

**AGENDA**  
**HOSCHTON PLANNING AND ZONING COMMISSION**  
**April 23, 2025 at 6:00 p.m.**  
**Hoschton Community Center**  
**65 City Square, Hoschton, GA, 30548**

- I. Call to Order/Roll Call
- II. Recognitions
- III. Pledge of Allegiance
- IV. Moment of Silence
- V. Approval of Minutes (March 26, 2025)
- VI. Public Comment (*5-minute time limit*) (*for items unrelated to public hearings on agenda items*) (*sign-in required*)
- VII. Old Business (Public Hearing Item #1)
  1. Z-25-01 Rezoning: Applicant, SEK Hoschton, LLC, seeks rezoning from C-2 (General Commercial/Highway Oriented District to a C-3 Commercial Motor Vehicles Services and Repair District. Portion of Parcel 120 013K & H01 024D; Lots 11 & 12 per Towne Center Marketplace Preliminary Plat Approved on 04/23/24. Lot 11: 1.32 acres; Lot 12 1.06 acres. Lot 11: Car Wash; Lot 12: Auto Service. Lot 11 & Lot 12: Commencing at the mitered intersection of the southerly right-of-way of Towne Center Parkway (60' right-a-way) and the easterly right-a-way of Georgia Highway 53 (right-of-way width varies). (*Tabled on March 26, 2025, by Planning and Zoning Commission, to be discussed and voted on, on April 23, 2025*)
  2. Chapter 43 Sign Ordinance
- VIII. New Business
  1. Announcement from Chair on open board member seats (Discussion Only, Not a voting item)
- IX. Other Business
- X. Adjourn

# MINUTES

MINUTES  
HOSCHTON PLANNING AND ZONING COMMISSION  
MARCH 26, 2025  
HOSCHTON COMMUNITY CENTER  
65 CITY SQUARE, HOSCHTON, GA 30548

- I. Call to order / Roll Call  
*Called to order by Mr. Ace Acevedo, Co-Chair at 6pm*
- II. Recognitions  
*Mr. Ace Acevedo recognizes Mayor Martin, Councilmember Dave Brown and Councilmember Tina Brown.*
- III. Pledge of Allegiance  
*Led by Mr. Ace Acevedo*
- IV. Moment of Silence  
*Led by Mr. Ace Acevedo*
- V. Approval of Minutes (February 26, 2025)  
*Motion to approve as-is by Vivello, seconded by Moody and all in favor*
- VI. Public Comments (5-Minute time limit) (for items unrelated to public hearings on agenda items) (Sign-in required) No Comments
- VII. Old Business: *The Commission requested to have this put back on their agenda. City Manager/City Clerk advised the commission that it would be back on their agenda for April.*
- VIII. New Business (Public Hearing)
  1. **Z-25-01** Rezoning: Applicant, SEK Hoschton, LLC, seeks rezoning from C-2 (General Commercial/Highway Oriented District to a C-3 Commercial Motor Vehicles Services and Repair District. Portion of Parcel 120 013K & H01 024D; Lots 11 & 12 per Towne Center Marketplace Preliminary Plat Approved on 04/23/24. Lot 11: 1.32 acres; Lot 12 1.06 acres. Lot 11: Car Wash; Lot 12: Auto Service. Lot 11 & Lot 12: Commencing at the mitered intersection of the southerly right-of-way of Towne Center Parkway (60' right-a-way) and the easterly right-a-way of Georgia Highway 53 (right-of-way width varies).

On Behalf of the Project:

  - Mr. Dykes Harbin from Southeastern Company presented the project to the commissioners.

- Mr. Michael Beck, a resident of Creekside also was for the carwash being located in the Kroger development, instead of it being located in front of Creekside Neighborhood.

Opposed of the project:

- Mr. Mike from Hensley, which is a local mechanical shop stated that he was opposed of auto services but not opposed of a carwash on the property in discussion.

Commissions discussion:

- Many statements and conversations were had between the commissioners, such as; How much water is an average use for the carwash? Is the water recycled? Where is the location of the blowers for the carwash? Timeline for operation of both businesses to start? Is this considered a full service for the auto service? Who owns the land? Do you think this is the best fitted location considering that restaurants would be in front of this establishment? Who would maintain the stormwater ponds?

After much discussion, a motion was placed on the table until April's meeting by Vivel, seconded by Stokes and all in favor.

- IX. Other Business: Mr. Acevedo stated that he would like to clarify the word "temporary" in our ordinance. Discussion took place and City Manager/City Clerk stated that staff would look into what other municipalities
- X. Adjourn: *Motion to adjourn at 7:05pm, by Vivel, seconded by Moody and all in favor.*

*Commissioners in Attendance:*

*Ms. Christine Moody, Chair*

*Mr. Ace Acevedo, Co-Chair*

*Mr. Scott Butler*

*Ms. Brenda Stokes*

*Mr. Tom Vivel*

*Mr. Church Jonaitis*

*Mr. Geoffrey Horney, Absent*

*Staff Present:*

*Ms. Jennifer Harrison, City Manager/City Clerk*

*Mr. Hu Blackstock, City Planner*

*Also Present, Mr. Ben Munro, Media*

**LINE #1**

**Z-25-01**

**CITY OF HOSCHTON, GEORGIA  
ZONING ADMINISTRATOR'S  
REPORT**



**TO:** Planning & Zoning Commission, City of Hoschton  
Honorable Mayor and City Council, City of Hoschton

**FROM:** Hu Blackstock, City Planner

**DATE OF REPORT:** March 10, 2025

**SUBJECT REQUEST:** **Z-25-01:** Rezoning from C-2 (General Commercial Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District)

**PLAN COMM. HEARING:** March 26, 2025 @ 6:00 p.m.

**CITY COUNCIL HEARING:** April 10, 2025 @ 6:00 p.m.

**VOTING SESSION:** April 17, 2025 @ 6:00 p.m.

**APPLICANT:** SEK Hoschton, LLC

**OWNER(S):** SEK Hoschton, LLC

**PROPOSED USE(S):** Lot 11: Car Wash; Lot 12: Auto Service

**LOCATION:** Lots 11 and 12 of the preliminary plat of the Kroger development.  
Both lots front Peachtree Exchange Road

**PARCEL(S) #:** Portions of parcel 120 013K and H01 024D

**ACREAGE:** Lot 11: 1.32 acres; Lot 12: 1.06 acres; Total: 2.38 acres

**EXISTING LAND USE:** Both lots are currently vacant.

**SURROUNDING LAND USE AND ZONING:**

**North:** Vacant, C-2, Lot 10 of the Kroger development

**East:** Stormwater Ponds B & C, Beyond theses pond are townhomes in Cambridge at Towne Center (MFR)

**South:** C-2, currently under construction Kroger and small shops adjacent to the main building

**West:** Proposed Peachtree Road, vacant Lots 7-9 in the Kroger development, zoned C-2

**RECOMMENDATION:** **Approval**

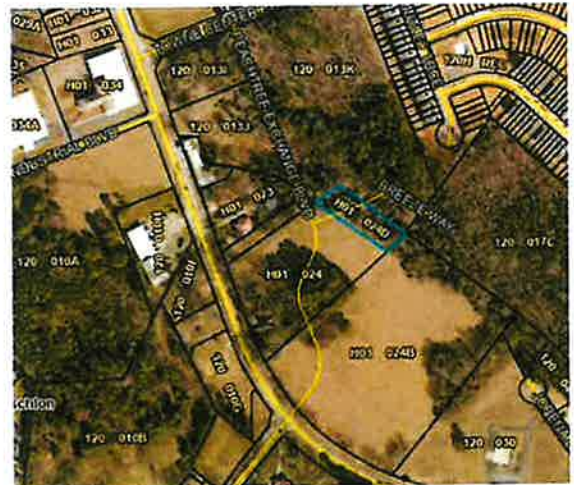
## Location of Property



## Preliminary Plat



Tax Map 1 of 2



Tax Map 2 of 2

## **SUMMARY OF REQUEST**

The applicant requests the rezoning of two lots within the Kroger development from C-2 to C-3.

## **STANDARDS GOVERNING EXERCISE OF ZONING POWER**

***Note: The planning commission and City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The commission or council may cite one or more of these in its own determinations, as it determines appropriate. The commission or council may modify the language provided here, as necessary, in articulating its own findings. Or, the commission or council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. The commission and council do not need to address each and every criterion, but only those that are relevant to support its own determination.***

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

**Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Finding: The properties currently zoned C-2 and are adjacent to C-2 properties. C-3 zoning is of a similar intensity to C-2 zoning, but is "considered inappropriate for locations visible from state highways but may be permitted in such locations subject to land development techniques that screen or shield major activities" (Hoschton Zoning Ordinance, Sec. 4.12). The lots are located on Peachtree Exchange, so they are not on a state highway, but may be visible. The surrounding land use is commercial with the exception of townhomes within the Cambridge at Towne Center development. The commercial nature of the development particularly the fuel center is compatible with the proposed uses of a carwash and auto service establishment. Care should be taken to screen major activities from townhomes and State Route 53. **(supports request with possible conditions)**

**Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

Finding: A C-3 zoning district has a similar intensity to a C-2 zoning district, but C-3 zoning districts are "intended to be located near, adjacent, or within industrial areas" (Hoschton Zoning Ordinance, Sec. 4.12). While the proposed uses compatible with the surround development, C-3 permits uses by right that may not be compatible. For example, self service mini warehouses or open-air businesses, which aren't permitted by right in C-2 zoning district. **(supports request with possible conditions)**

**Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

Finding: The current C-2 zoning district does constitute a reasonable economic use. The rezoning is to allow automotive service facilities such as an oil change facility and a car wash. That said, the C-2 zoning permits a greater variety of businesses by right than the C-3 zoning



district. **(does not support request because current zoning does not prevent a reasonable economic use)**

**Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

Finding: The proposed use will not have an effect on schools. Since the intensity of C-3 zoning is similar to C-2 zoning, the proposed usage should not cause a burden on the streets or transportation facilities. The proposed use of a carwash may cause a burden to utilities due to the water intensive nature of carwashes relative to other businesses. **(possibly supports request, confirmation of utility capacity may be required)**

**Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

Finding: The city's current future land use map shows the land as commercial. C-3 zoning district is a commercial district but is intended to be near industrial areas. Other lots within the development are currently zoned C-3, specifically the fuel center. **(supports request)**.

**Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.**

Finding: The adjacent lots are owned and being developed by the applicant. The applicant does not think the rezoning would adversely affect their ability to develop the adjacent properties. **(supports request)**.

**Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

Finding: The property and adjacent properties are already zoned for a commercial use and the fuel center on a portion of the development is already zoned C-3. Therefore, the C-3 zoning would not be isolated. **(supports request)**.

**Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Finding: Initial reviews were performed with the lots as a C-2 zoning district. Additional reviews may be required to ensure the stormwater and erosion plans do not require an update given the change in zoning. **(possibly supports request, confirmation of impact may be required)**

## **CONCLUSION**

Approval is recommended. If appropriate during the rezoning process, the city can consider and if appropriate apply conditions of approval: ensuring activities are screened from MFR zoning (Cambridge at Towne Center), limiting which C-3 uses are allowed, requiring confirmation of utility and environmental impact.

# APPLICATION FOR REZONING

CITY OF HOSCHTON, GA  
PLANNING AND DEVELOPMENT  
61 City Square  
Hoschton, GA 30548  
706-654-3034

## Applicant Information:

**Name:**

SEK Hoschton, LLC

**Address:**

2743 Perimeter Pkwy, Bldg 100, Ste 370

**City, State, Zip:**

Augusta, GA 30909

**Phone:**

706-854-6720

**E-mail:**

Tommy.Saul@southeastern.company

## Property Owner Information: (if different from applicant)

**Name:**

SEK Hoschton, LLC

**Address:**

2743 Perimeter Pkwy, Bldg 100, Ste 370

**City, State, Zip:**

Augusta, GA 30909

**Phone:**

706-854-6720

**E-mail:**

Tommy.Saul@southeastern.company

The property owner, must sign the following form; if the applicant is not the property owner, you must submit evidence of property owner approval to file this application by submitting the property owner authorization form.

## Property Information:

**Tax Map and Parcel Number:**

Portions of Parcel 120 013k & H01 024D; Lots 11 & 12 per Towne Center Marketplace Preliminary Plat approved on 4/23/24

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**Address (if one has been assigned):**

Not assigned at this time. The Lots have frontage along Peachtree Exchange Blvd.

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**Acreage of Property:**

Lot 11: 1.32 acres; Lot 12: 1.06 acres

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Note: You must attach a metes and bounds legal description of the property. A boundary survey may be required; submit a copy if available.

**Existing Zoning District:**

C-2

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**Proposed Zoning District:**

C-3

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**Proposed Use:**

Lot 11: Car Wash; Lot 12: Auto Service

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**Property Owner Authorization**

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Jackson County, Georgia.

**Name of Owner(s):**

SEK Hoschton, LLC

**Address:**

2743 Perimeter Pkwy, Bldg 100, Ste 370

**Phone Number:**

706-854-6720

**Signature of Property Owner:**

*Mark Sen*

I authorize the person named below to act as applicant in the pursuit of this application.

**Name of Applicant(s):**

SEK Hoschton, LLC

**Address:**

2743 Perimeter Pkwy, Bldg 100, Ste 370

**Phone Number:**

706-854-6720

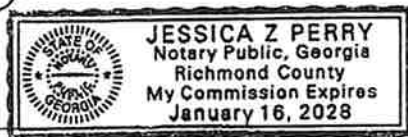
Property owner personally appeared before me

*Jessica Z Perry*

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

*Jessica Z Perry*  
Notary Public

03/03/2025



**Date**

**CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM  
(REQUIRED TO BE COMPLETED BY APPLICANT)**

O.C.G.A. § 36-67A-3[c] Disclosure of campaign contributions:

When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

I hereby certify that I have read the above and that (check which one applies):

I have**		I have not	<input checked="checked" type="checkbox"/>
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Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

\*\*If you have made such contributions, you must provide the data required by this form.



03/03/2025

Applicant's Signature

Date

[application form continues on next page]

## ZONING DECISION CRITERIA

Per Section 8.03 of the Hoschton Zoning Ordinance, the following criteria are applicable to rezoning decisions. The applicant is urged but not required to substantiate the rezoning request by responding to these criteria which provide reasons for approving the application:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

**Response:**

The proposed uses & rezoning to C-3 are suitable given the surrounding commercial subdivision includes lots zoned C-2 & C-3. The subject lots are near an existing C-3 zoned property with a proposed use as a Fuel Center, making Auto Service and Car Wash uses complementary to the area's businesses.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

**Response:**

The proposed uses are consistent with the surrounding commercial environment and should not adversely impact adjacent properties.

- (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

**Response:**

The property has a reasonable economic use under the current C-2 zoning; however, rezoning to C-3 would enhance the development potential by allowing additional auto-oriented services that are compatible with the adjacent Fuel Center, increasing the commercial viability of the subject lots.

- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

**Response:**

The proposed rezoning is not expected to create excessive demand on infrastructure. There will be no impact on schools as the proposed uses are nonresidential. Utility requirements are manageable based on the existing utility infrastructure intended to support the subject lots. Vehicular access to the subject lots will utilize the newly constructed road named Peachtree Exchange Blvd which connects to SR 53 & Towne Center Parkway.

- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

**Response:**

The city's future land use plan map shows the site as being suitable for commercial land use. Therefore, the request is consistent with the comprehensive plan.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.**

**Response:**

The surrounding commercial subdivision (Kroger Marketplace GA684) is currently under development. The presence of an existing C-3 zoned lot within the subdivision supports the suitability of additional auto related commercial services.

- (g) Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

**Response:**

No, the proposed rezoning would not create an isolated zoning district based on the surrounding commercial zoning districts of C-2 & C-3.

- (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

**Response:**

The proposed development will adhere to all environmental regulations, including proper drainage, erosion control, and water quality measures.

[application form continues on next page]

To complete your application, attach/submit the following in addition to this completed form:

- \_\_\_\_\_ **Application fee** as established by resolution of the City Council (see fee schedule).  
Make check payable to the City of Hoschton.
- \_\_\_\_\_ **Metes and bounds legal description** of the property.
- \_\_\_\_\_ **Boundary survey plat** of the property; provided, however, that where no survey is available the Zoning Administrator may but is not obligated to, accept a map of the subject property from the Jackson County Tax Assessors or other reliable source.
- \_\_\_\_\_ **Letter of intent** describing the proposed use of the property or other action requested, which may include any special conditions voluntarily made by the applicant as a part of the request.
- \_\_\_\_\_ **Site plan** (15 copies plus digital copy in pdf format) of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains and wetlands where applicable, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, conceptual information about drainage and stormwater management, and other information as reasonably required by the Zoning Administrator. Site plans may be waived for rezoning applications for agricultural or residential zoning districts.

Please be advised of the following rezoning procedures:

The zoning administrator will determine whether the application is complete (incomplete applications will not be processed). Public notice of meetings (including sign on property and newspaper notice) of completed applications will be accomplished by the city. A staff report and recommendation will be prepared by the zoning administrator and submitted to the Hoschton Planning and Zoning Commission (which meets once a month) and Hoschton Mayor and City Council (regularly meets once monthly). The Planning and Zoning Commission will make a recommendation on the application, but the final decision is by the Hoschton City Council. Applicants are required to attend the Planning and Zoning Commission meeting and public hearing before the Mayor and City Council. Contact the zoning administrator for specific dates at which your application will be considered.

**FOR OFFICE USE ONLY:**

\_\_\_\_\_ : APPROVED

\_\_\_\_\_ : DENIED

AMOUNT PAID: \_\_\_\_\_

DATE: \_\_\_\_\_

FORM OF PAYMENT: ☐ CREDIT CARD

CHECK # \_\_\_\_\_

☐ CREDIT CARD

☐ CASH





March 3, 2025

City of Hoschton, GA  
Planning and Development  
79 City Square  
Hoschton, GA 30548

**LETTER OF INTENT FOR REZONING**

SEK Hoschton, LLC is submitting the following rezoning request for the two subject properties, identified as Lot 11 & Lot 12 on the Preliminary Plat titled Towne Center Marketplace approved on June 26<sup>th</sup>, 2024. The subject properties are within the commercial subdivision associated with the Kroger Marketplace project on SR 53 which includes a proposed traffic signal at the SR 53 & Peachtree Rd Intersection as well as a new connector drive to Towne Center Parkway. The request seeks to rezone these parcels from C-2 (General Commercial Highway Oriented District) to C-3 (Commercial Motor Vehicles Service & Repair District) to accommodate their intended uses.

<u>Subject Property</u>	<u>Parcel ID</u>	<u>Rezoning</u>	<u>Proposed Use</u>	<u>Owner</u>
Lot 11	Portions of 120 013K	C-2 to C-3	Car Wash	SEK Hoschton, LLC
Lot 12	Portions of 120 013K, H01 024D	C-2 to C-3	Auto Service	SEK Hoschton, LLC

Lot 11 is proposed to be developed as a modern Car Wash facility with frontage along the newly constructed Peachtree Exchange Blvd. The facility will be constructed in compliance with all city codes and standards, ensuring minimal impact on surrounding areas. Lot 12 is intended for use as an Auto Service center. The service center will adhere to all applicable regulations to ensure it remains a beneficial addition to the community. The frontages of these lots are approx. 400' from the existing Hwy 53 right-of-way and visual buffers from Hwy 53 will include the future commercial developments associated with Lot 7, 8, & 9 in addition to multiple landscape strips across these lots. The northern side of Lot 11 is approx. 350' from the existing Towne Center Parkway right-of-way and visual buffers will include the future commercial development associated with Lot 10.

Please refer to the Preliminary Plat titled Towne Center Marketplace approved on 06/26/24 for additional information on the Subject Properties and to the Lot 11 & 12 Conceptual Site Plan dated 03/03/25 for conceptual details on the layout of the proposed uses.

