

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, CHAPTER 82, SIGNS TO AMEND SECTIONS 82-15 AND 82-16.

Amend Section 82-15 of Chapter 82 – Sign Ordinance to read as follows:

Sec. 82-15. – Requirements for all signs.

(a) All signs shall comply with the following provisions:

(1) All permanent sign structures shall be constructed so as to comply with all building codes applicable to the structure or their amendments unless specifically exempted by the chapter.

(2) If a permanent freestanding sign requires a sign permit, then the sign structure must be a ground-based monument sign structure, excluding wall signs.

(3) No sign shall be taller than 50 feet in nonresidential districts, except as specifically allowed elsewhere in this article, and not taller than eight feet in residential districts. The sign height shall be measured in a vertical plane from ground level to the top of the sign. The level of the ground shall not be altered solely to provide additional sign height.

(4) No illuminated signs shall be constructed within 100 feet of any single-family dwelling.

(5) No illuminated sign shall produce more than 100 watts of light or exceed the maximum brightness allowances established for particular sign types. Illuminated signs shall be directed away from adjacent property and the right-of-way.

(6) All signs shall be maintained so as not to constitute a health or safety hazard as defined by the rules and regulations of the Cobb County Board of Health.

(7) No sign shall be erected which blocks from view any traffic or street sign, signal or public service sign as viewed from the right-of-way.

(8) No series, lines or rows of electric, neon or other lights shall be allowed, except where expressly permitted under the terms of this chapter or any other ordinance enacted by the governing authority.

(9) Any sign containing a commercial message may also contain a non-commercial message.

(10) All freestanding signs may be internally illuminated or indirectly illuminated. If internally illuminated, the background and body of the sign shall be of a darker color than the letters of the sign.

(11) All electric signs and all electrical devices that illuminate signs or otherwise operate signs are subject to the approval of the department of community development or its successor. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.

- (b) In addition to general regulations and restrictions applying to all sign classifications, freestanding signs and wall or fascia identification signs shall comply as follows:

(1) Community medical facility, planned industrial park or planned shopping development identification.

- a. Areas designated as community medical facility, planned industrial park or planned shopping development shall be permitted one freestanding ground-based monument sign per development (community medical facility and planned shopping center) or per lot (planned industrial park) with a three-foot high brick monument base being a maximum of 25 feet in height and the total area of each sign face not exceeding 150 square feet. The sign height shall be measured in a plane from ground level to the top of the sign and the structure should be a type of sign that will provide space for all businesses in the center.
- b. Individual signs qualifying as wall or fascia signs may be permitted for individual businesses within the center. Square footage will be determined by the following formula: one square foot multiplied by the number of feet of building frontage the store occupies within the center. The total permitted area may be increased at a rate of 15 percent for every 50 feet of building setback from the right-of-way Except as provided in subsection i. below, the total sign area shall not exceed 325 square feet. If the individual business has road frontage on two or more public roadways, the business shall be permitted one wall or fascia sign on each public roadway.
 - i. Larger individual signs qualifying as wall or fascia signs may be permitted for large-scale retail tenants within a planned shopping center provided the tenant meets the following requirements:
 - a. The gross floor area of the tenant space is 75,000 square feet or more;

- b. The tenant store front is 270 linear feet or more, measured from shared wall or exterior wall to shared wall or exterior wall;
- c. The tenant store front is setback 300 feet or more from the public right-of-way;
- d. The tenant store front faces an arterial roadway as designated on the City's Thoroughfare Plan; and
- e. The tenant must be located on its own property with a minimum lot area of 5 acres.

Square footage of the fascia/wall sign will be determined by the following formula: 3.5 square feet multiplied by the number of linear feet of building frontage the store occupies within the center. In no instance shall the total sign area exceed 950 square feet.

- c. ~~Except~~ as otherwise provided herein, sign letter height may not exceed three feet unless located within a planned shopping development consisting of 10 acres or more, in which case the height of individual letters for individual tenants having at least 45,000 square feet of retail space, may be increased using the following formula:

Three feet of letter height is permitted for every 100 feet of building frontage the store occupies within the center (i.e. 400 feet of building frontage would allow up to 12 feet in letter height) with a maximum height of 15 feet. Any fractional increases created by the above formula will not be considered and will be rounded down to the smaller number.

- d. For planned shopping developments consisting of ten acres or more, the number of wall signs for an individual tenant having at least 45,000 square feet of floor area may be increased to two provided the total area of both signs does not exceed square feet.

(2) Commercial identification not within a community medical facility, planned industrial park or planned shopping development on property zoned: CBD, LC, NS, OI, GC, OD, LI or PS.

- a. Each building with road frontage on one public roadway, not including alleyways, shall be permitted one ground based monument sign with a maximum area of 32 square feet and a maximum height of eight feet. The ground based monument sign shall be set on three-foot high brick base. The

brick base shall be included in the computation of the total building height. The sign height shall be measured in a plane from ground level to the top of the sign.

