roadway. The height of the relocated sign may be adjusted to account for the varying topography and location of the relocation site. In no event shall the height of the relocated sign, as measured from the ground, be more than twenty-five (25) percent higher than the affected sign.
- (4) The sign owner must provide proof that they have not or will not receive any compensation for the loss of the affected sign through the condemnation or acquisition, except for compensation related to the costs of relocating and reconstructing the affected sign.
- (5) The approval allowing for the relocation of the affected sign may also grant set back and other necessary variances to accomplish the relocation of the affected sign with minimal impact on existing or proposed improvements at the relocation site, and may specify such other conditions as the council deems appropriate to protect the public interest and to carry out the purposes of this chapter.
- (6) The application for approval shall be accompanied by written permission of the owner of the property on which the relocated sign is to be placed, a site plan showing the proposed location of the relocated sign, and a scale drawing of the relocated sign.

- (7) No relocated sign may be placed in the CPD-R, CPD-C or CBD district or within one thousand (1,000) feet of those districts unless the relocated sign will meet all current standards for the district in which it is being constructed.
- (8) Any sign approved for relocation under this provision that does not meet all current standards for the district in which it is constructed shall be considered a non conforming sign and the approval of the relocation shall not grant any additional rights other than to relocate the sign.

(Ord. of 3-22-04; Ord. of 12-12-05)

Sec. 11.5-11. - Prohibited signs.

- (a) All signs, other than nonconforming signs, which are not in compliance with this chapter are prohibited and illegal and shall not be erected or maintained.
- (b) Roof signs.
- (c) Mobile signs.
- (d) Signs involving motion, rotation, or sound, other than flags, pennants or streamers, which are blown by the wind.
- (e) Flashing, blinking, varying light intensity signs or animated signs, with the exception of community information signs. Animated signs and digital readerboard signs, except those displaying date, time, temperature, official warnings and official government signs.
- (f) Signs on the public right-of-way except as permitted in this chapter. For the purpose of this chapter the public right-of-way shall be measured and determined by the utility poles, unless otherwise indicated or more detailed information is available.
- (g) Signs containing or imitating an official traffic sign or signal or contain the words "stop," "go," "danger," "caution," "warning" or similar words, except for construction signs and barricades and except when the words are incorporated in the permanent name of a business.
- (h) Hand written, hand painted, hand made or other unprofessionally fabricated signs, except as permitted in this chapter.
- (i) Signs located on courtesy benches, waste containers, trashcans and similar devices.
- (j) Signs attached to any street signs or markers, traffic control signs, devices or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.
- (k) Any sign placed or erected on a property without the permission of the property owner.
- (l) Portable signs.
- (m) Pole/pylon signs.
- (n) Signs displaying words, characters, and/or illustrations of an obscene, indecent or immoral nature as defined by the Code of Ordinances of the city.
- (o) Signs which advertise or encourage illegal activity as defined by local, state or federal laws.
- (p) Unshielded illuminated devices that produce glare or create a hazard or nuisance to motorists or occupants of adjacent properties.
- (q) Signs that emit smoke, vapor, particles or odor.
- (r) Signs with lighting on control mechanisms that cause radio, television or other communications interference.
- (s) Motion picture mechanisms used in such a manner as to permit or allow images to be visible from a public right-of-way or sidewalk.

- (t) Search lights or spotlights, except for special promotions and attracting attention to a new business "grand opening". For each event, such devices shall receive prior to written approval from the director of planning and development, or his/her designee, along with written consent from the Gwinnett County Airport Authority, shall not create a nuisance or interfere with vehicular traffic, adhere to all applicable regulations of the Federal Aviation Administration (FAA), and may be allowed for a period not exceeding ten (10) consecutive days with a special event permit.
- (u) Neon signs, neon bands, or neon used as an attention getting device on the outside of the building or in a window readily visible from the outside of the building.
- (v) Air or gas filled balloons, or other inflatable device in all nonresidential zoning districts except as referenced in section 11.5-7(2)c of this chapter.
- (w) Signs that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.
- (x) Any pennant, valance, propeller, spinner, ribbon, streamer, search light, balloon, painted color banding, or similar device or ornamentation designed for having the effect of attracting the attention of potential customers or the general public in nonresidential zoning districts.