# PRELIMINARY PLAT FOR TOWNE CENTER MARKETPLACE

SCALE 1" = 50'

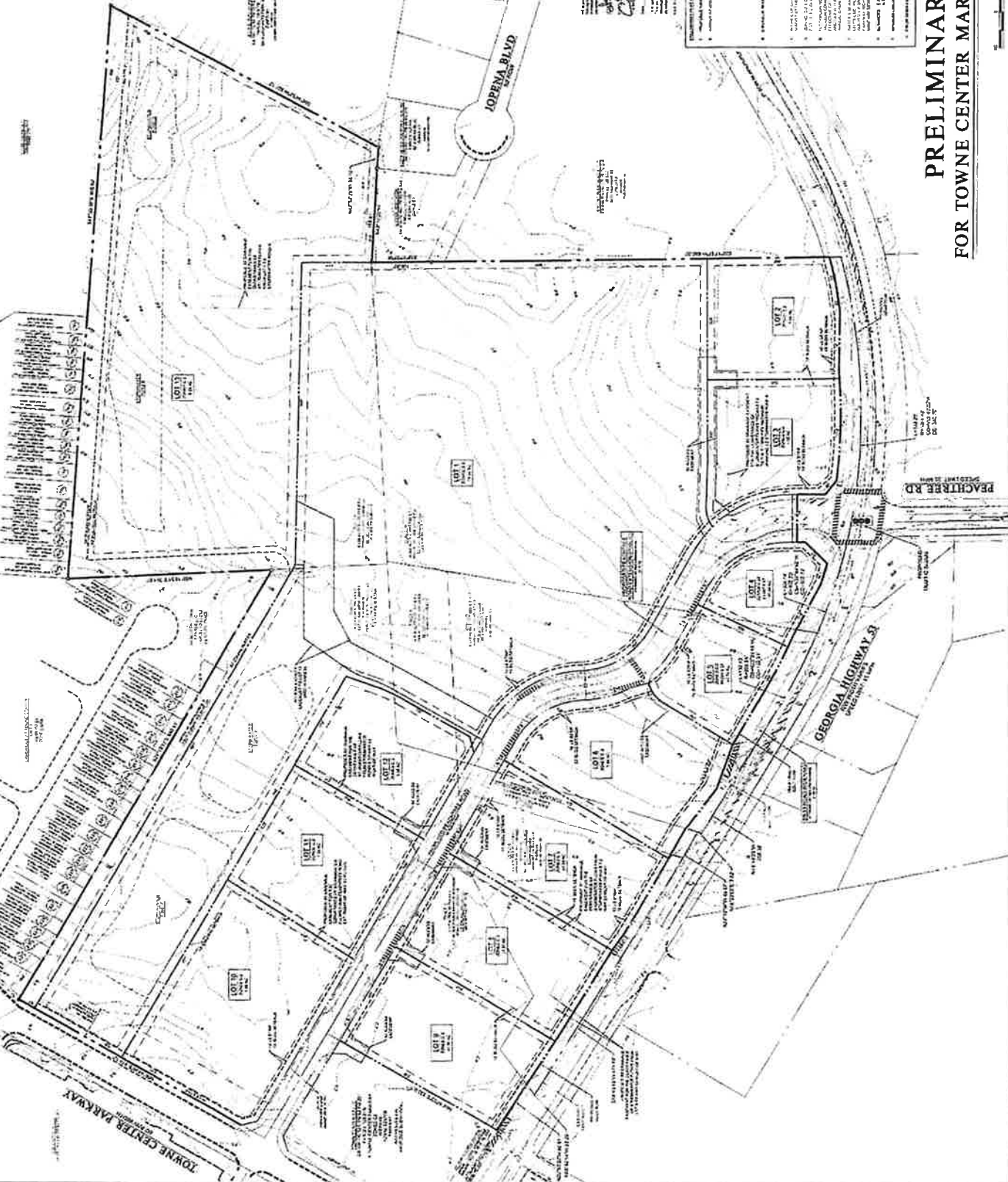


**NOTES:**

1. PRELIMINARY PLAT FOR TOWNE CENTER MARKETPLACE, TOSCHTON, GEORGIA, HIGHWAY 53, SOUTHEASTERN DEVELOPMENT ASSOCIATES, 2140 PEACHTREE PARKWAY, SUITE 100, SUITE 370, ALBUQUERQUE, NEW MEXICO 87102.
2. THIS PLAT IS A PRELIMINARY PLAT AND IS NOT A FINAL PLAT. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES.
3. THE PLAT IS SUBJECT TO THE APPROVAL OF THE ALBUQUERQUE PLANNING AND ZONING DEPARTMENT.
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10. THE PLAT IS SUBJECT TO THE APPROVAL OF THE ALBUQUERQUE PLANNING AND ZONING DEPARTMENT.

**SITE ANALYSIS**

ITEM	DESCRIPTION	REMARKS
1	EXISTING LOT LINES	AS SHOWN ON THE PLAT
2	EXISTING BUILDINGS	AS SHOWN ON THE PLAT
3	EXISTING UTILITIES	AS SHOWN ON THE PLAT
4	EXISTING ROADS	AS SHOWN ON THE PLAT
5	EXISTING TREES	AS SHOWN ON THE PLAT
6	EXISTING TOPOGRAPHY	AS SHOWN ON THE PLAT
7	EXISTING ZONING	AS SHOWN ON THE PLAT
8	EXISTING EASEMENTS	AS SHOWN ON THE PLAT
9	EXISTING ENCUMBRANCES	AS SHOWN ON THE PLAT
10	EXISTING ADJACENT PROPERTIES	AS SHOWN ON THE PLAT









## 60" RAW WIDTH

ROW WIDTH VARIES  
SPEED LIMIT: 45 MPH

SCALE: 1" = 20'

[illegible]

03/03/2025

CPS-1

HIGHWAY 53  
ROSCITON, GEORGIA

FUA  
SOL'THE

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THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION  
PUBLISHED WEEKLY

Legal Description.  
**LOT #11 DPLAND1, LLC**  
Proposed Peachtree Road

ALL That tract or parcel of land lying or being in the Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Commencing at the mitered intersection of the southerly right-of-way of Towne Center Parkway (60' right-of-way) and the easterly right-of-way of Georgia Highway 53 (right-of-way width varies), having the Georgia State Plane coordinates of Northing: 1,489,103.68, and Easting: 2,419,814.24, said point being the Point of Commencement;

THENCE along the said mitered intersection proceed North 23°44'18" East, a distance of 72.23 feet to a point on the southerly right-of-way line of Town Center Parkway (60' public right-of-way);

THENCE along the said southerly right-of-way line of Town Center Parkway North 68°44'26" East, a distance of 280.16 feet to a point;

THENCE continuing along the said southerly right-of-way line of Town Center Parkway North 68°44'26" East, a distance of 25.03 feet to a point on the proposed easterly right-of-way line of Proposed Peachtree Road (50' public right-of-way);

THENCE leaving the said southerly right-of-way line of Town Center Parkway proceed along the said easterly right-of-way line of Proposed Peachtree Road (50' public right-of-way) South 21°15'03" East, a distance of 338.80 feet to the POINT OF BEGINNING, said point having the Georgia State Plane coordinates of Northing: 1,489,026.47 and Easting: 2,420,253.54;

THENCE leaving the said southerly right-of-way line of Proposed Peachtree Road proceed along the northerly line of Lot 11 North 71°25'13" East, a distance of 250.84 feet to a point on the westerly line of proposed Stormwater Ponds B and C;

THENCE along the said westerly line of the proposed Stormwater Ponds B and C proceed South 21°13'15" East, a distance of 223.05 feet to a point;

THENCE leaving the said westerly line of the proposed Stormwater Ponds proceed South 68°46'45" West, a distance of 250.46 feet to a point;

THENCE North 21°15'03" West, a distance of 234.61 feet to the POINT OF BEGINNING.

Said tract or parcel of land containing 57,324 Square Feet or 1.316 Acres, more or less.

Legal Description.  
**LOT #12 DPLAND1, LLC**  
Proposed Peachtree Road

ALL That tract or parcel of land lying or being in the Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Commencing at the mitered intersection of the southerly right-of-way of Towne Center Parkway (60' right-of-way) and the easterly right-of-way of Georgia Highway 53 (right-of-way width varies), having the Georgia State Plane coordinates of Northing: 1,489,103.68, and Easting: 2,419,814.24, said point being the Point of Commencement;

THENCE along the said mitered intersection proceed North 23°44'18" East, a distance of 72.23 feet to a point on the southerly right-of-way line of Town Center Parkway (60' public right-of-way);

THENCE along the said southerly right-of-way line of Town Center Parkway North 68°44'26" East, a distance of 280.16 feet to a point on the proposed northerly right-of-way line of Proposed Peachtree Road (50' public right-of-way);

THENCE continuing along the said southerly right-of-way line of Town Center Parkway North 68°44'26" East, a distance of 25.03 feet to a point on the proposed easterly right-of-way line of Proposed Peachtree Road (50' public right-of-way);

THENCE leaving the said southerly right-of-way line of Town Center Parkway proceed along the said easterly right-of-way line of Proposed Peachtree Road (50' public right-of-way) South 21°15'03" East, a distance of 338.80 feet a point;

THENCE continuing along the said easterly right-of-way line of Proposed Peachtree Road South 21°15'03" East, a distance of 234.61 feet to the POINT OF BEGINNING, said point having the Georgia State Plane coordinates of Northing: 1,488,746.04 and Easting: 2,420,338.57;

THENCE leaving the said easterly right-of-way line of Proposed Peachtree Road North 68°46'45" East, a distance of 250.46 feet to a point on the westerly line of the proposed Stormwater Ponds B and C;

THENCE along the said westerly line of the proposed Stormwater Ponds B and C South 21°13'15" East, a distance of 172.38 feet to a point;

THENCE continuing along the said westerly line of the proposed Stormwater Ponds B and C South 58°00'33" West, a distance of 50.03 feet to a point

THENCE more or less leaving the said westerly line of the proposed Stormwater Ponds B and C southwesterly and westerly a distance of 51.74 feet along the arc of a curve to the right, having a radius of 276.00 feet and being subtended by a chord which bears South 63°22'45" West, for a distance of 51.66 feet, to a point;

THENCE South 68°44'57" West tangent to said curve, a distance of 129.87 feet to a point;

THENCE North 66°08'51" West, a distance of 28.23 feet to a point;

THENCE North 21°10'02" West, a distance of 20.40 feet to a point;

THENCE North 21°15'03" West, a distance of 146.27 feet to the POINT OF BEGINNING.

