



**Planning & Zoning
Planner's Report**

TO: Adrienne Senter
FROM: Lynn M. Patterson, Planning Consultant for City of Hapeville
RE: Text Amendment for Sign Ordinance
DATE: January 15, 2019

BACKGROUND

In reviewing the Sign Ordinance, staff found a section of the code requiring the registration and annual renewal of a fee (\$50 initial registration/\$25 annual renewal) for all non-conforming signs in the City. The Code requires all new signs to be compliant with Code and any modifications to existing signs, other than replacement of the face of the sign, to meet current Code requirements. Code requires regular maintenance of signs and prescribes remedies for those not meeting maintenance requirements.

After discussions with various Departments within the City, staff is recommending that the registration of non-conforming signs be struck from the Code. There is little to no benefit to the City for this registration given the other Code requirements.

ARTICLE 3.3. - SIGNS AND MURALS

DIVISION 1. - SIGNS

Sec. 93-3.3-1. - Statement of purpose and intent.

- (a) This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
 - (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
 - (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
 - (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.
 - (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
 - (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.
- (b) It is the intent of this division to:
- (1) Enable the public to locate and design sign facilities without difficulty or confusion.
 - (2) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
 - (3) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
 - (4) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
 - (5) Promote economic development.
 - (6) Ensure the fair and consistent enforcement of sign regulations.

Sec. 93-3.3-8. - Nonconforming signs.

- (a) The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic character of the city and may adversely affect public safety due to the visual impact and structural characteristics of such signs on motorists. Accordingly, the following registration requirements are found to be necessary to minimize these possible adverse effects through annual inspections essential to enabling the city to remain aware of the location and maintenance of nonconforming signs.
- ~~(b) The owner(s) or authorized agent(s) of each nonconforming sign located within the city shall register such nonconforming sign with the city planner no later than six months after the effective date of this division and shall thereafter renew this registration, annually. Any nonconforming sign that does not comply with these registration requirements shall be deemed an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions. The city planner shall provide a form for registering a nonconforming sign and shall annually inspect such sign to ensure continued conformity in all other respects with all other provisions of this division and any other applicable city ordinances or regulations. The initial registration fee shall be \$50.00. Each~~

~~subsequent renewal fee shall be \$25.00. These fees are intended to offset administrative costs associated with monitoring compliance with this division.~~

- (c) Signs which on the effective date of this division were approved and legally erected under previous sign regulations and which became nonconforming with respect to the requirements of this division may continue in existence subject to the following restrictions:
- (1) No change shall be made in the size of any nonconforming sign, nor shall any structural change be made to any such sign, unless the sign is brought into compliance with the provisions of this division.
 - (2) Any nonconforming sign declared to be unsafe by the code enforcement officer shall be removed or rendered safe and brought into compliance with the provisions of this division.
 - (3) No nonconforming sign damaged by fire or other causes to the extent of more than 50 percent of its assessed value shall be repaired or rebuilt except in compliance with this division. Repair work shall take place within six months of the incident that caused the damage.
 - (4) Any sign erected on public property or in a public right-of-way in violation of this division may be removed by duly authorized employees of the city and the responsible party may be cited for such violation.
- (d) A nonconforming sign shall not be replaced by another nonconforming sign, except the substitution or interchange of poster panels or dismountable material on nonconforming signs shall be permitted, provided such materials do not constitute structural elements.
- (1) Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repair or change in the size, shape or height of a nonconforming sign shall be permitted except to bring the sign into compliance with the requirements of this division.
 - (2) A nonconforming sign which meets all requirements of the City Code when erected may remain in place until one of the following conditions occurs:
 - a. The deterioration of the sign or damage to the sign renders the sign a hazard; or
 - b. The sign has been damaged to such extent that structural repairs are required to restore the sign. A structural repairs are any repair necessary to maintain the stability and structural integrity of the sign and are not merely aesthetic in nature.
 - (3) No structural repair, change in shape, size, height or design of a nonconforming sign shall be permitted except to render such sign in compliance with all requirements of this division.