(Ord. of 3-22-04; Ord. of 10-11-04; Ord. of 3-11-13)

Sec. 11.5-12. - Prior variances.

All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect and all terms, conditions and obligations imposed by this board shall remain in effect and be binding.

(Ord. of 3-22-04)

Sec. 11.5-13. - Administrative variances.

The director has the authority to grant an administrative variance if the applicant can provide a reasonable case and will not vary from the regulations herein by more than ten (10) percent, with the exception of the number of days a temporary sign is allowed.

The planning director may grant an administrative variance for the number of signs per storefront or building facade provided the organization of the signs or sign components is consistent with this chapter, provides a balanced appearance on the building or similar circumstance, provided the overall allowable square footage has not been exceeded.

(Ord. of 3-22-04)

Sec. 11.5-13.5. - Variance procedure.

Any person may apply for a variance or appeal the provisions of this chapter. Any variances and appeals shall be heard in accordance with the provisions of article 18 of the city zoning ordinance and the process shall comply with the policies and procedures set forth in the zoning ordinance and shall comply with the requirements of the zoning procedures law of the state.

(Ord. of 10-11-04)

Sec. 11.5-14. - Intent, interpretation and severability.

In interpreting the provisions of this chapter, nothing shall be construed as intent to regulate the content of the message displayed on any sign. Designation of types of signs in any manner which may relate to the entity, organization, or person erecting the sign or to the information contained on the sign are merely instructional to assist in categorizing signs for size, height and location purposes and shall not be construed to prohibit any similar type of sign or to in any way restrict the content of the sign. All signs may display a noncommercial message in addition to or in lieu of any other message. It is the intent of this chapter to regulate only the size, height and location of signs to accomplish the purposes set forth in section 11.5-1 of this chapter and in the preamble of the ordinance from which this chapter derives. In the event any section, subsection, sentence, clause or phrase of this chapter shall be declared or adjudged invalid or unconstitutional including but, not limited to, a declaration or adjudication that such section, subsection, sentence, clause or phrase of the ordinance relates to the content of any sign or in any way violates the constitutional provisions of free speech under the state or United States Constitution, such adjudication shall in no manner effect the other sections, subsections, sentences, clauses or phrases of this chapter, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The city council hereby declares it would have adopted the remaining parts of the ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional. The provisions of this chapter are declared severable to the maximum extent allowed by law and under no circumstances shall any sign regardless of content, purpose or location, be erected in the city which exceeds the greatest height or size allowed for the largest sign authorized under the provisions of this chapter.

(Ord. of 3-22-04)

Sec. 11.5-15. - Amendments.

This chapter may be amended from time to time by the city council. All amendments shall be adopted in accordance with the provisions of article 19 of the city zoning ordinance and the process of amendment shall comply with the policies and procedures set forth in the zoning ordinance and shall comply with the requirements of the zoning procedures law of the state.

(Ord. of 3-22-04)

Zoning Classification, Height and Size for Permanent Sign

Zoning Classification and Lot	Maximum Height	Maximum Size per Permanent Sign
C-1, C-2, HC, O-I, M-1, M-2  Developed lots	12 feet	Monument signs 50 square feet  Canopy or wall signs One (1) square foot per linear foot of the building facade or storefront
O-N Hanging pole signs (at the building)  Wall sign	10 square feet	

Monument sign (at the road)	8 feet	
Undeveloped Lots Lots under construction	12 feet	32 square feet
C-2, M-1, and M-2 Developed lots	12 feet	50 square feet
C-2, PCD, PUD, and C-1 Business Center, shopping centers with two (2) tenants or more	20 feet	150 square feet