Said tract or parcel of land containing 45,978 Square Feet or 1.056 Acres, more or less.

**Line #2**

**Sign Ordinance**



CITY OF HOSCHTON  
STATE OF GEORGIA

**ORDINANCE NO. O-2021-03**

**AN ORDINANCE REPEALING CHAPTER 43, "SIGNS"  
OF THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON  
AND ADOPTING A NEW CHAPTER 43, "SIGNS AND ADVERTISING DEVICES;"  
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO  
PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR  
OTHER PURPOSES**

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF  
HOSCHTON AS FOLLOWS:**

**Section 1.**

Chapter 43, "Signs" is hereby repealed and a new Chapter 43, "Signs and Advertising Devices," is adopted to read as follows:

**"CHAPTER 43  
SIGNS AND ADVERTISING DEVICES**

Section 43-101. Findings.  
Section 43-102. Purposes.  
Section 43-103. Intentions.  
Section 43-104. Jurisdiction and General Applicability.  
Section 43-105. Definitions.  
Section 43-106. Exemptions.  
Section 43-107. Prohibited Signs.  
Section 43-108. Location Restrictions.  
Section 43-109. Lighting Restrictions.  
Section 43-110. Maximum Sign Height.  
Section 43-111. Principal Ground Signs.  
Section 43-112. Accessory Ground Signs.  
Section 43-113. Residential Subdivision or Project Entrance Signs.  
Section 43-114. Wall Signs.  
Section 43-115. Window Signs.  
Section 43-116. Signs During Sale or Construction.  
Section 43-117. SR 53 Corner Lot Additional Sign Allowance.  
Section 43-118. Sandwich Board Signs.  
Section 43-119. Signs on Fences.  
Section 43-120. Drive-through Lane Signage.  
Section 43-121. Flags.  
Section 43-122. Electronic Changeable Copy Signs.  
Section 43-123. Interim Banner or Interim Advertising.  
Section 43-124. Suspended Signs.  
Section 43-125. Projecting Signs.  
Section 43-126. Special Event Signage, Establishment.  
Section 43-127. Marketing Signage for a Residential Subdivision.  
Section 43-128. Weekend Signs.

Section 43-129. Variance or Special Authorization.  
Section 43-130. Nonconforming Signs.  
Section 43-131. Additional Signage on Lot with Nonconforming Sign.  
Section 43-132. Building and Electrical Permits for Signs.  
Section 43-133. Sign Permit.  
Section 43-134. Sign Maintenance.  
Section 43-135. Discontinued Signs.  
Section 43-136. Enforcement of Illegal Signs.  
Section 43-137. Sign Regulations for Planned Unit Developments.

**Section 43-101. Findings.**

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

- (a) Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents; and
- (b) Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs; and
- (c) Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists; and
- (d) The appearance of the city is substantially influenced by signs, and it is essential to the city's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the city; and
- (e) The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can have a particularly detrimental effect on adjacent properties and contribute to an overall image of blight in the community; and
- (f) Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize the value and benefit of public investments in streetscapes; and
- (g) Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses, because business owners may be compelled to erect larger and costlier signs to outperform neighboring or nearby businesses. Such competition for visibility among business can result in too many signs and excessive sizes and heights, to a point of diminishing returns where individual business signs are no longer adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message. If signs are

left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business of choice in the sea of advertising devices; and

- (h) Signs placed on building walls can be excessive if not regulated as to the area of the sign face, and it is in the public interest to ensure that signs are proportional to the building wall on which the signs are placed. It is considered inappropriate to attach signs to certain objects like rocks and benches, thereby justifying certain prohibitions. It is also considered inappropriate to allow signs above rooflines of buildings, justifying prohibition, since roof signs interrupt the silhouette of the building, overpower the architecture of the building, and can also block views.
- (i) Some signs and advertising devices are designed to move in the wind. For instance, a flag, or feather banners (also called "wind blades"), or ribbons on strings, etc. are designed to capture attention due to movement in the wind. Such signs and advertising devices have greater potential for attracting attention to them given their movement. Without regulations on these types of advertising devices, the result would be clutter and degradation of community appearance.
- (j) Signs, if improperly maintained, present an unkempt appearance and may present an image of blight to visitors, residents, and employees. It is in the interest of the city to ensure that signs are properly maintained to avoid the appearance of blight and also to prevent possible detrimental impact on property values that may result from such blight.
- (k) The regulations contained in this chapter are no more extensive than necessary to serve the substantial governmental interests and purposes identified in this chapter.

#### **Section 43-102. Purposes.**

The purposes of this chapter are to promote and protect the public health, safety, general welfare, and aesthetics, specifically including but not limited to the following:

- (a) To provide for the expression of commercial and noncommercial speech by citizens and businesses in the city, and to afford adequate opportunity for self-expression through free speech;
- (b) To reduce clutter and to improve the general attractiveness of the city;
- (c) To enable the public to locate goods, services, and facilities in the city without difficulty and confusion;
- (d) To ensure the reasonable, orderly, and effective display of signs;
- (e) To reduce the probability of traffic accidents due to signs obstructing or confusing the vision of drivers, bicyclists, or pedestrians;
- (f) To ensure that signs are compatible with their surroundings and to protect property values;

- (g) To facilitate and aid in the identification and location of businesses in the city in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies;
- (h) To insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs; and
- (i) To balance the rights of individuals to convey their messages through signs with the rights of the public to be protected against the unrestricted proliferation of signs.

**Section 43-103. Intentions.**

- (a) **Time, place, and manner restrictions.** It is the intent of this chapter to regulate the composition, type, location, placement, height, size, quantity, illumination, duration, and manner of signs and advertising devices that may be displayed. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the intentions and purposes of this chapter. These intentions and purposes are valid and lawful governmental interests. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this chapter.
- (b) **Content neutrality.** The city intends to adopt and implement regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. It is the intent of this chapter to allow political, religious, or personal (non-commercial) messages on any sign permitted to be erected by this chapter.

**Section 43-104. Jurisdiction and General Applicability.**

No sign or advertising device may be erected, placed, established, painted, created, moved, or maintained within the city limits of Hoschton except in conformity with this chapter.

**Section 43-105. Definitions.**

*Accessory ground sign:* A secondary sign allowance provided for in this chapter, for a sign erected on the ground.

*Advertising device:* Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this chapter, an advertising device is a "sign."

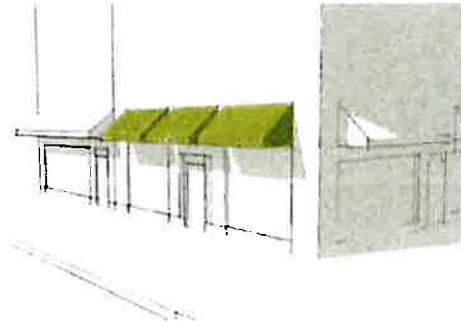
*Agricultural use:* Any parcel where agriculture, farming, or agriculturally related uses constitute the principal use of the property, as interpreted by the Zoning Administrator.

*Air-blown device:* Any device not otherwise specifically defined in this chapter, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. Also referred to as "air puppets." For purposes of this chapter, air-blown devices are advertising devices.

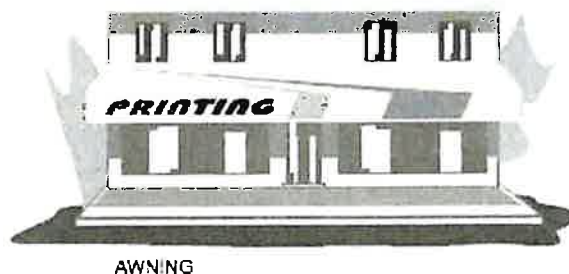
*Alteration:* A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

**Animated sign:** A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a "suspended sign." For purposes of this chapter, the transition of a message on an electronic changeable copy sign shall not be considered "animation." An electronic changeable copy sign, as separately defined, is not an animated sign.

**Awning:** An architectural projection or shelter projecting from and supported by an exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.



**Awning sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. Awning signs are "wall signs" for the purposes of this chapter.



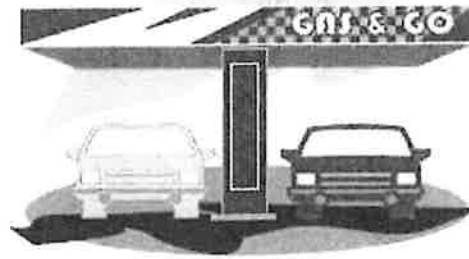
Source: United States Sign Council, 2011.  
*Model Code for Regulation of On-Premise Signs.*

**Back-lit awning:** An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

**Banner:** A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this chapter, a banner is a "sign." A banner may be installed on a building or structure or may be attached to poles or other supports and freestanding. It is characteristic of a banner that, even though tied to a support, there is some movement in the wind.

**Building frontage:** The length (in linear feet) of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

**Canopy sign:** A sign attached, painted on, or made an integral part of a canopy, whether that canopy is attached to a building or structure or freestanding. An attached canopy is a multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns or supports at additional points. Canopy signs, whether attached, painted on, or made an integral part of an attached canopy (including suspension underneath an attached canopy), are wall signs for the purposes of this chapter.



CANOPY

Source: United States Sign Council. 2011.  
*Model Code for Regulation of On-Premise Signs.*

**Changeable copy sign, electronic:** A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means. This definition includes any sign which results in the illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, which allows the message change to be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. Electronic changeable copy signs are also "internally illuminated" signs.

**Changeable copy sign, manual:** A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed manually on the sign itself, such as by replacement of letters, or in the case of a chalkboard which can be erased and the message rewritten.

**Changeable copy sign, mechanical:** A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by movement or rotation of panels or slats.