- b. Each business or building shall be permitted one wall or fascia sign with a maximum area of 40 square feet each for each portion of the building that has frontage on a public roadway, not including alleyways. If the individual business has road frontage on two or more public roadways, not including alleyways, the business shall be permitted one wall or fascia sign on each public roadway. (For example: if the business is located at a corner then the business could have two wall or fascia signs not to exceed 40 square feet each.)

Each business or building located on an out-parcel of a planned shopping center with a shared driveway or alleyway behind the building shall be permitted one wall sign of 25 square feet on the rear elevation of the building that faces the shared driveway or alleyway.

- c. Two signs per fuel island canopy are allowed. Each sign may have a maximum of 40 square feet in area. Signs can either share a canopy face or be on different faces. Fuel island canopy structures located on multi-frontage lots may have one sign per street frontage.
- d. When a project consists of the total and complete redevelopment of property, all requirements of the sign ordinance are applicable with the exception of the monument sign requirements. In that case, if a cap is added to the top of the sign monument and the material used for the sign consists entirely of brick, stone or a combination of both the monument sign may be increased in height and area over the maximum normally permitted. As such, the maximum height of a monument sign may increase from eight feet to 12 feet and the area of the sign may increase from 32 square feet to 60 square feet.
- e. Multiple public entrances are proposed for a building and business identification entrance signs are proposed for both, only one of the associated wall faces (i.e. front or side) will be allowed to house a wall sign in conjunction with a sign over the entrance (i.e. two entrances would be allowed to have two business identification entrance signs but the building would be restricted to only one wall sign). Said entrance sign shall be no greater than 40 square feet in area.

(3) Regulation and restrictions applicable to instructional signs.

- a. Such signs shall contain only instructional information and shall not be used for the purpose of business name and/or advertisement or contain a commercial message.
- b. Signs limited to traffic direction and services shall be limited to one at each vehicular entrance to the property.

- (c) Freestanding signs shall be mounted perpendicular to the street adjacent to the property and contain the street identification number. Plans for said signs shall be submitted to the community development department.
- (d) No sign structure shall be erected that any portion of the sign structure is located directly over any public right-of-way such that a plane originating from the right-of-way projecting up in a 90 degree angle would intersect with any portion of the sign structure.
- (e) Each sign structure located adjacent to a walkway shall be placed at least ten feet above the walkway on private property over which it is erected, and a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any sign or part thereof extend nearer the curblineline than one foot.

Amend Section 82-16(2)(e) of Chapter 82 – Sign Ordinance regarding electronic signs to read as follows (the amended sections are highlighted):

Sec. 82-16. Signs allowed in zoning districts.

- e. Electronic signs. Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on non-residentially zoned property, provided that each such electronic sign, except signs which are also used as drive-in theater screen as contemplated in section 712 of the Zoning Ordinance shall comply with the following requirements:
 - 1. Electronic signs shall not be permitted in residential zoning districts.
 - 2. Electronic messaging portion of the sign shall not exceed the maximum allowable sign area for varying development types established in section 82- 15(b) and may not have more than two electronic sign areas per sign.
 - 3. Electronic signs shall contain a static messages or images only, and shall not have animation, movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of a static message.
 - 4. Each individual static message or image must be displayed for no less than 60 seconds. Transitions between static messages or images may use frame effects which result in the movement of a displayed image or message during such transition. Transition time between static messages or images shall be limited to a maximum time of three seconds.
 - 5. Electronic signs must operate within brightness levels as established in this chapter.
 - i. Each electronic sign must have a light sensing device that will adjust the brightness of the display as the ambient light conditions change.

- ii. Electronic signs located on non-residentially zoned property shall not operate at brightness levels of more than 0.20 foot candles above ambient light levels (at measurement conditions) as measured at a distance of 100 feet.
 - iii. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.10 foot candles above the ambient light levels (at measured conditions) as measured at the nearest portion of such residential structure.
6. All electronic signs must be equipped with a default mechanism that will stop messaging or freeze the image in one position when a malfunction in the electronic programming occurs.
7. The owner of said electronic sign shall provide to the department of community development, the information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time, more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
8. In the course of processing a complaint, the department of community development may request a certification of brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within 24 hours of a request by the department of community development, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at the owner's expense.
9. Electronic signs which are also used as drive-in theater screen as contemplated in section 712 of the Zoning Ordinance shall be exempted from the electronic sign requirements established herein.

This ordinance shall take effect on May 1, 2022 and is passed and duly adopted this 18th day of April, 2022.

CITY SEAL:



The Honorable Derek Norton
Mayor, City of Smyrna, Georgia

ATTEST:

Heather Peacon-Corn
City Clerk, City of Smyrna, Georgia

Approved as to form:

Jeffrey Tucker, Assistant City Attorney