

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. ZOA 19-05

AN ORDINANCE TO AMEND PORTIONS OF ARTICLE XII OF THE ZONING ORDINANCE OF THE CITY OF SNELLVILLE, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia, the governing body of the City of Snellville, Georgia, desire to amend Article XII of the Zoning Ordinance of the City of Snellville;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Snellville find that all free-standing signs in excess of 15 feet in height, and in excess of six square feet in size, are legal nonconforming Signs under this ordinance; and

WHEREAS, in accordance with Section 12.10, it is anticipated that such nonconforming Billboards would be reduced over time, but due to proper maintenance of such Billboards, such a reduction has not occurred. The Mayor and City Council finds that the conversion of a limited number of such traditional Billboards to Electronic Message Boards in accordance with this Section 12.10A provides an opportunity to reduce the overall number of Billboards in the City, while simultaneously allowing the more effective utilization of the remaining Billboards.

WHEREAS, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. Article XII of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 12.10 Nonconforming signs, is hereby amended by adding the following language:

Section 12.10A. – Billboard Conversion and Reduction

- A. *Definitions:* For the purposes of this Section 12.10A, the following words and terms used herein are defined as follows:

Billboard: A free standing sign containing a sign Face that is more than 300 square feet in size.

Conversion Structure: A Billboard that will be converted to an electronic message board in accordance with the terms of this ordinance.

Electronic Billboard: An electronic message board that will be installed on a conversion structure and operated in accordance with this ordinance. The provisions of Section 12.8 shall not apply to Electronic Billboards except as specifically set forth herein.

Face: That portion of the Billboard upon which the advertising message is displayed.

Removal Structure: A Billboard that will be removed in accordance with the terms of this Section 12.10A.

- B. *Eligibility for use as a Conversion Structure:* Any legal nonconforming Billboard existing within the City as of the date of the adoption of this Section 12.10A which is located along State Route 124 or State Route 10/United States Highway 78, and is located no closer than 6,000 feet from the nearest Conversion structure or Electronic Billboard as defined in this section shall be eligible for use as a Conversion Structure hereunder.

- C. *Exchange Ratio and Permitting:* Notwithstanding any other provision of this Article, any eligible conversion structure may be modified to an electronic Billboard, provided that the applicant remove from within the City of Snellville an equal number of Removal Structures and Faces to be converted. In order to be eligible for use as a removal structure, the entirety of the above-ground portion of the removal structure must be removed. The applicant shall be entitled to obtain a permit, upon proper application, for the conversion of a conversion structure to an electronic Billboard, which permit shall provide that the conversion structure may not be converted to an electronic Billboard until the removal structure has been fully removed. Each permit shall grant the applicant a period of not less than one year to complete conversion of the conversion structure after removal of the removal structure.

- D. *Construction:* In addition to the replacement of the sign Face(s) with the electronic Billboard, the applicant shall be permitted to structurally modify or replace the conversion structure as may be necessary to comply with current applicable building codes. In addition, the conversion structure may be relocated upon the Property so long as such relocation does not increase the height or size

of the sign, nor does it increase the degree of nonconformity in regard to applicable setbacks without the prior approval of the Mayor and City Council.

E. *Operation of Electronic Billboards:* Each electronic Billboard shall be operated in accordance with the following requirements:

- (1) The electronic Billboard may include the entire sign Face, but shall not exceed 672 square feet in size;
- (2) Only static messages shall be displayed on the electronic Billboard. Each individual static message shall remain unchanged on the display for not less than ten seconds. The change between each static message shall be accomplished within one second, and such change shall not include any scrolling, blinking, fading, frame effects, or other graphics. Animation, flashing, blinking, and video images are prohibited;
- (3) Each electronic Billboard shall contain a light sensing device which will adjust the sign Face brightness to account for changing ambient light conditions. The maximum brightness produced by each electronic message board sign Face shall not exceed three-tenths foot candles above ambient light levels as measured at five feet above the ground at a distance of 250' from the Sign Face.
- (4) Each electronic Billboard owner or operator shall provide the City with twenty-four-hour contact information in the event the City needs to notify them of the malfunction of the electronic Billboard. In the event of a malfunction of the electronic Billboard such that it violates the provisions of this Section 12.10A, or otherwise violates state operational standards, the electronic Billboard shall either be turned off, display a blank image, or the display frozen to a single image until it can be repaired.
- (5) Each electronic Billboard owner will participate in the National Amber Alert Program, FBI, GBI, and other recognized emergency alert broadcasting systems in regard to the electronic Billboard. In addition, such owner will coordinate with the Snellville Police Department to permit the display of local emergency messages where appropriate.
- (6) Where located on a State controlled route, each electronic Billboard must obtain all necessary permits from the Georgia Department of Transportation or other applicable regulatory agency(ies).

Section 2. (a) It is hereby declared to be the intention of the Mayor and Council that all

sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
#ZOA 19-05

enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. This Ordinance was adopted November 25, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 25th day of November, 2019.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member