**Channel letter (open faced):** A dimensional letter with a back and sides but no face at the front of the letter. Open faced channel letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

**Channel letter (internally illuminated):** A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

**Channel letter (reverse):** A dimensional letter with a face and sides but no back, opposite to an open faced channel letter. A reverse channel letter has an open channel facing the wall or building to which it is affixed. A reverse channel letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a backlit channel letter; also referenced as a halo or silhouette lighted channel letter. The face of a reverse channel letter does not illuminate.

**Commercial use:** A property containing one or two for-profit entities of a commercial nature including but not limited to restaurants, retail trade establishments, and services. Any property containing two commercial uses shall be considered a commercial use, not a multi-tenant property.

***Derelect sign:*** A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the city's jurisdiction.

***Dissolve:*** A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

***Double-faced sign:*** A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

***Externally illuminated sign:*** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

***Erect:*** To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Activities performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure are excluded from this definition.

***Fade:*** A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

***Feather banner:*** A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this chapter, a feather banner is an advertising device and sign.



***Flag:*** A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this chapter, except as specifically authorized, a "flag" is an advertising device and "sign."

***Ground sign:*** A sign or advertising device which is wholly independent of a building or structure for support (i.e., freestanding). A ground sign may contain more than one sign face, and it is typically double-faced.

**Holiday decorations:** Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as seasonal decorations).

**Illuminated sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated); or reflecting off its surface(s) (i.e., externally illuminated).

**Incidental sign:** A sign, emblem, decal, or other message designed and sized to be read only from close range (i.e., 5 feet or less), attached to or integrated into a device or structure more than 25 feet from the right-of-way of a road, and not readily legible from any public rights-of-way.

**Industrial use:** A property containing one or two for-profit entities of an industrial nature, including but not limited to manufacturing, warehousing, and wholesale trade.

**Inflatable sign:** Any sign or balloon, other than that defined as an "air blown device," that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled device depicting a container, figure, or product. For purposes of this chapter, inflatable signs and balloons are considered advertising devices.

**Institutional use:** Any property containing one or two not-for-profit entities of an institutional nature, including but not limited to churches, hospitals, and professional, and civic and charitable organizations.

**Interior sign:** Any sign erected within a building, including product displays. This definition does not include "window" signs, as defined.

**Internally illuminated sign:** A sign illuminated by an internal light source which is viewed through a transparent or translucent panel. An electronic changeable copy sign is an internally illuminated sign.

**Mansard:** A roof-like facade comparable to an exterior building wall.

**Mansard sign:** A sign painted on, attached to, or hung from a mansard. For purposes of this chapter, mansard signs are "wall signs."



Source: United States Sign Council. 2011.  
*Model Code for Regulation of On-Premise Signs.*



**Monument sign:** A sign where the structural part of the sign below the sign face encompasses an area no more than 50% of the area of the sign face and which is composed of brick, stone, or other similar quality material, and which the base is composed of or finished on the exterior with brick or stone or other approved material that is at least 18 inches in height above the ground.



MONUMENT  
Source: United States Sign Council. 2011.  
Model Code for Regulation of On-Premise Signs.

**Multi-tenant property:** Any parcel designed, occupied, or intended for occupancy for three or more leasable spaces or parcels under one ownership or management. This chapter distinguishes between multi-tenant properties based on use as follows: residential (a "major" residential subdivision, a multiple-family apartment complex, or a manufactured home park); institutional (e.g., government or nonprofit complex); commercial (an office park with multiple buildings on individual parcels or multiple office buildings on a single parcel, a commercial shopping center, or a single commercial building with three or more leasable spaces); and industrial (industrial park with separate parcels or a single industrial building with three or more leasable spaces).

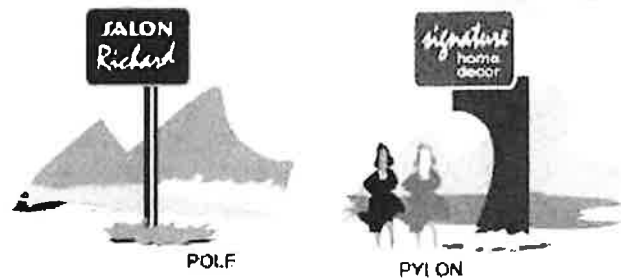
**Multiple-faced sign:** A sign containing three or more faces.

**Mural:** A picture or image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a building wall, which may or may not contain text, logos, and/ or symbols.

**Nonconforming sign:** Any sign which lawfully existed on the effective date of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments to this chapter since the date of erection of the sign.

**Pennant:** A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter, pennants are advertising devices.

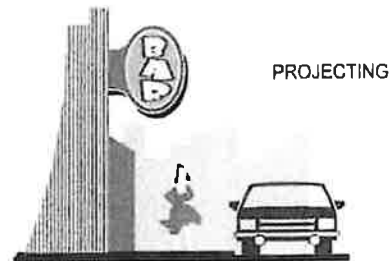
**Pole or pylon sign:** A sign that is mounted on a freestanding pole or poles, columns, or similar support such that the bottom of the sign structure is not in contact with the ground along the entire portion of the sign face. A pole or pylon sign is distinguishable from a monument sign.



Source: United States Sign Council. 2011.  
Model Code for Regulation of On-Premise Signs

**Principal use sign:** Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this chapter.

**Projecting sign:** A sign that projects more than eighteen inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



**Residential use:** Any parcel with a single dwelling unit or a two-family dwelling unit on it, or any other residential use except those interpreted by the Zoning Administrator as a multi-tenant residential or institutional property.

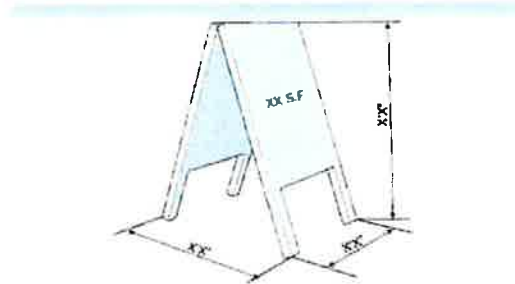
Source: United States Sign Council. 2011.  
Model Code for Regulation of On-Premise Signs.

**Revolving sign:** A sign that has the capability to revolve about an axis. For purposes of this chapter, a revolving sign is an “animated” sign.

**Road frontage:** The distance in linear feet of a parcel where it abuts the right-of-way of any public street.

**Roof sign:** A sign projecting to a greater height than the eve or highest point of a building roof. A sign placed on the fascia portion of a mansard roof, or a sign placed on a roof below the eve or highest point of a building roof is not a roof sign.

**Sandwich board sign:** A portable sign that typically consists of two faces connected and hinged at the top and with a message targeted to pedestrians. They are also commonly referred to as A-frame signs.



**Scoreboard:** A sign contained within an athletic venue and which is directed so as to be visible to the attendees of an athletic event.

**Scroll:** A mode of message transition on an electronic changeable copy sign in which the message appears to move vertically across the display surface.

**Sign:** A lettered, numbered, symbolic, pictorial, visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. The term sign includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

**Sign area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign copy area. The area of any double-sided or "V" shaped sign shall be the area of the largest single copy area only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all copy areas of the sign.



Source: United States Sign Council. 2011.  
*Model Code for Regulation of On-Premise Signs.*

The following provisions shall also apply to determinations of sign area:

1. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's copy area.
2. Sign area for ground signs does not include the structural support for the ground sign (e.g., pole or monument base), unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

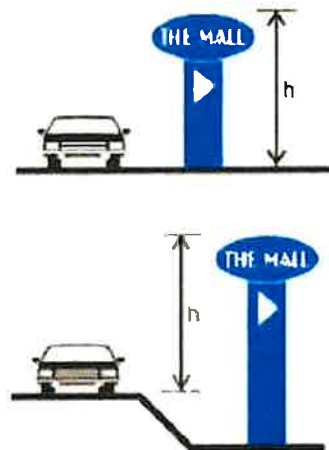
3. When a sign incorporates a property address, the area devoted to the property address shall not be included in any calculations for purposes of determining the maximum permissible sign area.

**Sign copy:** The physical sign message including any words, letters, numbers, pictures, and symbols.

**Sign copy area:** The surface upon, against or through which the writing, lettering, or other message is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign copy area shall include the entire area of the sign panel, cabinet or face substrate upon which the sign writing, lettering, or other message is displayed or illustrated, but not open space between separate panels.
2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign copy area shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign copy area shall comprise the area within the contrasting background, or within the painted or illuminated border.

**Sign height:** The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.



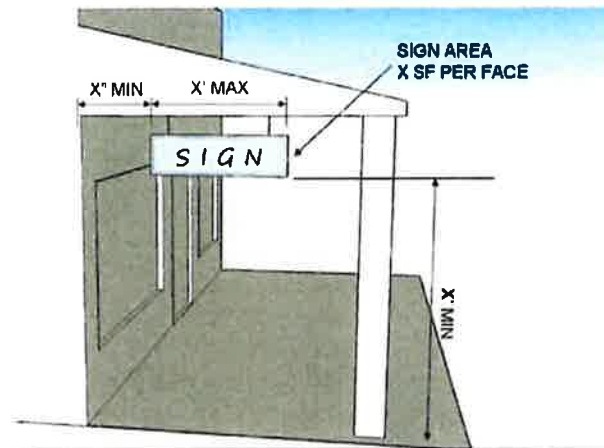
Source: United States Sign Council. 2011.  
*Model Code for Regulation of On-Premise Signs.*

**Sign in need of maintenance:** Any sign or advertising device that includes any of the following or similar condition as identified by the city: lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned; painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended; a

significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned; or one or more illumination devices are not working and have not been replaced.

**Sign structure:** Any structure designed for the support of a sign.

**Suspended sign:** A sign attached to the underside of a canopy, awning or the cover of a walkway or beneath a support extending from a building. A suspended sign is distinguishable from an animated sign even if the sign copy area is attached to a building or structure in a way that can be set in motion with wind pressure. This term does not include any freestanding signs.



**Temporary ground sign:** A sign of a nonpermanent nature and erected for a limited duration. This term includes signs constructed from cardboard, coated paperboard, or corrugated plastic and which are either attached to a wooden post or stake in the ground, or set with a wire metal frame in the ground.

