

City of Lilburn – Sign Ordinance

Chapter 113 - SIGNS

FOOTNOTE(S):

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**Cross reference**— Planning and zoning generally, ch. 101; buildings and building regulations, ch. 105; environment, ch. 109; telecommunication towers and antennas, ch. 117; zoning; app. A; development regulations, app. B. [\(Back\)](#)

Sec. 113-1. - Findings and purpose.

- (a) The mayor and council find that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance.
- (b) By enacting this chapter, the mayor and council intend to:
  - (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
  - (2) Protect the public health, safety, and welfare of the citizens and others within the city;
  - (3) Reduce traffic hazards, pedestrian hazards, and other hazards;
  - (4) Promote and maintain the aesthetic qualities of the city;
  - (5) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
  - (6) Promote economic development;
  - (7) Ensure the fair and consistent enforcement of sign regulations;
  - (8) Promote the stated purposes of the City of Lilburn zoning ordinance, as amended, which are expressly incorporated herein; and
  - (9) Promote the stated purposes of the state building code, as adopted and modified by the City of Lilburn, which are expressly incorporated herein.

(Ord. No. 074-03, § 9-9-1, 3-11-2003)

Sec. 113-2. - Definitions.

Except as specifically defined herein, all words used in this chapter shall be as defined in the most recent edition of The Illustrated Book of Development Definitions (1993, Rutgers). Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section and article in which they occur.

- (1) Words used in the singular include the plural and words used in the plural include the singular.
- (2) Words used in the present tense include the future tense.
- (3) The word "erected" includes the words "constructed", "moved", "located" or "relocated".
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The word "map" or "zoning map" means the zoning map of City of Lilburn, Georgia.

- (6) The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
- (7) The word "shall" is always mandatory and never discretionary.
- (8) The words "used" or occupied include the words "intended, arranged or designed to be used or occupied."

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

*Accessory ground sign* means a permanently affixed sign which is wholly independent of a building for support, and which is accessory and subordinate to a primary ground sign.

*Accessory structure* means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

*Accessory use* means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

*Aggregate sign area* means the combined sign surface area of all signs on a lot, excluding the area of one face of all double-faced signs. Noncommercial flags and banners are excluded from any determination of aggregate sign area.

*Animated sign* means any sign, visible from the street, 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 or any part thereof automatically, excluding variable message boards.

*Banner* means a piece of fabric or similar material that is attached to a pole, enclosed in a frame, or mounted as a temporary sign device.

*Billboard.* See oversized signs.

*Building* means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals, or property of any kind.

*Building space, gross* means the sum of the gross horizontal areas of the several floors of a building from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is less than six feet.

*Director* means the director of planning and economic development or his/her designee.

*Double faced sign* means a sign which 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.

*Entrance sign* means a permanent sign located at the public street or private driveway entrance to a residential development, residential subdivision development or nonresidential subdivision development.

*Flag* means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

*Flashing sign.* See animated sign.

*Graduation banner* means a banner that provides information about a student's or students' graduation from any school or college.

*Ground sign height* means the distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

*Indirectly illuminated sign* means a sign illuminated by an external light source directed primarily toward such sign.

*Interior project directional sign* means a sign located no closer than 100 feet from the exterior public street entrance of a nonresidential project, at a street intersection or along a private driveway within the project. The purpose of this sign is to provide more definitive directional information concerning the whereabouts of the tenants.

*Internally illuminated sign* means a sign illuminated by an internal light source.

*Landscape strip* means land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

*Lot* means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

*Monument-type sign* means a permanent ground sign designed so that the base of the sign face is flush with the supporting base, and the supporting base is flush with the ground and extends the full width of the sign face.

*Multi-faced sign* means a sign structure with more than two sign faces situated so that each sign face is facing a different direction.

*Nonconforming sign* means any sign lawfully existing on the effective date of this chapter, or amendment thereto that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

*Oversized or billboard sign* means a ground sign that exceeds 30 feet in sign height and/or 300 square feet of sign surface area.

*Parkway* means a divided or undivided classified roadway.

*Planned commercial/office/industrial development* means a contiguous area or subdivision of land, planned and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, office or industrial uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses. (i.e., office park, shopping center, industrial park).

*Portable sign* means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground.

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

*Principal use* means the primary or predominant purpose for which a lot is occupied and/or used.

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

*Road frontage* means the distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the City of Lilburn for vehicular traffic or over which the City of Lilburn may hold a prescriptive easement for public access, and including designated and numbered U.S. and state highways.