**Transition:** A visual effect used on an electronic changeable copy sign to change from one message to another.

**Travel:** A mode of message transition on an electronic changeable copy sign, in which the message appears to move horizontally across the display surface.

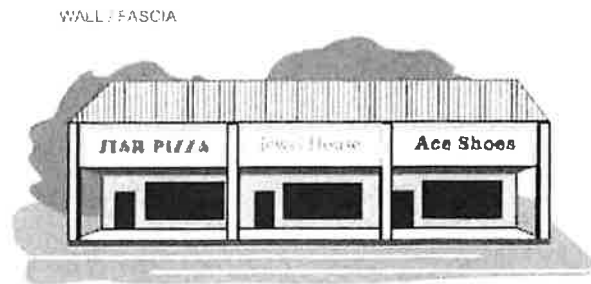
**V sign:** A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees ( $179^\circ$ ) at the point of juncture of the individual faces.

**Vacant property:** Any property that contains no building or principal use; or a building that contains a building or structure which has not been occupied for six or more consecutive months.

**Vehicular sign:** Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner that can be viewed from the public right(s)-of-way; provided, however, that this definition shall not apply when (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business; or (2) such conveyances are actively being used for storage of construction materials for, and on the same parcel where a construction project for which building is underway and required permits have been issued. Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a vehicular sign for purposes of this chapter.

**Visible:** Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

**Wall sign:** A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, in a parallel fashion, and which does not project more than 4 inches from the outside wall of such building or structure.



Source: United States Sign Council. 2011.  
*Model Code for Regulation of On-Premise Signs.*

**Windblown device:** Any device that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. This device includes streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. For purposes of this chapter, windblown devices are advertising devices. Flags, banners, air blown devices, and suspended signs are defined separately and are therefore not considered windblown devices for purposes of this chapter.

**Window sign:** A sign that is placed on a windowpane or a glass door. Displays which show products or depict services sold on the premises and which are inside a building and not affixed to an exterior window or door are "interior signs" and shall not be classified as window signs.

#### **Section 43-106. Exemptions.**

The following types of messaging and signs are exempt from this chapter. No sign permit is required, and this chapter does not impose regulations on the following:

- (a) Signs, building markers, and decorative or architectural features carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color.
- (b) Cemetery stones and markings of individual graves or burial plots.
- (c) Holiday decorations, provided that they temporary (seasonal basis) and are removed within a reasonable period following the holiday season to which they pertain.
- (d) Incidental signs.
- (e) Interior signs.
- (f) Murals, but only when erected as part of a public art program or other program recognized by the Governing Authority of the City of Hoschton.

- (g) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, memorial plaques, and signs of historical interest, including street pole banners erected by a public entity.
- (h) Scoreboards that are part of a public or private recreational facility.
- (i) Signs required by federal or state law, including but not limited to signs identifying disabled parking spaces required pursuant to applicable state law or the Hoschton zoning ordinance.
- (j) Signs not legible from a public right-of-way or adjacent property, or from outdoor areas of public property.
- (k) Street/property address identifiers and building identification numbers.
- (l) Traffic safety signs, installed within the right-of-way of a public street under the authority of the state or a local government, or traffic safety signs installed along driveways and in off-street parking lots, per the requirements of the City and consistent with the Manual on Uniform Traffic Control Devices.

**Section 43-107. Prohibited Signs.**

The following signs and advertising devices are prohibited unless otherwise specifically provided in this chapter:

- (a) Signs erected within a state or city right-of-way without the permission of the owner. Any unauthorized traffic control device or sign or message placed in a public right-of-way by a private organization or individual constitutes a public nuisance and is subject to removal.
- (b) Signs erected without the permission of the property owner.
- (c) Signs that obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or that prevent the free passage from one part of a roof to any other part thereof.
- (d) Signs shaped in a manner and with a color that imitates, or could be mistaken for, an official traffic control sign, such as a red, octagonal "stop" sign or yellow, triangular "yield" sign.
- (e) Vehicular signs.

**Section 43-108. Location Restrictions.**

- (a) **Signs in Public Right of Way.** No sign shall be erected on or encroach on any public right-of-way unless authorization is specifically granted by the Governing Authority of the City of Hoschton. Such sign shall be consistent with applicable state law with regard to signage in public rights-of-ways.

- (b) **Visibility Clearance Area.** No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway. In addition, no sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.
- (c) **Obstruction of Visibility of Public Sign.** No sign shall be located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
- (d) **Height Clearance.** Projecting signs and any sign suspended from a canopy shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.

**Section 43-109. Lighting Restrictions.**

- (a) Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or combination of agricultural and residential use, shall not be illuminated.
- (b) Temporary signs shall not be illuminated.

**Section 43-110. Maximum Sign Height.**

- (a) Unless otherwise specifically provided in this chapter, signs shall not exceed the height allowances provided in Table 43-1:

**Table 43-1 Maximum Ground Sign Height**

Type of Sign	Commercial	Industrial	Institutional	Agricultural/ Residential	Vacant
	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)	Max. height (ft.)
Principal ground signs	24	24	24	12	12
Accessory and all other ground signs where permitted	12	12	12	6	6

- (b) Wall signs shall not exceed the height of the building wall on which it is attached.

**Section 43-111. Principal Ground Signs.**

- (a) One principal ground sign per property frontage shall be permitted for each lot used for one or two commercial, industrial, or institutional uses, not to exceed the following area limits: 96 square feet for commercial or industrial land use and 72 square feet for institutional use.
- (b) One principal ground sign per property frontage shall be permitted for each lot with three or more commercial, industrial, or institutional uses, not to exceed the following area



limits: 120square feet for commercial or industrial land use and 96square feet for institutional uses.

- (c) A principal use ground sign is not permitted for individual residential or agricultural land uses or for vacant property.

**Section 43-112. Accessory Ground Signs.**

Two accessory ground signs per property frontage shall be permitted for each lot used for commercial, industrial, institutional, residential dwelling, agricultural land use, and for each vacant property, not to exceed the following area limits per individual sign:

- (a) 16 square feet for commercial and industrial;
- (b) 12 square feet for institutional, and
- (c) 6 square feet for residential or agricultural land use or vacant property.

**Section 43-113. Residential Subdivision or Project Entrance Signs.**

- (a) Any residential subdivision or multiple-family residential complex shall be permitted one ground sign for each entrance to the subdivision or complex, not exceeding 72 square feet of area for each sign.
- (b) Alternatively, such residential subdivision or complex may install two ground signs per entrance to the subdivision or complex (one on each side of the entrance), not exceeding 36 square feet of area for each sign. When a subdivision or project entrance sign is constructed as an integral part of a wall, only the portion of the monument that contains a message shall be counted for purposes of determining maximum sign area.

**Section 43-114. Wall Signs.**

Wall signage is permitted for commercial, industrial, and institutional land uses. The maximum number of wall signs shall be limited to two per building wall under ownership, lease, or rent, and the total area of wall signs shall not exceed two square foot of sign area per one linear feet of wall under ownership, lease, or rent.

**Section 43-115. Window Signs.**

Window signage is permitted for commercial, industrial, and institutional land uses. The number and area of signs is not restricted.

**Section 43-116. Signs During Sale or Construction.**

In addition to other signs allowed by this chapter, during the time a parcel or building is for sale, lease, or rent, or under construction, the following temporary sign allowance applies:

- (a) One ground sign per property frontage, not to exceed (for each sign permitted) 48 square feet for commercial or industrial, 32square feet for institutional, and 20 square feet for residential or agricultural uses; and

- (b) One wall sign not to exceed one square foot per linear feet of leased wall frontage; or one window sign with no maximum area limitation.

**Section 43-117. SR 53 Corner Lot Additional Sign Allowance.**

In addition to all other sign allowances provided in this chapter, any lot that has frontage on both State Route 53 and an intersecting public street (i.e., SR 53 corner lot) shall be allowed one additional ground sign not exceeding 48 square feet, or two additional wall signs not exceeding 48 square feet (combined area allowed for one or two wall signs).

**Section 43-118. Sandwich Board Signs.**

For commercial uses, one sandwich board sign no larger than ten square feet, is permitted for each 50 feet of building frontage under ownership, lease or rent, of a building, but only during times when the business is open. Such signs shall be unlawful if left in place outside of business hours.

**Section 43-119. Signs on Fences.**

One identification plate not exceeding 0.5 square foot of area may be affixed to any fence. One banner or other sign may be affixed to a fence on commercial or industrial properties, not to exceed 16 square feet in area. Such area may be increased to 32 square feet if the banner or sign affixed to a fence is in lieu of permitted ground or wall signage.

**Section 43-120. Drive-through Lane Signage.**

Drive-through lanes serving a restaurant may have a maximum of two display boards, each not exceeding 12 feet in height or 48 square feet in area.

**Section 43-121. Flags.**

- (a) **Generally.** Any residence, establishment, or institution may display as many as three flags per parcel, when displayed in accordance with this section. Flags may be displayed on a pole, projecting from a building or door, or placed in a window.
- (b) **Projecting flags.** Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. Flags displayed in such a manner shall not impede pedestrian or vehicular traffic.
- (c) **Window flags.** Flags may be hung in a window.
- (d) **Prohibition.** Flags shall not be attached to vehicles, utility poles, light posts, or to the ground in any manner inconsistent with this section.

**Section 43-122. Electronic Changeable Copy Signs.**

Electronic changeable copy signs may be permitted in conjunction with any permanent ground sign, or any wall or window sign, that is permitted by this chapter, subject to the following additional requirements:



- (a) **Use limitations.** Such signs shall be permitted only in conjunction with a commercial, industrial or institutional land use;
- (b) **Extent of coverage.** An electronic changeable copy sign may be a portion of a wall, window, or permanent ground sign, or it may comprise the entire sign area of such wall, window or permanent ground sign;
- (c) **Permits.** Such signs require the issuance of an electrical permit in addition to a sign permit;
- (d) **Limit 1 per establishment.** No more than 1 such sign shall be permitted for any individual establishment;
- (e) **Duration of message.** Each message on such sign shall remain fixed for at least six seconds;
- (f) **Transition time.** The change sequence of messages shall either occur immediately, or there shall be a transition time of less than one second between different messages. A "fade" or "dissolve" mode, may be used to accomplish a gradual transition from one message to another;

#### **Section 43-123. Interim Banner or Interim Advertising.**

This section applies to any business, industry, institution that has occupied space in a nonresidential building, but which does not yet have either a permanent wall sign or ground sign to identify the establishment. Such business, industry, institution or other occupant may erect a temporary banner not exceeding 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use on a front building wall, of the occupied space. The temporary banner shall not remain in place for more than 45 days and must be removed once a permanent wall sign is affixed or ground sign is erected, whichever first occurs.

In lieu of temporary banner allowance authorized in this section, the city shall authorize other signs and advertising devices in combination with a functional equivalent of 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use square feet in signs and advertising devices including but not limited to: feather banners, temporary ground or wall signs, and flags.

#### **Section 43-124. Suspended Signs.**

One suspended sign per commercial establishment, not exceeding 8 square feet, shall be allowed in addition to permitted wall signage.

#### **Section 43-125. Projecting Signs.**

Projecting signs are permissible as a substitute to a permitted wall sign, subject to the limitations for wall signs and the following additional requirements:

- (a) Projecting signs shall project perpendicularly from the building.
- (b) Projecting signs shall not project more than 3 feet beyond the face of the building.

- (c) Projecting signs shall be secured in place with a frame mount assembly.
- (d) Projecting signs shall have a ground clearance of no less than 8 feet above the lowest ground elevation.

**Section 43-126. Special Event Signage, Establishment.**

Upon application for a special event sign permit, additional signage and advertising devices may be authorized by the Zoning Administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) Only three (3) temporary special event sign permits shall be issued to any one (1) business, industry or institution in any calendar year.
- (b) A special event signage permit shall be valid for a maximum of thirty (30) days; provided, however, that a business or institution may elect to have and in such instances the city shall authorize one temporary special event sign permit per calendar year for a period not to exceed sixty (60) days.
- (c) It shall be a violation of this chapter to continue to display of temporary signs or advertising devices authorized pursuant to this section, after the expiration of a special event signage permit, unless another such permit is lawfully issued.
- (d) At the discretion of the applicant for a special event sign permit, the following may be authorized by the Zoning Administrator, provided that the total square footage of special event signage shall not exceed 96 square feet in area for commercial or industrial land use or 72 square feet in area for institutional use or its equivalent as determined by the Zoning Administrator banner, feather banner, flag, hand-held sign, sign erected on a fence on the site, wind-blown device, pennants, air-blown device or inflatable sign.

**Section 43-127. Marketing Signage for a Residential Subdivision.**

This special sign allowance shall apply to subdivisions containing detached, single-family dwellings. Notwithstanding the prohibitions on certain types of signs and advertising devices as specified in this chapter, upon application for a special event sign permit, additional signage and advertising devices may be authorized by the Zoning Administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) **Duration.** The duration of the special event sign permit shall not exceed six months, unless renewed.
- (b) **Number, type, and area.** The applicant may seek one of the following options
  1. One or more temporary ground signs, on premise, not to exceed 32 square feet in area (total for all signs); or
  2. No more than two banners or feather banners, not to exceed 32 square feet total for all such banners or feather banners; or

3. No more than two off-premise signs, not to exceed 32 square feet in total; this option shall require that authorization from the property owner be secured and evidence thereof to be submitted as a part of the permit application;

**Section 43-128. Weekend Signs.**

In addition to other sign allowances authorized by this chapter, signs on properties in all land use categories including vacant lands are also allowed between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m. as temporary signs and subject to the following provisions:

- (a) Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- (b) Such signs shall not exceed 6 square feet in area nor be more than 3 feet in height.
- (c) Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

**Section 43-129. Variance or Special Authorization.**

A property owner or sign owner may apply for a variance from the provisions of this chapter or a special authorization for signage or advertising device usage not otherwise permitted by this chapter, in accordance with this section.

- (a) The application shall be accompanied by information about the proposed sign or advertising device to be utilized. The Zoning Administrator may require information about the variance or special authorization sufficient to enable evaluation of the request. Variance or special authorization applications shall be accompanied by a fee of \$100.00 per application. Each property for which a variance or special authorization application is filed shall constitute a separate application.
- (b) Applications to vary the sign regulations in this chapter or to authorize special allowances for advertising devices shall not require public notice.
- (c) Any such application for variance or special allowance must be submitted to the zoning administrator and determined complete at least ten (10) business days prior to the meeting of City Council at which the application is to be considered.
- (d) The city council may approve, conditionally approve, or deny an application for variance or request for special allowance for signage or advertising. Approval by City Council shall constitute the only authorization required, unless an additional permit is required for the signage or special advertising as determined by the zoning administrator.

**Section 43-130. Nonconforming Signs.**

Signs which do not meet all requirements of this chapter on its effective date, or which do not meet provisions of this chapter at the time of its amendment, may stay in place until or unless provided otherwise by this chapter.

- (a) No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this chapter.

- (b) Nonconforming signs shall not be modified to add additional lighting or altered in any way that increases the value of said nonconforming sign.
- (c) A nonconforming sign which has been damaged to such extent that repairs equal to or exceeding fifty percent of the sign's current replacement value, as may be determined by independent appraisal or the Zoning Administrator, shall not be repaired or replaced except in conformity with this chapter.
- (d) Minor repairs and maintenance of nonconforming signs shall be permitted.
- (e) A nonconforming sign shall not be moved or replaced by another nonconforming sign unless in conformity with this chapter, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted (this shall not authorize the addition of an electronic message display to a nonconforming sign).

**Section 43-131. Additional Signage on Lot with Nonconforming Sign.**

No principal use or accessory use ground sign or wall sign shall be authorized or permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this chapter. This provision shall not apply to billboards as lawfully existed on the effective date of this chapter.

**Section 43-132. Building and Electrical Permits for Signs.**

- (a) **Building permit.** A building permit, if required by the building code, shall be obtained from the Building Inspector prior to installation or placement of any sign. It shall be unlawful for any person to post, display, or erect a sign in the city without first having obtained a building permit, if required by the building code for said sign.
- (b) **Electrical permit.** An electrical permit, if required by the building or electrical code, shall be obtained prior to the installation or placement of any illuminated sign. All electrical service to a sign once installed shall be in compliance with the electrical code. It shall be unlawful for any person to post, display, or erect a sign with an electrical connection in the unincorporated portion of the city without first having obtained an electrical permit, if required by the electrical code for said sign.
- (c) **Conformity.** All signs for which a building permit or electrical permit is required shall be constructed and maintained in conformance with all applicable building code and electrical code requirements.
- (d) **Application and structural plans.** The applicant for a building permit, if required, shall submit application materials as specified by the Building Inspector, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with requirements of the building code.
- (e) **Plan certification.** Plans required for issuance of a building permit for any projecting sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or be prepared using

standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.

- (f) **Process.** For signs requiring a building or electrical permit, the city shall process such permit applications in the same manner as required for any other building or electrical permit, according to procedures specified in the building or electrical code, whichever is applicable, and as administratively established by the building Inspector and as administered by the Zoning Administrator.
- (g) **Fees.** The fee for a building permit if required for a sign shall be as specified in the building permit fee schedule adopted by the City Council.

#### **Section 43-133. Sign Permit.**

- (a) **Required.** sign permit shall be required for: any ground, projecting, or wall, sign with a sign area exceeding 16 square feet; provided however, that a separate sign permit shall not be required if the sign requires a building and/or electrical permit
- (b) **Permit application.** An application for a sign permit shall require the authorization of the property owner(s). Only the sign owner or authorized agent of the sign owner may make application for a sign permit. Sign permits shall be issued only to the owner of the real property where the sign is to be located; or to an authorized agent of the property owner, or to a lessee who has the right to maintain a sign on the real property where the sign is to be located; or to a sign contractor, constructor, or erector as the agent of the owner or lessee.
- (c) **Application requirements.** An application for a sign permit, if required, shall be made on an application form furnished by the Zoning Administrator. The application form and application materials shall include the following:
  - 1. The names, mailing addresses, telephone numbers, and e-mail addresses of the sign owner, sign erector, property owner, lessee (if applicable), and the agent (if applicable) making the application; approval of the property owner shall be evidenced by signature on the application form by the property owner or authorized agent (in which case a power of attorney or other evidence of legal authority to act on behalf of the property owner shall also be submitted);
  - 2. A \$50.00 non-refundable application fee; if the application is made after the sign has already been erected, the fee shall be \$100.00 and non-refundable
  - 3. The address and description (e.g., tax parcel number) of the property on which the sign is to be erected;
  - 4. The type of sign to be permitted, as classified by this chapter;
  - 5. The number of sign faces and the height and area of the sign to be permitted; and
  - 6. The proposed placement location, shown on a sketch of the building façade if a wall sign or on a plot plan or boundary survey of the property if a ground sign.



- (d) **Permit application review.** When required, a sign permit application shall be submitted to the Zoning Administrator for review and disposition. Processing times from the date a complete application for a sign permit has been received, shall not exceed 15 calendar days, during which time the Zoning Administrator shall review the sign permit application for compliance with this chapter.
- (e) **Decision.** Upon determination that the application fully complies with the provisions of this chapter, the Zoning Administrator shall issue the sign permit. Issuance of a sign permit shall be considered sufficient notice to the applicant that such sign permit is approved. Applications for sign permits which do not comply with the provisions of this chapter or applicable building or electrical codes shall not be approved by the city, unless a variance or special authorization is applied for and granted by City Council. In addition, sign permits shall be withheld if the site on which the sign is proposed to be located contains a prohibited sign, a derelict sign, or a sign for which maintenance is required and which has not been maintained in accordance with the requirements of this chapter.
- (a) **Denial.** If an application for a sign permit is denied, the applicant shall be given written notice stating the reason(s) for the denial. A property owner may reapply for the same sign which was previously denied a sign permit, in order to secure permission for a sign which complies with this chapter and applicable building and electrical codes. An applicant may appeal the denial of a sign permit by filing a request for variance or special advertising authorization as specified in Section 43-129 of this chapter.