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

*Sign* means an object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Any sign provided for in any zoning district may contain commercial or noncommercial messages. The following shall not be included within the definition of "sign" and shall not be regulated as such: Any item encompassed by article VI, section 600 of the City of Lilburn zoning resolution of 1985, as amended and allowed in "front yards."

*Sign face* means the area or display surface of a sign that is used for the message.

*Sign, off-premises* means an off-premises sign is a sign which advertises or directs attention to property for sale, lease, or rent other than on the premises on which the sign is located.

*Sign, sidewalk or sandwich* means a moveable sign not secured or attached to the ground or surface upon which it is located.

*Sign structure* means poles, beams, columns, posts, foundations, or other means providing structural support for the sign surface area to which the sign is affixed.

*Sign surface area* means the smallest square, rectangle, triangle, circle or combination thereof, which encompasses the entire sign inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

*Special use permit* means a "special use permit" is a use listed in the zoning resolution as being permitted if it meets stated conditions and is approved by the mayor and council of the City of Lilburn.

*Streamer* means any long, narrow flag, banner, tinsel or roping that is hung or strung from any structure to another structure or the ground.

*Structure* means anything constructed or erected on the ground or attached to something on the ground.

*Subdivision directional sign* means an off-premises sign that provides directions to property for sale, lease or rent. Subdivision directional signs are placed at intersections, directing traffic to a specific project(s).

*Temporary sign* means a sign of a nonpermanent nature.

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

*Variable message board* means a programmable sign that provides changing information that contains static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video with a minimum duration of eight seconds for each display and a maximum transition time of two seconds between messages (i.e. digital and electronic reader boards).

*Wall sign* means a sign applied to or mounted to the wall or surface of a building or structure, the display surface, which does not project more than six inches from the outside wall of such a building or structure.

*Weekend directional sign* means an off-premises sign that provides directions to property for sale, lease or rent. Weekend directional signs may be erected from Friday 3:00 p.m. until Sunday 11:59 p.m., and direct traffic to a specific project.

*Window sign* means a sign installed flush with the interior or exterior of a window and intended to be viewed from the outside.

*Yard, front* means an open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected parallel to the street to the side lines of the lot. Corner lots shall be considered to have two front yards.

*Yard, rear.* An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

*Yard, side* means an open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

*Zoning board of appeals* means the zoning board of appeals of the City of Lilburn, Georgia.

*Zoning enforcement officer* means the city's zoning enforcement officer, including the zoning compliance supervisor, administers and enforces the zoning resolution. Such authority shall include the right to order, in writing, the remedy of any condition found in violation of the zoning resolution or this chapter, the right to issue all necessary citations, and the right to recommend that the city institute legal action in all courts of competent jurisdiction to ensure compliance with the zoning resolution or this chapter, including injunction, mandamus, abatement, or other appropriate action or proceeding.

(Ord. No. 074-03, § 9-9-2, 3-11-2003; Ord. No. 162-05, 6-13-2005; Ord. No. 308-08, 6-9-2008; Ord. No. 345-09, 3-9-2009; Ord. No. 358-09, 8-10-2009)

**Cross reference**— Definitions generally, § 1-2.

Sec. 113-3. - General provisions.

It shall be unlawful for any person to post, display, alter the structure, or erect a sign without a sign location permit or temporary sign permit. A change in the copy of a sign or advertising device shall not constitute an alteration.

(Ord. No. 074-03, § 9-9-3, 3-11-2003)

Sec. 113-4. - Sign permit application.

Applications for sign permits shall be submitted by the sign owner or their agent upon official forms furnished by the director. Applications shall be complete and shall include the following:

- (1) The type of sign, and cost of sign construction.
- (2) The street address of the property upon which subject sign is to be located. In the absence of a street address, a method of location acceptable to the director shall be used.
- (3) For ground signs: A site plan drawn to scale, showing the proposed location of all primary and accessory ground sign(s) on subject property. The site plan includes, at a minimum, a closed boundary survey of the property, gross acreage, the proposed sign location, street right-of-way lines, public or private easements, driveway locations and parking spaces.
- (4) Sign details, including a scaled elevation of the size and height and of the proposed sign from ground level and adjacent street level.
- (5) The square foot area per sign and the aggregate square foot area if there is more than one sign face.
- (6) The gross building space of all building(s) on the property.
- (7) The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.
- (8) Written consent of the property owner, or his agent, granting permission for the placement and/or maintenance of subject sign.
- (9) The name, address and phone number of the sign contractor.

(Ord. No. 074-03, Sec. 9-9-4, 3-11-2003; Ord. No. 345-09, 3-9-2009)

Sec. 113-5. - Expiration date.

A sign location permit shall expire if the sign for which the permit was issued has not been erected, installed and completed within six months after the date of permit issuance, provided, however, that one six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

(Ord. No. 074-03, § 9-9-5, 3-11-2003)

Sec. 113-6. - Sign permit fees.

A sign location permit or temporary sign permit shall not be issued until the appropriate application has been submitted and fees have been paid, as established by the mayor and council.

(Ord. No. 074-03, § 9-9-6, 3-11-2003)

Sec. 113-7. - Reserved.

**Editor's note—**

Ord. No. 345-09, adopted March 9, 2009, repealed § 113-7, which pertained to labels required on signs and derived from Ord. No. 074-03, adopted March 11, 2003.

Sec. 113-8. - Nonconforming signs.

- (a) The lawful use of a permanent sign existing at the time of the adoption of this chapter may be continued in nonconformance with the requirements of this chapter, except that the nonconforming sign shall not be enlarged, altered, modified, improved or rebuilt. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.
- (b) No structural repair or change in shape, size or design, shall be permitted except to make a nonconforming sign comply with all requirements of this chapter or to render the sign structurally sound. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size, or design.
- (c) A nonconforming sign structure may not be replaced by another nonconforming sign structure, except where changed conditions beyond the control of the owner warrant the signs repair.

(Ord. No. 074-03, § 9-9-8, 3-11-2003)

Sec. 113-9. - Signs and sign devices prohibited.

The following types of signs or advertising devices are prohibited in all zoning districts of the City of Lilburn.

- (1) Roof signs.
- (2) Streamers.
- (3) Portable signs.
- (4) Multi-faced signs.
- (5) Flashing, blinking, varying light intensity signs or animated signs, with the exception of signs used for official government purposes and variable message board signs.
- (6) Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs that serve an official public purpose.
- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure except as may be set forth herein.
- (8) Any sign placed or erected on property without the permission of the owner.
- (9) Weekend directional signs.
- (10) Individual or aggregate window signs exceeding 50 percent of the window area per building elevation.

- (11) Signs that contain words, pictures, or statements that are obscene, as defined by O.C.G.A. § 16-12-80.
- (12) Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign.
- (13) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
- (14) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.
- (15) Signs which advertise any activity, service, or product prohibited by the laws or regulations of the United States or the state of Georgia or by the ordinances or resolutions of the city. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.
- (16) Signs which obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape.
- (17) Signs that do not conform to applicable building and electrical codes.
- (18) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign.
- (19) Signs that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
- (20) Any sign constructed of nondurable material including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than 60 days. Nothing herein shall prohibit such a sign from being replaced by an identical sign. This provision does not apply to temporary signs as governed by this chapter.
- (21) Signs located on any substandard lot created after the enactment of this chapter, unless the substandard lot is created as the result of governmental action.
- (22) Abandoned commercial signs. Commercial signs (including sign structures) shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for 90 days.
- (23) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
- (24) Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, nonoperative or partially nonoperative illuminating or mechanical devices or missing letters in sign copy.
- (25) Pole signs.

(Ord. No. 074-03, § 9-9-9, 3-11-2003; Ord. No. 162-05, 6-13-2005)

#### Sec. 113-10. - Temporary signs.

The following types of signs or advertising devices shall be permitted only by issuance of a temporary sign permit allowing use of this type advertising for a period of 21 consecutive days. In no case shall the same premises be allowed a temporary sign permit more than four times in a 12-month period. A fee, as established by the mayor and council, shall be paid for each temporary sign permit. Upon expiration of the temporary sign permit, the permittee shall remove the air or gas filled device, searchlight, or banner(s) including any temporary supporting structure.

- (1) Air or gas-filled devices not exceeding:

- a. Twenty feet in height and 150 square feet of area in a nonresidential zoning district.
  - b. Four feet in height and 16 square feet of area in a residential zoning district.
- (2) Banners which display a message, logo, statement, or commercial message shall be regulated as follows:
- a. Each banner shall not exceed 16 square feet.
  - b. Each banner must be individually attached to a pole, mast, arm, or other structure.
  - c. For any lot, banners shall be limited to one banner per public street frontage.
  - d. Banners must be maintained in good condition.
- (3) Search lights and similar devices.
- (4) If required by a road widening, sidewalk, or utility project, a nonconforming sign may be relocated to a site outside right-of-way and/or easements but is subject to height requirements as set forth below:

Setback from R/W	Maximum Height*
Less than 10 feet	5 feet
10 to 20 feet	10 feet
20 feet or greater	15 feet

This sign is allowed on a temporary basis during the project only and does not require a monument base and shall be removed or otherwise brought into compliance within three months following completion of the project with the ordinance then in effect. Completion of the project shall be upon notice of completion by the governmental body overseeing its constructions.

\*If the height requirements of a temporary sign cannot be met with the existing sign structure, an administrative variance in sign height may be granted provided that adequate hardship is presented and the sign height is lowered to the maximum extent practical.

(Ord. No. 074-03, § 9-9-10, 3-11-2003; Ord. No. 185-06, 3-13-2006; Ord. No. 358-09, 8-10-2009)

Sec. 113-11. - Flags.

- (a) All flags shall be displayed on purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles. In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, unless approved through the tall structure permit process. Flagpoles in residential districts shall not exceed 25 feet in height, or the height of the primary structure on the lot, whichever is less.
- (b) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the flagpole. In addition, flags are subject to the following limitations:



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

- (c) Each lot or parcel shall be allowed a maximum of three flagpoles.
- (d) A maximum of two flags shall be allowed per flagpole.
- (e) Flags displaying a logo, message, statement, or commercial message and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
- (f) A vertical flagpole must be set back from all property boundaries a distance that is at least equal to the height of the flagpole.
- (g) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags that are torn or frayed shall not be displayed.
- (h) On officially designated city, state, or federal holidays, there shall be no maximum flag size or number or other limitations on display.
- (i) This section shall not be construed to restrict the right to display eligible flags as banners or commercial or noncommercial signage as provided elsewhere in the article.

(Ord. No. 074-03, § 9-9-11, 3-11-2003)

Sec. 113-12. - Signs exempt from specified provisions of this resolution.

The following types of signs are exempt from the requirements of this chapter unless otherwise expressly prohibited. However, all of these signs shall abide by the height and setback requirements as specified in section 113-15A (sign table).

- (1) Nonilluminated freestanding signs or banners having an aggregate sign area per residential or nonresidential lot of ten square feet or less. However, each such sign may not exceed six square feet in size or greater than four feet above the grade level of the adjacent street to which the sign is located or three feet above ground level, which is greater. No sign shall be located within the public right-of-way and no closer than ten feet to the back of curb of a public roadway.
- (2) Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- (3) Signs erected by, or on the order of, a public officer in the performance of his duty including but not limited to public notices, safety signs, danger signs, trespassing signs, traffic and street signs, memorial plaques and signs of historical interest.
- (4) Signs on private property prohibiting trespassing in accordance with state law.

- (5) Any sign not visible from public thoroughfares or any sign within a business, office, mall, or totally enclosed area.
- (6) Window signs not exceeding 50 percent of the available window space per building elevation.
- (7) One official sign per road frontage, as required by the state of Georgia, identifying vehicle emissions inspection stations licensed by the state of Georgia.
- (8) Swinging or projecting signs not exceeding three square feet, or projecting more than four feet and attached under the eave or awning of a building above a business entrance.
- (9) Signage on courtesy benches, trash receptacles, newspaper boxes, automated teller kiosks and phone booths, not exceeding eight square feet of sign area and not located within the required front yard setback for the zoning district. Limited to one bench sign and one trash receptacle sign per lot.
- (10) Signage on coin-operated beverage dispensers, limited to three per lot and not located within the required front yard setback for the zoning district.
- (11) Nonilluminated signs, excluding portable signs, not in excess of 32 square feet in all zoning districts, provided such signs are located on a lot or building for sale, lease or being constructed, are not located on any public right-of-way, and are limited to one sign per frontage, except in all residential districts where sign area shall not exceed six square feet for individual lot/home sales. A nonilluminated construction sign, excluding portable signs, not in excess of 32 square feet in all zoning districts, provided such sign is located on the lot or building being constructed and is limited to one sign per road entrance, except in all residential districts where sign area shall not exceed six square feet for individual lot/home sales. Such signs shall be removed within ten days after the subject lot or building is leased or sold or construction is completed, respectively. Parcels in residential districts, exceeding three acres in size, not located in a final recorded subdivision, may have a sign which directs attention to property for sale, lease, rent, or is for the purpose of construction of up to 32 square feet.
- (12) Graduation banners placed on residentially zoned property. Such banners may be no more than 24 square feet in size and must be maintained in good condition and individually attached to a pole, mast, arm or other structure. These signs shall not be located within the public street right-of-way. These signs shall not be greater than eight feet above the grade level of the adjacent street to which the sign is located or three feet above ground level, whichever is greater. A graduation banner may not be displayed on any lot for more than 30 consecutive days.

(Ord. No. 074-03, § 9-9-12, 3-11-2003; Ord. No. 308-08, 6-9-2008)

Sec. 113-13. - Maintenance and appearance of signs.

- (a) All signs shall be maintained in good condition, so as to present a neat and orderly appearance. Neglected or dilapidated signs shall be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, nonoperative or partially nonoperative illuminating or mechanical devices or missing letters in sign copy. The zoning enforcement officer may cause to be removed after due notice any sign that shows gross neglect or becomes dilapidated.
- (b) The zoning enforcement officer shall give the owner ten days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the zoning enforcement officer may have the sign removed at the expense of the owner.

(Ord. No. 074-03, § 9-9-13, 3-11-2003)

Sec. 113-14. - Illumination of signs.

- (a) No sign shall give off light that glares, blinds or has any other such 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. No illuminated sign shall be constructed or maintained within 75 feet of the property line of any single-family residential lot.

- (b) No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color.
- (c) Colored lights shall not be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
- (d) Signs located within any residential district may only be indirectly illuminated.
- (e) All neon decorative lighting, including strips of neon for decoration and signs that display numerals or words on the exterior of a building shall not be permitted. Any neon in any shape, whether numbers, words or display of neon shall be considered a sign. Such neon shall not be permitted. However, interior allowable window signs may have 50 percent of the allowable area of neon. Such interior neon signage will be limited to one elevation of the building only. Neon existing before May 12, 2003, may remain as a nonconforming use.

(Ord. No. 074-03, § 9-9-14, 3-11-2003)

Sec. 113-15. - Maximum heights, maximum sizes, setback requirements and number allowance of signs permitted.

Signs in the City of Lilburn shall be permitted and regulated in accordance with the following sign table, unless otherwise regulated, prohibited or exempted herein:

SECTION 113-15A (SIGN TABLE)

TYPE OF SIGN PURPOSE OF USE	MAX. HEIGHT	SETBACK FROM RIGHT- OF-WAY (1)	MAXIMUM SIZE PER SIGN ALLOWED	NUMBER AND TYPE PERMITTED
1. Primary signs for an individual establishment on an individual non residential lot.	8 Ft. 12 Ft. 20 Ft.	0-5 Ft. >5 Ft. or <20 Ft. 20 Ft. or >	GROUND SIGNS  Gross Building Space    Max. Sign Size 0 - 10,000    100 s.f. 10,001 - 50,000    150 s.f. 50,001 - 100,000    200 s.f. 100,000 >    250 s.f.	GROUND SIGNS One sign structure per road frontage, not to exceed maximum allowable square footage.* Must be monument type.
			WALL SIGNS  Gross Building Space Max Sign Size    Agg. Total 0 - 2,500 54 s.f. max.    108 s.f. agg.	WALL SIGNS Signs may not exceed 50% of the total permitted square footage on any building

			<p>2,501 - 15,000 90 s.f. max. 180 s.f. agg.</p> <p>15,001 - 50,000 150 s.f. max. 300 s.f. agg.</p> <p>50,000 - &gt; 300 s.f. max. 600 s.f. agg.</p>	elevation. The total of all signs on all elevations shall not exceed the total square footage lists.
2. Accessory ground signs for an individual establishment on an individual nonresidential lot.	3 Ft.	0-5 Ft.	<p>GROUND SIGNS Gross Building Space Max. Sign Size</p> <p>0 - 10,000 3 s.f.</p> <p>10,001 - 50,000 4 s.f.</p> <p>50,001 - 100,000 5 s.f.</p> <p>100,000 6 s.f.</p>	GROUND SIGNS Two sign structures per entrance
3. Primary signs for an individual building on an individual residential lot.	5 Ft.	0 Ft.	<p>GROUND SIGNS Lot Acreage Maximum Sign Size</p> <p>3-5 acres 24 s.f.</p> <p>5 or greater 48 s.f.</p>	GROUND SIGNS One sign structure per road frontage, not to exceed maximum allowable square footage.*
			<p>WALL SIGNS Lot Acreage Maximum Sign Size</p> <p>3-5 acres 9 s.f.</p> <p>5 or greater 18 s.f.</p>	WALL SIGNS Signs may not exceed one placed on the front elevation.
4. Accessory ground signs for an individual building on an individual residential lot.	3 Ft.	0 Ft.	<p>GROUND SIGNS Lot Acreage Maximum Sign Size</p> <p>3-5 acres 4 s.f.</p> <p>5 or greater 6 s.f.</p>	GROUND SIGNS Two sign structures per entrance
5. Signs for individual establishments, shops, etc. within a	Not greater than height of wall	N/A	<p>WALL SIGNS Gross Building Space Max Sign Size Agg. Total</p> <p>0 - 2,500</p>	GROUND SIGNS Not allowed. WALL SIGNS Signs may not exceed 50% of the

planned commercial center.			54 s.f. max. 108 s.f. agg. 2,501 - 15,000 90 s.f. max. 180 s.f. agg. 15,001 - 50,000 150 s.f. max. 300 s.f. agg. 50,000 - > 300 s.f. max. 600 s.f. agg.	total permitted square footage on any building elevation. The total of all wall signs on all elevations shall not exceed the total square footage listed.
6. Signs for individual offices, etc. within a planned office or industrial center.	Not greater than height of wall	N/A	20 square feet or five percent (5%) of the wall areas, whichever is greater.	GROUND SIGNS Not allowed. WALL SIGNS One per building elevation per tenant.
7. Primary ground sign for planned office, commercial, industrial or retail center.	5 Ft. 10 Ft. 12 Ft.	0-5 Ft. >5 or <20 Ft. 20 Ft. or >	GROUND SIGNS  Gross Building Space Maximum Sign Size 0 - 10,000 75 s.f. 10,001 - 50,000 100 s.f. 50,001 - 100,000 150 s.f. 100,000 -> 200 s.f.	GROUND SIGNS Monument type only. WALL SIGNS One per building elevation per tenant.
8. Accessory ground sign for planned office, commercial, industrial or retail center.	3 Ft.	0-5 Ft.	GROUND SIGNS  Gross Building Space Maximum Sign Size 0 - 10,000 3 s.f. 10,001 - 50,000 4 s.f. 50,001 - 100,000 5 s.f. 100,000 -> 6 s.f.	GROUND SIGNS Two sign structures per entrance.

9. Permanent entrance sign for a nonresidential subdivision.	8 Ft. - excluding embellishments which shall not exceed two feet above the maximum height of the sign structure	0 Ft.	50 Square Feet	Two per entrance. Monument signs only.
10. Permanent entrance sign for a residential development or subdivision.	8 Ft. - excluding embellishments, which shall not exceed two feet above the maximum height of the sign structure.	0 Ft.	32 Square Feet per sign (sign structure must be constructed of brick, stone, masonry or equal architectural material).	Two per entrance Monument signs only.
11. Interior Project Directional Sign (See Sec. 9-9-19).	4 Ft.	0 Ft.	32 Square Feet	One per internal intersection

No sign shall be located closer than ten feet to the back of curb of a public roadway.

<sup>(1)</sup>Properties with multiple road frontages may transfer a maximum of 50 percent of the allowable square footage from one road frontage to the other.

(Ord. No. 074-03, § 9-9-15, 3-11-2003; Ord. No. 358-09, 8-10-2009)

Sec. 113-16. - Oversized signs.

Oversized signs shall be permitted subject to the following restrictions:

- (1) Oversized signs may be permitted as an allowed use within the C-2, C-3, and M-2 districts, or by special use permit within the M-1 district, if located on properties that are adjacent to principal arterials, major arterials or state or national highways. Oversized signs shall be prohibited along Parkways or roads designated as residential arterials as shown in the City of Lilburn comprehensive plan.
- (2) Oversized signs shall not be placed within 500 feet of a dwelling, residential zoning district, city building, church, school, daycare, park cemetery, or right-of-way of a parkway.
- (3) Oversized signs shall not be less than 1,250 feet from the city limits line of an incorporated city, or from any other oversized sign in any direction, on either side of the same right-of-way or along another right-of-way.
- (4) Oversized signs shall be completely independent of any building or other structure, excluding the sign structure.

- (5) Oversized signs shall meet the area, public street frontage, side yard, and rear yard requirements of the zoning district in which located.
- (6) The maximum sign area of all display surfaces shall not exceed 700 square feet per sign structure. For double-faced signs, these maximum sign areas shall apply to each side of the sign structure.
- (7) No oversized sign shall contain more than two faces per side, nor more than two sides; provided, however, that no sign face may be located above another sign face.

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- (8) The maximum height and minimum front yard setback from the street right-of-way for oversized signs are:

Sign Face in One Direction	Maximum Height Setback	Minimum Front Yard
350 sq. ft. or greater	70 ft. if adjacent to I-85 40 ft. (all other roads)	75 ft. 75 ft.
300—349 sq. ft.	30 ft.	50 ft.

- (9) An increase in maximum height of an oversized sign may be permitted provided the applicant for such an increase is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing, subject to the following conditions:
  - a. The increase in maximum height shall not exceed 25 percent of the allowable maximum height specified in the table above.
  - b. The oversized sign shall be a conforming sign.
  - c. The oversized sign has been blocked from view by subsequent development.
- (10) On existing oversized signs, a change of sign face and alteration of the structure to support an electronic message board is allowed provided the size and height of the sign is not increased.

(Ord. No. 074-03, § 9-9-16, 3-11-2003; Ord. No. 358-09, 8-10-2009)

**Sec. 113-17. - Subdivision directional signs.**

Subdivision directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound manner, and are removed at the owner's expense. They are intended to encourage parties involved in subdivision development projects in proximity to one another to work together and place directional information for multiple projects one sign or sign structure. Subdivision directional signs may be allowed for a period of time from the beginning of the project until ten days following the sale of the final property. Subdivision directional signs shall be subject to the following requirements:

- (1) Shall not be located within ten feet of the pavement of any street and shall not be permitted on any public right-of-way.
- (2) Shall not be illuminated or affixed in any manner to trees, street or light poles, utility poles, other signs or sign structures.
- (3) Shall be made of wood.

- (4) Shall include the name, address and phone number of the owner or party responsible for the removal and maintenance of the sign. This information must be written in weatherproof ink or paint on at least one face of the sign in letters not exceeding one-half inch in height.
- (5) Shall be located no greater than two miles or two intersections as shown on the long range road classification map, whichever is greater, from the project or property to which they refer, as measured along existing streets.
- (6) Signs prohibited under this chapter shall not be used as a subdivision directional sign.
- (7) Subdivision directional signs shall not exceed 24 square feet in total sign area per face with no one project allowed more than four total square feet per face (four projects per face) and shall not exceed eight feet in height excluding embellishments which shall not exceed two feet above the maximum height of the sign structure.
- (8) Subdivision directional signs shall be limited to four per intersection with no more than one per corner.
- (9) Subdivision directional signs shall be located within 200 feet of an intersection but no closer than 20 feet from the intersection.
- (10) These signs require a sign permit.

(Ord. No. 074-03, § 9-9-17, 3-11-2003)

Sec. 113-18. - Convenience stores and service stations with pump islands.

Convenience stores and service stations with pump islands may have additional signage subject to the following limitations:

- (1) Two signs per canopy face with a maximum of eight square feet per sign.
- (2) Spreader bars (signs located under canopy over pumps islands) shall be limited to no more than two signs per spreader bar, not to exceed four square feet per sign. However, total square footage for all spreader bars shall not exceed 24 square feet.
- (3) Accessory car wash, if a separate drive-through car wash building is on site, two additional wall signs may be allowed not to exceed eight square feet each.

(Ord. No. 074-03, § 9-9-18, 3-11-2003)

Sec. 113-19. - Interior project directional sign.

Such signs are authorized in all developments or planned subdivisions of land within any nonresidential zoning district subject to the following:

- (1) May not be located within 100 feet of an entrance to a project.
- (2) Maximum sign area shall not exceed 32 square feet.
- (3) Maximum sign height shall not exceed four feet.
- (4) Setback from right-of-way may be zero feet.
- (5) Only one such sign may be located at each internal intersection of private driveways or public streets within the project.
- (6) The purpose of the sign is to provide more definitive directional information concerning the whereabouts of tenants within the development.

(Ord. No. 074-03, § 9-9-19, 3-11-2003)

Sec. 113-19.5. - Coordinated signage program.



- (a) *Requirements.* Notwithstanding any other provision of this section, the mayor and council shall be authorized to approve a coordinated signage program for unified commercial developments which contain the following:
  - (1) More than three acres in size;
  - (2) More than one building; and
  - (3) More than one parcel or private street.
- (b) *Administration.* Applications for the coordinated signage program shall be submitted to the mayor and council for approval.
- (c) *Procedures.*
  - (1) An application shall be submitted to the mayor and council which shall include the following:
    - a. Statement of justification for approval of the coordinated signage program;
    - b. Description/depiction of the sign program including all of the following:
      - 1. Number;
      - 2. Location;
      - 3. Size;
      - 4. Height;
      - 5. Color;
      - 6. Material;
      - 7. Illumination;
      - 8. Preliminary site plan;
      - 9. Information to be displayed; and
      - 10. Compliance with design requirements.
  - (2) The mayor and council shall approve, disapprove, or approve with modifications any proposed coordinated signage program application.
- (d) *Design requirements.* The following requirements shall be followed and specifically referenced in the application:
  - (1) The size of the sign shall be in proportion to the size, location, and background of the supporting structure.
  - (2) In no event shall any program sign exceed the maximum height requirements for each category of signs allowed in this section.
  - (3) The sign locations, configurations, designs, materials and colors shall be harmonious with the suburban wooded setting and scale of the City of Lilburn.
  - (4) The signs and their supporting structure(s) shall be architecturally in harmony with the surrounding structures.

(Ord. No. 052-02, § 9-9-19A, 10-14-2002)

Sec. 113-20. - Permit approval, denial or revocation.

(a) *Procedure.* An action by the director to approve or deny a sign permit shall be taken within 30 days of receipt of a complete sign permit application. Any sign permit application for which no action has been taken after 30 days or more shall be deemed to be approved. The director shall deny permit application(s) for signs that do not comply with the provisions of this chapter, incomplete applications, and applications containing any false material statements. A violation of any provision of this chapter and any other

applicable state laws or city ordinances will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this section, the director shall revoke the permit. Should the director deny a permit, the reasons for the denial are to be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application, postmarked on or before the 30<sup>th</sup> business day after denial. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, not the date of the original submission. A permit shall not be denied or revoked except for due cause, being the violation of the provisions of this chapter, other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

(b) *Appeal*. A person whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the director to the city council as provided. The decision of the city council is final.

(c) *Mandamus*. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the city council, they may petition for writ of mandamus to the superior court of Gwinnett County as provided by law.

(Ord. No. 074-03, § 9-9-20, 3-11-2003; Ord. No. 345-09, 3-9-2009)

#### Sec. 113-21. - Variances.

Where a literal application of this chapter, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals pursuant to procedures set forth including, but not limited to:

- (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area.
- (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated.
- (3) Granting the variance would not confer on the applicant any significant privileges that are denied to others similarly situated.
- (4) The exceptional circumstances are not the result of action by the applicant.
- (5) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
- (6) Granting of the variance would not violate more than one standard of this chapter.
- (7) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

(Ord. No. 074-03, § 9-9-21, 3-11-2003)

#### Sec. 113-22. - Enforcement and penalties.

The sign provisions of this chapter shall be administered by the director and enforced by the zoning enforcement officer.

- (1) The zoning enforcement officer or designee may issue a citation for violation of this chapter by any person, including, if applicable, the owner, manager or tenant of the lot on which a sign is located; for a sign erected, altered, maintained, converted, or used in violation of this chapter; or in violation of any other applicable chapter, including, but no limited to, building or electrical codes.
- (2) Any person violating any provision of this chapter shall be guilty of an offense, and upon conviction by a court of competent jurisdiction, shall be subject to a penalty or not less than \$25.00 nor more than \$1,000.00, or by confinement in the City of Lilburn Jail for a total time not to exceed 60 days, or both, and may not be stayed or suspended. Each day shall constitute a separate offense.

- (3) The city may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this or other city ordinances.
- (4) The zoning enforcement officer or his/her designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

(Ord. No. 074-03, Sec. 9-9-22, 3-11-2003; Ord. No. 345-09, 3-9-2009; Ord. No. 358-09, 8-10-2009)

Sec. 113-23. - Zoning ordinance.

Except as provided elsewhere in this section, to the extent that it is not inconsistent with this chapter, the City of Lilburn zoning resolution, as amended including, but not limited to definitions of terms contained therein is incorporated as a part of this chapter as if fully restated herein for the same purposes stated in this chapter and for the same purposes for which the zoning resolution and any amendments thereto, were adopted, which purposes are expressly incorporated herein. However, to the extent that any regulations governing any zoning district now existing or later enacted conflict with this chapter, the rules of the zoning district shall control.

(Ord. No. 074-03, § 9-9-23, 3-11-2003)

Sec. 113-24. - Severability.

In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter, even if the surviving parts of the chapter result in greater restrictions after any unconstitutional provisions are stricken. The mayor and council declare that they would have enacted the remaining parts of this chapter if they had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The mayor and council declare their intent that should this chapter be declared invalid in part or in whole, signs are to be subject to regulations applicable to structures contained in other ordinances, including the zoning resolution.

(Ord. No. 074-03, § 9-9-24, 3-11-2003)