#### **Section 43-134. Sign Maintenance.**

- (a) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Property owners of a sign in need of maintenance shall be responsible for promptly maintaining such sign in good repair.
- (b) In cases of a sign in need of maintenance, the Zoning Administrator or other city designee for enforcement shall notify property owner and sign owner if different of the need to maintain signs. If a condition of sign in need of maintenance still exists for more than 30 calendar days after the date such notification was mailed, the Zoning Administrator or other city designee for enforcement shall issue a notice of violation and compliance order to the property owner and if different, the sign owner.

#### **Section 43-135. Discontinued Signs.**

- (a) If a principal use or activity on a property has ceased operation, any permanent ground signs including supports, and wall signs, permitted in connection with said principal use or activity shall be removed within 90 days of the discontinuance of said principal use or activity; provided, however, that a property owner with a significant investment in a sign structure that may reuse the sign structure for another activity within 1 year, may retain the sign structure in compliance with this section, provided that notice of such intent to retain the sign is provided in writing to the zoning administrator.
- (b) If a discontinued principal use ground or wall sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without sign copy until another principal use is established and a sign permit if required is issued for a new principal use ground or wall sign. The purpose of this

provision is to prevent the image of blight associated with a sign structure that has had the copy or sign panel removed, leaving interior supports of the sign structure exposed to public view.

- (c) If a discontinued principal use monument sign contains a sign copy area that is not removable without disassembling the monument, then the sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit, if required, is applied for and granted, or approved sign copy is affixed on the sign copy area of said monument.

#### **Section 43-136. Enforcement of Illegal Signs.**

- (a) Any action or inaction that violates the provisions of this chapter or the requirements of an approved sign permit may be subject to the enforcement actions authorized by the City of Hoschton Code of Ordinances and this chapter.
- (b) In the event the City determines that an applicant or other responsible party has failed to comply with the terms and conditions of a permit, an approved plan or the provisions of this chapter, the zoning administrator or authorized designee (including code enforcement officer) shall issue a written notice of violation to such applicant or other responsible party.
- (c) Prior to taking any of the enforcement actions or imposing any penalties, the city shall first notify the applicant or other responsible party in writing of the intended action, and shall provide a reasonable opportunity of not less than ten business days to cure such violation; provided, however, that violations that constitute an immediate danger to public health or public safety shall be cured within 24 hours of receipt of such written notice.
- (d) Derelict signs, and any signs erected without proper authorization in street rights of ways, or on private property alongside a right of way that constitute a safety hazard, may be removed from placement in such locations by city personnel.
- (e) In addition to enforcement mechanisms permissible with regard to violations of this chapter generally, no new sign shall be authorized to be erected on the same property, and no new sign shall be permitted by the city, unless the property on which the new sign is proposed is in compliance with the requirements of this chapter in all respects.

#### **Section 43-137. Sign Regulations for Planned Unit Developments.**

Within established planned unit development (PUD) zoning district boundaries, any sign allowances and permissions established as a part of such PUD conditional zoning approval shall prevail over the requirements of this chapter. Where a PUD conditional zoning approval exists but does not address the type of sign or the nature of advertising proposed, such signage within such PUD zoning district boundaries shall be subject to the requirements of this chapter.

**Section 2.**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.**

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**Section 4.**

This ordinance may be codified as part of the Code of Ordinances of the City of Hoschton and may be reorganized or renumbered to effectuate that intent.

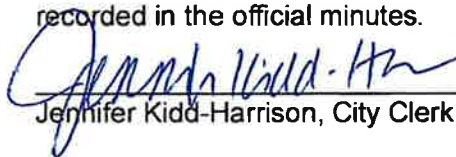
**Section 5.**

. The effective date of this ordinance shall be upon final approval by the Mayor of the City of Hoschton pursuant to Section 2.14(b) of the City Charter.

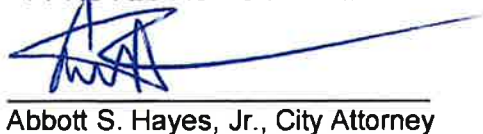
Adopted, this 14<sup>th</sup> day of April, 2021.

  
Shannon Sell, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

  
Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM:

  
Abbott S. Hayes, Jr., City Attorney



Adopted by Council  
(In Rd) 3-20-25

CITY OF HOSCHTON  
STATE OF GEORGIA

TA-25-01

ORDINANCE NO. ~~0-2021-03~~

AN ORDINANCE REPEALING CHAPTER 43, "SIGNS"  
OF THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON AND  
ADOPTING A NEW CHAPTER 43, "SIGNS AND ADVERTISING DEVICES;"  
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR  
SEVERABILITY; TO  
PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR  
OTHER PURPOSES

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF  
HOSCHTON AS FOLLOWS:

Section 1.

Chapter 43, "Signs" is hereby repealed and a new Chapter 43, "Signs and Advertising  
Devices," is adopted to read as follows:

"CHAPTER 43  
SIGNS AND ADVERTISING DEVICES

Section 43-101. Findings.

Section 43-102. Purposes.

Section 43-1 03. Intentions.

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Section 43-101. Findings.

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

- (a) Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents; and
- (b) Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs; and
- (c) Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists; and
- (d) The appearance of the city is substantially influenced by signs, and it is essential to the city's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the city; and
- (e) The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated

- (a) Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or combination of agricultural and residential use, shall not be illuminated.
- (b) Temporary signs shall not be illuminated.
- (c) Signs shall be externally illuminated.
- (d) The light from any illuminated sign shall not be of an intensity or brightness that interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent or nearby properties.
- (e) No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color.
- (f) Illumination shall be by a steady stationary light source, shielded and directed solely at the sign. Light fixtures shall be restricted to not more than one shielded light fixture per side for signs up to 40 square feet and not more than two shielded light fixtures per side for signs over 40 square feet.
- (g) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties. All ground-mounted lighting must be obscured by landscaping approved by the Zoning Administrator or designee
- (h) Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering or halo lighting.
- (i) Lamps shall only produce a white light

Section 43-110. Maximum Sign Height.

- (a) Unless otherwise specifically provided in this chapter, signs shall not exceed the height allowances provided in Table 43-1:

Type of Sign	Commercial	Industrial	Institutional	Agricultural/ Residential	Vacant	PUD/Mixed Use
	Max. height ft.	Max. height ft.	Max. height ft.	Max. height ft.	Max. height ft.	Max Height ft.
Principal signs	24 12	24 12	24 12	12 10	12 10	See Sec. 43-137
Accessory and all other ground signs where permitted	12 8	12 8	12 8	6	6	See Sec. 43-137

Table 43-1 Maximum Ground Sign Height

- (b) Wall signs shall not exceed the height of the building wall on which it is attached

#### Section 43-111. Principal Ground Signs.

- (a) One principal ground sign per property frontage shall be permitted for each lot used for ~~one or two~~ commercial, industrial, or institutional uses, not to exceed ~~the following area limits: 96 square feet for commercial or industrial land use and 72 square feet for institutional use.~~  
**72 square feet**

- a **Signs greater than 60 square feet shall not exceed 12 feet in width**

- (b) ~~One principal ground sign per property frontage shall be permitted for each lot with three or more commercial, industrial, or institutional uses, not to exceed the following area limits: 120 square feet for commercial or industrial land use and 96 square feet for institutional uses.~~

- (c) A principal use ground sign is not permitted for individual residential or agricultural land uses or for vacant property.

#### Section 43-112. Accessory Ground Signs.

Two accessory ground signs per property frontage shall be permitted for each lot used for commercial, industrial, institutional, residential dwelling, agricultural land use, and for each vacant property, not to exceed the following area limits per individual sign:

- (a) 16 square feet for commercial and industrial;
- (b) 12 square feet for institutional, and
- (c) 6 square feet for residential or agricultural land use or vacant property.

#### Section 43-113. Residential Subdivision or Project Entrance Signs.

- (a) Any residential subdivision or multiple-family residential complex shall be permitted one ground sign for each entrance to the subdivision or complex, not exceeding 72 square feet of area for each sign.
- (b) Alternatively, such residential subdivision or complex may install two ground signs per entrance to the subdivision or complex (one on each side of the entrance), not exceeding 36 square feet of area for each sign. When a subdivision or project entrance sign is constructed as an integral part of a wall, only the portion of the monument that contains a message shall be counted for purposes of determining maximum sign area.

#### Section 43-114. Wall Signs.

Wall signage is permitted for commercial, industrial, and institutional land uses. The maximum number of wall signs shall be limited to two per building wall under ownership, lease, or rent, and



permission for a sign which complies with this chapter and applicable building and electrical codes. An applicant may appeal the denial of a sign permit by filing a request for variance or special advertising authorization as specified in Section 43-129 of this chapter.

Section 43-134. Sign **Construction and Maintenance**.

- (a) **Materials, colors, and shapes of proposed signs shall be complementary to the related buildings and to nearby structures and signs. Sign colors shall be non-reflective and shall not contain fluorescent colors.**
- (b) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Property owners of a sign in need of maintenance shall be responsible for promptly maintaining such sign in good repair.
- (c) In cases of a sign in need of maintenance, the Zoning Administrator or other city designee for enforcement shall notify property owner and sign owner if different of the need to maintain signs. If a condition of sign in need of maintenance still exists for more than 30 calendar days after the date such notification was mailed, the Zoning Administrator or other city designee for enforcement shall issue a notice of violation and compliance order to the property owner and if different, the sign owner.

Section 43-135. Discontinued Signs.

- (a) If a principal use or activity on a property has ceased operation, any permanent ground signs including supports, and wall signs, permitted in connection with said principal use or activity shall be removed within 90 days of the discontinuance of said principal use or activity; provided, however, that a property owner with a significant investment in a sign structure that may reuse the sign structure for another activity within 1 year, may retain the sign structure in compliance with this section, provided that notice of such intent to retain the sign is provided in writing to the zoning administrator.

- (b) If a discontinued principal use ground or wall sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without sign copy until another principal use is established and a sign permit if required is issued for a new principal use ground or wall sign. The purpose of this

provision is to prevent the image of blight associated with a sign structure that has had the copy or sign panel removed, leaving interior supports of the sign structure exposed to public view.

- (c) If a discontinued principal use monument sign contains a sign copy area that is not removable without disassembling the monument, then the sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign