

RESOLUTION OF THE MACON-BIBB COUNTY PLANNING AND ZONING COMMISSION CORRECTING ERRORS IN, REORGANIZING, REVISING AND UPDATING IN COMPLIANCE WITH APPLICABLE LAW CHAPTERS 1, 4, 23 and 25 OF THE COMPREHENSIVE LAND DEVELOPMENT RESOLUTION FOR MACON-BIBB COUNTY, REGARDING SIGN REGULATION AND OTHER MATTERS.

WHEREAS, the Macon-Bibb County Planning and Zoning Commission (the “commission”) finds that the Comprehensive Land Development Resolution for Macon-Bibb County (the “resolution”) from time to time requires amendment and updating for consistency with, and to remain in compliance with, state and federal law, for correction of certain typographical errors and for internal consistency, to remove archaic and anachronistic language, and for other purposes.

WHEREAS, the commission finds specifically that Chapter 25, “Signs,” and related provisions involving signs in Chapters 1, 4 and 23 of the resolution, require updating in compliance with state and federal law, including the recent United States Supreme Court case of Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) (relating to sign regulation and the First Amendment to the U.S. Constitution), and that some reorganization of such chapters is warranted for clarification and simplification.

NOW THEREFORE, THE COMMISSION resolves that:

I. Chapter 1, “DEFINITIONS OF TERMS USED IN THIS RESOLUTION,”

is amended by:

1. Deleting Section 1.02[9], “*Billboard*,” in its entirety and renumbering Section 1.02[8.2] as Section 1.02[9];
2. Deleting Section 1.02 [49], “*Institution*,” in its entirety and renumbering Section 1.02[48.1] as Section 1.02[49]; and
3. Deleting the term “primary” from the text of Section 1.02[69.1], “Mural.”

II. Chapter 4, “GENERAL PROVISIONS,” of said resolution shall be and

is hereby amended by:

1. Designating the current text of Section 4.09, “Lighting,” as subsection “[1];”
and
2. Inserting a new subsection [2] to read as follows:

“Flashing or running lights within public view are prohibited, provided that this prohibition shall not apply to temporary holiday displays.”

III. Chapter 23, “SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES,” of said resolution shall be and is hereby amended by:

1. Deleting Section 23.01[1](i) (“No signs advertising the home occupation shall be permitted.”) in its entirety and redesignating subpart (j) of such section and subsection as (i); and

2. Deleting Section 23.19[1](i) (“No signs advertising the business being conducted shall be permitted.”) in its entirety and redesignating subpart (j) of such section and subsection as (i).

IV. Chapter 25, “SIGNS,” of said resolution shall be and is hereby amended by deleting the entire text of said chapter and replacing it with the following:

Chapter 25 - SIGNS

Section 25.01. – Findings, Purpose and Intent.

The commission finds that the number, size, design characteristics and locations of signs in Macon-Bibb County directly affect the public health, safety and welfare. The commission further finds that signs can become excessive and that many signs are distracting and dangerous to motorists and pedestrians, and substantially detract from the beauty and appearance of the county. The commission finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations.

The intent of this chapter is to protect the health, safety, and general welfare of the public by establishing standards for the design, size, number, location, illumination and

maintenance of all signs and sign structures. Signs, by their very nature, are intended to draw attention to the message being displayed and, thus, distract and draw attention. The commission determines that such distractions represent substantial public safety risks, related to traffic and other matters.

The commission's intentions and purposes in enacting these regulations are to permit signs compatible with their surroundings, prevent sign congestion and to create a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community. These regulations are intended to maintain an aesthetically attractive county in which signs are compatible with the use patterns of established zoning districts, to maintain an aesthetically attractive environment and to advance the aesthetic interest of Macon-Bibb County, while at the same time recognizing the commission's obligation to allow free speech under state and federal law. The commission finds that these regulations directly advance the stated purposes for these regulations and that such regulations are narrowly tailored to serve the commission's interests.

These regulations are not intended to, and do not, restrict the content of sign messages and do not apply to signs located on public property, including rights-of-way.

Section 25.02. - Supplemental definitions.

For purposes of this chapter, the following definitions shall be used:

[Note: As non-exclusive examples of particular types of signs defined in this section, pictures of such signs are provided in Appendix A to this chapter. Such pictures are for illustrative purposes only, and are not intended to in any way limit the meaning of any terms defined herein.]

[1] *A-frame sign.* A portable sign constructed in such a manner as to form an "A" or tent-like shape, which is readily moveable, and is not permanently attached to the ground or any structure.

[2] *Animated sign.* A sign containing animation.

[3] *Animation.* Images designed to create the appearance of action or life-like movement, including flickering of candles, waving of flags, bursts from fireworks, or any other simulation of lifelike or action-like movement or qualities.

- [4] *Balloon sign.* See *Inflatable device.*
- [5] *Banner.* A temporary sign other than a flag or feather flag hanging from a building wall or other structure constructed of paper or fabric of any kind, provided that this classification shall not include any signs which are permanently attached to a structure within a rigid frame.
- [6] *Billboard.* A sign which is larger than two hundred (200) square feet and not greater than six hundred seventy two (672) square feet, provided that signs permitted under Section 25.06 shall not be considered billboards, regardless of size.
- [7] *Blade flag or Blade sign.* See Feather flag.
- [8] *Building frontage.* When used as a term regarding the calculation of sign area, building frontage shall mean the linear footage of that portion of the building on the ground floor that fronts along a street.
- [9] *Building sign.* A wall sign or projection sign.
- [10] *Business.* When used as a term in this chapter, a business shall mean a commercial, professional, retail, wholesale, warehouse, industrial or nonprofit activity or organization.
- [11] *Business park.* A group of businesses, professional offices, warehouses and/or industrial properties on one property, exceeding in the aggregate seven thousand five hundred (7,500) square feet of gross leasable area, planned and developed as a unit, with common off-street parking provided on the property.
- [12] *Canopy sign.* A sign affixed, painted or otherwise attached to a canopy. A canopy sign is a type of projection sign.
- [13] *Changeable copy sign.* A sign other than a billboard which changes the message or other display on the sign electronically, digitally or otherwise automatically. Changeable copy signs include images or messages with the above-described characteristics that are projected onto buildings or other objects. A television or similar electronic device installed and oriented to be viewed by patrons in or on a business premises, and not from a public area, shall not be considered a changeable copy sign. In addition, a sign that otherwise falls within the definition of changeable copy sign shall not be considered a changeable copy sign if it meets all of the following requirements:
- (a) the sign changes its message or copy no more frequently than once every twelve (12) hours;

(b) the sign changes are accomplished without scrolling, fading or dissolving;
and

(c) any electronic or digital portion of the sign is no larger than twelve (12)
square feet.

[14] *Cube-shaped or Cube-type sign.* A sign in the shape of a cube, with four sign faces.

[15] *Dissolve.* A mode of electronic or digital message or display transition on a changeable copy sign or multiple message billboard accomplished by varying the light intensity or pattern, where the first message or display gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and increasing legibility of the second message or display.

[16] *Double-faced sign.* A sign with two separate faces that are back-to-back to each other.

[17] *Double-stacked billboards.* Billboards with two separate faces that are stacked vertically to each other, supported by the same structure.

[18] *Establishment.* A place of business.

[19] *Fade.* A mode of electronic or digital message or display transition on a changeable copy sign or multiple message billboard accomplished by varying the light intensity, where the first message or display gradually reduces intensity to the point of not being legible and a subsequent message or display gradually increases intensity to the point of legibility.

[20] *Feather flag.* Any cloth, fabric, plastic or similar lightweight, nonrigid material, designed for advertisement, display, identification, description, illustration, or conveying a message or information, visible from any public place or exposed to the general public, and attached to a vertical or near-vertical pole mounted into the ground or on a portable structure such that the material is not free to furl and unfurl as a flag would do. The term "feather flag" shall also include similar devices or terms, such as blade, teardrop or shark fin signs or flags, and sign flags. A feather flag may or may not exhibit a text message or symbol of any kind, and may be a single color or multiple colors.

[21] *Flag.* Any cloth, fabric or other flexible material designed for advertisement, display, identification, description, illustration, or conveying a message or information, more than two square feet in size and visible from any public place or exposed to the general

public, attached on one side to a flagpole at an angle of 45 degrees or more from the ground, hanging freely such that that it remains free to furl and unfurl. The term “flag” does not include banners or feather flags. A flag may or may not exhibit a text message or symbol of any kind, and may be a single color or multiple colors.

[22] *Freestanding sign.* Any permanent, non-portable sign that is supported by an independent structure placed on or anchored in the ground and not attached to any building or secondary structure.

[23] *Height.* Height of a sign shall refer to the distance from the top of the sign, including any extension, to the ground on which it is located, provided that, if the sign is on ground below street grade based on the portion of the street closest to the sign, height shall be measured from the level of that portion of the street.

[24] *Illuminated sign.* A sign lighted by or exposed to artificial lighting (including electronic displays) either by lights on or in the sign or directed toward the sign.

[25] *Inflatable device.* A device or sign that is an air or gas-inflated object, which may be of various shapes, made of flexible fabric or similar material, resting on, or tethered to, the ground or a structure, visible from any public place or to the general public, and designed for display or to attract attention from the public. Also known as or includes balloon signs, air dancers and inflatable dancers. Such device may or may not contain any message, text or symbol of any kind. Balloons less than two feet in diameter, if spherical or approximately spherical, or four (4) cubic feet if not such shape, shall not be considered inflatable devices.

[26] *Luminance.* Measure of the brightness of a sign face. Measured by nits or candelas per square meter.

[27] *Multiple message billboard.* A billboard which changes the message or other display on the sign electronically, digitally or otherwise automatically.

[28] *Nit.* A luminance unit equal to one (1) candela per square meter.

[29] *Pennants and streamers.* Generally long, tapering, lightweight, flag-like plastic, fabric or similar materials that are mounted or tethered to a pole(s), building or other structure by a rope, wire, string or similar device, in series (i.e., more than two on a string), and that is designed to move in the wind (i.e., flutter) to attract attention. A

pennant or streamer may or may not exhibit a text message or symbol of any kind, and may be a single color or multiple colors.

[30] *Portable sign.* Any sign designed to be transportable (moveable), including but not limited to, signs designed to be transported by means of wheels, A-frame and T-frame signs, menu board signs and sandwich board signs. A portable sign does not include a sign on an operable vehicle actually used as a vehicle and not left permanently or indefinitely on a property.

[31] *Projection sign.* Any sign affixed to a building wall in such a manner that its leading edge is extended more than twenty-four (24) inches beyond the surface of the building wall or any canopy sign regardless of how far the sign face extends from the surface of the building.

[32] *Roof sign.* Any sign erected and constructed on and/or over the roof of the building which supports the sign.

[33] *Scrolling.* A mode of message or display transition on a changeable copy sign or multiple message billboard where the message or display appears to move, without fading or dissolving, across, or up and down, the display surface.

[34] *Side-by-side billboards.* Billboards whose faces are placed side-by-side, supported by the same sign structure.

[35] *Sign.* Any structure, object or device designed for description, illustration, conveying information or a message, advertisement or identification, which is visible from any public place or exposed to the general public. A sign shall also include any painting, writing, display, emblem or symbols painted or drawn on, or affixed to, an outside wall, fence or other structure designed to advertise, identify or convey information and visible from any public place. A mural shall not be considered a sign except to the extent any portion of the mural would be considered a sign under the immediately prior sentence. House or street numbers shall not be considered signs for the purposes of these regulations.

[36] *Sign area.* The smallest square, rectangle, triangle, circle or combination thereof encompassing the entire area of the sign, excluding architectural trim and structural support. For the purpose of these regulations, the sign area shall include the aggregate of all letters, graphics and background area.

[37] *Sign flag.* See feather flag.

- [38] *Sign structure*. Any structure which supports, has supported or is capable of and intended to support a sign, including decorative cover.
- [39] *Standard billboard*. A billboard that is not a multiple message billboard.
- [40] *Subtle*. Not immediately obvious or comprehensible; difficult to detect.
- [41] *T-frame sign*. A portable sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.
- [42] *Teardrop flag or teardrop sign*. See Feather flag.
- [43] *Temporary sign*. A non-illuminated sign, including but not limited to those mounted on a stake or metal frame, that by its design or construction is intended to be used for a limited time period, and is not permanently mounted or anchored into the ground or onto a structure. The term “temporary sign” shall not include portable signs but shall include, among other things, feather flags and banners.
- [44] *Traffic control sign*. A sign, usually erected and maintained by a city, county or state, that is erected pursuant to uniform regulations governing the erection and maintenance of traffic control devices, including signs, signals, markings, or other similar devices on public roads of Georgia.
- [45] *Transition*. The method and/or visual effect used on an electronic or mechanical changeable copy sign or multiple message billboard to change from one message to another.
- [46] *V-shaped sign*. Any sign which has an interior angle between two faces of 60 degrees or less.
- [47] *Wall sign*. Any permanent sign painted on, or attached to and not more than twenty-four (24) inches from, the exterior wall of any building or structure.
- [48] *Window sign*. A sign painted or affixed directly on the glass or window of a building wall.

Section 25.03. - General provisions.

All signs shall conform to the following standards:

- [1] All provisions and regulations governing signs shall bind any applicant for a sign permit, or any person erecting or maintaining a sign, unless and except to the extent exempted under these regulations or applicable law.
- [2] No sign or sign structure shall be erected without a permit unless such sign is exempted from permitting requirements pursuant to §25.04 or elsewhere in these regulations, and no sign shall be erected that is prohibited pursuant to these regulations. Any permit for a sign shall become null and void six months after issuance if the sign is not erected by then. An applicant may apply for an extension of such permit for up to six additional months.
- [3] For the purpose of computing sign area, only the largest side of a V-shaped or double-faced sign shall be considered. In the case of a cube-shaped sign, the two largest sides shall be considered.
- [4] For the purpose of measuring distance of signs from property in certain zoning districts in this chapter, such distance shall be measured from the nearest portion of the sign to the property in such zoning district closest to the sign provided that street and highway right-of-ways shall not be considered as being property in such districts.
- [5] Any sign as to which regulation under this resolution is prohibited under state or federal law, or elsewhere in this resolution, shall be exempt from regulation under this resolution to the extent of such prohibition.
- [6] All applications for sign permits shall be in the name of, and issued only to, the owner or tenant of the property on which the sign is located, or the authorized agent of such owner or tenant, except for billboard permits, which shall be in the name of, and issued only to, the owner of such property. Permits shall authorize signage only for the person or entity to whom the permit was issued. Any change in ownership, or tenancy, as applicable, shall require a new permit.
- [7] All signs except billboards and temporary signs must be located on property on which a permit has been issued for a use of land or a structure, or on property containing a legal nonconforming use.

Section 25.04. – Signs or similar display materials not requiring a permit.

The following shall not require a permit, and shall not be counted as part of any maximum signage under any permit, but are otherwise subject to any applicable requirements in this resolution:

[1] Window signs or any signs or displays on the inside of a building, regardless of whether such signs or displays are visible from outside the building.

[2] Any sign or notice posted, erected by, or at the direction of, county, state, or federal government.

[3] Flags, subject to the following requirements:

- (a) In residential and historic districts, flagpoles shall not exceed twenty-five (25) feet in height;
- (b) In nonresidential districts that are non-historic, flagpoles shall not exceed fifty (50) feet in height;
- (c) Each lot or parcel may have a maximum of two flagpoles, with up to two flags on each pole;
- (d) On flagpoles up to twenty-nine (29) feet in height, flags may be a maximum of thirty-five (35) square feet; and
- (e) On flagpoles more than twenty-nine (29) feet in height, flags may be up to a maximum of seventy (70) square feet.

[4] Temporary signs for each lot or parcel, subject to the following requirements:

- (a) In all residential districts and historic districts (and on any property used for a single family dwelling or duplex regardless of the district), up to three temporary signs, with the maximum height of such signs that are freestanding being three (3) feet and the maximum size of any such signs being five (5) square feet, provided that, where the use is multifamily residential or at the entrance to a residential subdivision, the maximum height of any such sign that is freestanding shall be eight (8) feet and the maximum size of any such sign shall be twenty (20) square feet.
- (b) In commercial, industrial, PDE and agricultural districts (excluding historic districts and properties used as single family dwellings or duplexes), up to three

temporary signs, provided that the maximum height of such signs that are freestanding shall be eight (8) feet and the maximum size of temporary signs shall be thirty-two (32) square feet for one such sign and sixteen (16) square feet for the others, and provided further that any such signs that are feather flags may be a maximum of twelve (12) feet high and no more than three (3) feet in width.

(c) Notwithstanding the above, in all commercial, industrial, agricultural and PDE (nonresidential areas only) districts, on all properties abutting an interstate highway where the signs face the interstate, the maximum height of temporary signs that are freestanding shall be up to twelve (12) feet and the maximum size of temporary signs shall be up to sixty-four (64) square feet.

(d) Notwithstanding the above, any temporary sign that is a banner shall be allowed in addition to other temporary signs, subject to the following requirements:

(i) The banner shall be attached only to a building wall, and shall not extend above the building wall.

(ii) The banner shall not exceed twenty-four (24) square feet in area.

(iii) The banner shall not be attached to, or between, telephones poles, fences, fence poles, utility poles, public or private light poles, trees, vehicles, or any other apparatus other than a building wall.

(iv) The banner shall not be placed on the roof of any building.

(v) The banner shall be maintained in a neat and attractive condition.

(vi) Banners shall be allowed only on nonresidential properties.

(vii) The banner shall extend no more than twenty-four (24) inches from (but not above) a building wall.

(viii) Only one banner per establishment shall be allowed.

[5] Permanent (i.e. nontemporary) signs located on property used for residential purposes where a single family dwelling or two family dwelling (duplex) is located, up to one (1) sign per residential unit, with each sign being up to two (2) square feet in size and, if freestanding, up to three (3) feet in height.

[6] A-frame and T-frame signs, on property with commercial uses only, which meet the following requirements:

- (a) are non-illuminated;
- (b) do not exceed eight (8) square feet in size;
- (c) number no more than one (1) per establishment;
- (d) are not in a parking lot or driveway; and
- (e) either: (i) meet any setback requirements for structures on the property they are located, or (ii) are within ten (10) feet of a building wall.

Section 25.05. - Prohibited signs and other devices.

The following are prohibited, in any zoning district:

[1] Any sign painted on or attached to natural features such as trees, rocks, utility poles and fence posts.

[2] Any sign or sign structure which by reason of its size, location, coloring or illumination impedes the vision of drivers, or obstructs or detracts from the visibility of any traffic control sign or device on public streets and roads.

[3] Any sign which obstructs free ingress or egress from a building, door, window, fire escape, or other exit way required by any government agency or code regulating public safety.

[4] Any sign that imitates traffic control signs (but is not one) or creates a safety risk to the traveling public.

[5] Any roof sign.

- [6] Portable signs, except for A-frame or T-frame signs that meet the requirements of Section 25.04[6].
- [7] Pennants and streamers.
- [8] Any signs on or over public property except where specifically allowed by the entity with control over such property and except for projection signs in the central business districts which may overhang public sidewalks, provided that no traffic hazard is created thereby and subject to disapproval by the entity with control over such sidewalks.
- [9] Any billboard greater than six hundred seventy-two (672) square feet in size, and/or, if freestanding, any sign greater than seventy (70) feet in height except pursuant to Section 25.06[4]; and any sign (other than a billboard) larger than two hundred (200) square feet, except as allowed under Section 25.06.
- [10] Animated signs.
- [11] Inflatable devices.
- [12] Signs using audio capabilities.
- [13] Flags, except as allowed under Section 25.04[3].
- [14] Temporary signs, except as allowed under Section 25.04[4].
- [15] Permanent signs located on property used for residential purposes where a single family dwelling or two family dwelling (duplex) is located, except as allowed under Section 25.04[5].

Section 25.06. - Permitted use standards for selected signs.

- [1] This section shall not apply to billboards, which are governed by Section 25.07.
- [2] When determining maximum allowable sign size based on building or street frontage of a given property, such frontage shall be counted only once, regardless of the number of entities owning and/or leasing the property with such frontage.
- [3] The following uses, where allowed, shall be granted permitted use signs not otherwise prohibited in the following zoning districts as described below:
 - (a) Residential districts (excluding historic residential but including residential areas of PDE districts), for the following uses:
 - (1) Schools and places of assembly, up to three signs, one of which may be freestanding with a maximum height of ten (10) feet, with the

maximum size of any one sign being fifty (50) square feet and the total aggregate sign area being fifty (50) square feet;

- (2) Multi-family developments and entrances to residential subdivisions, one sign, freestanding or building, up to thirty-two (32) square feet, with any freestanding sign having a maximum height of eight (8) feet; and
- (3) Businesses, one freestanding sign on each street frontage of a property up to twelve (12) square feet in size and up to six (6) feet in height, and one building sign per establishment up to four (4) square feet in size.

(b) In historic residential districts, for the following uses:

- (1) Schools and places of assembly, up to two signs, one of which may be freestanding with a maximum height of six (6) feet, with the maximum size of any one sign being ten (10) square feet;
- (2) Multi-family developments and entrances to residential subdivisions, one sign, freestanding or building, up to ten (10) square feet, with any freestanding sign having a maximum height of six (6) feet;
- (3) Businesses, one freestanding sign on each street frontage of a property up to twelve (12) square feet in size and six (6) feet in height and one building sign per establishment up to two (2) square feet in size; and
- (4) Guest quarters, one sign, freestanding or building, up to eight (8) square feet in size, with any freestanding sign being up to six (6) feet in height.

(c) In historic commercial and historic planned development districts, for the following uses:

- (1) Schools and places of assembly, up to two signs, one of which may be freestanding with a maximum height of six (6) feet, and with the maximum size of any one sign being ten (10) square feet;
- (2) Multi-family developments and entrances to residential subdivisions, one sign, freestanding or building, up to ten (10) square feet in size and with any freestanding sign being up to six (6) feet in height;

- (3) Businesses, one freestanding sign on each street frontage of a property up to sixteen (16) square feet in size and up to eight (8) feet in height and one building sign per establishment up to four (4) square feet in size;
 - (4) Guest quarters, one sign, freestanding or building, up to eight (8) square feet in size and with any freestanding sign being up to six (6) feet in height; and
 - (5) Shopping centers and business parks, one freestanding sign on each street frontage of a property up to eighty (80) square feet and twelve (12) feet in height, and one building sign per establishment up to sixteen (16) square feet.
- (d) In nonresidential districts (excluding historic districts but including nonresidential areas of PDE districts), for the following uses:
- (1) Multi-family developments and entrances to residential subdivisions, one sign, freestanding or building, up to thirty-two (32) square feet, with any freestanding sign having a maximum height of ten (10) feet;
 - (2) Businesses (other than shopping centers and business parks), schools and places of assembly:
 - (i) one freestanding sign on each street frontage of a property, with the sign area being up to two (2) square feet per linear foot of street frontage, up to a maximum of two hundred (200) square feet [one hundred twenty (120) square feet in CBD-1 and CBD-2] and with a maximum height as follows:
 - (AA) twenty-five (25) feet in Agricultural, CBD-1, CBD-2 C-1, C-5, PDC, PDI and PDE and SC districts; and
 - (BB) thirty-five (35) feet in C-2, C-4, M-1, M-2 and M-3 districts; and
 - (ii) building signage, up to two (2) square feet per linear foot of building frontage leased or owned by an establishment (on the side of the building with such frontage), provided that each establishment in a building shall be entitled to at least four (4) square feet of signage regardless of frontage.
 - (3) shopping centers and business parks:

(i) one freestanding sign on each street frontage of a property, with the sign area being up to a maximum size of three hundred twenty (320) square feet, and a maximum height of:

(AA) twenty-five (25) feet in Agricultural, CBD-1, CBD-2, C-1, C5, PDC, PDI, PDE and SC districts; and

(BB) thirty-five (35) feet in C-2, C-4, M-1, M-2 and M-3 districts; and

(ii) building signage allowed for any building or portion of a building shall be up to two (2) square feet per linear foot of building frontage leased or owned by an establishment (on the side of the building with such frontage), provided that each establishment in a building shall be entitled to at least four (4) square feet of signage regardless of frontage.

[4] Notwithstanding the above height restrictions, in A, C-2, C-4, M-1, M-2, M-3, PDE, PDI and PDC districts, free standing signs (other than billboards) located on commercial property and within one thousand (1,000) feet of the midpoint of intersecting streets of an interstate interchange may be up to no more than one hundred (100) feet in height.

[5] *Miscellaneous signs.* In addition to the other signs permitted in each zoning district under this section, the following miscellaneous signs shall be allowed as a permitted use for any multi-family or nonresidential use as follows:

(a) Within the minimum setback from right-of-way for principal buildings, miscellaneous signs may be located at entrance or exit driveways to the property. There shall be no more than two (2) such signs per driveway and each such sign shall not exceed eight (8) square feet in sign area nor be more than two and one-half (2½) feet in height.

(b) Other miscellaneous signs may be allowed (provided such signs shall be located farther from the street than the minimum required setback from right-of-way for principal buildings) as follows:

(i) In nonresidential districts (other than CBD-1 and CBD-2) and nonresidential areas of PDE districts, one (1) miscellaneous sign may be allowed for each principal building on the lot provided said sign does not exceed thirty-two (32) square feet in area or eight (8) feet in height;

(ii) In residential districts, CBD-1, CBD-2 and residential areas of PDE districts, one (1) miscellaneous sign per building may be located on property used for multi-family or where the primary use is nonresidential, provided that each such sign is no more than six (6) square feet in sign area or more than four (4) feet in height; and

(iii) For drive-through traffic establishments, up to two (2) signs may be allowed at each drive-through lane provided that the aggregate sign area does not exceed sixty-four (64) square feet in area and eight (8) feet in height for each drive-through lane. No more than four (4) such signs shall be allowed per drive-through establishment, and no one sign may exceed thirty-two (32) square feet.

(c) Miscellaneous signs allowed under this subsection shall not count toward the maximum number of signs allowed in this section, but the size of each miscellaneous sign shall count toward the aggregate square footage allowed under this section.

[6] Freestanding signs permitted under this section shall not be considered billboards for purposes of this chapter.

Section 25.07. - Special requirements for billboards.

[1] *General provisions.*

(a) All applications for billboards shall be made in the name of the property owner and all permits for billboards shall be issued to the property owner.

(b) Billboards shall be allowed only in C-2, C-4, M-1, M-2, M-3, PDC, PDI and PDE districts provided that, in PDE districts, billboards shall be allowed only in nonresidential areas.

(c) Billboards shall not be located within one thousand (1,000) feet of another billboard on either side of the street, regardless of which direction the sign is viewed, as measured along the right-of-way from the nearest edge of the sign. Further, a billboard shall not be located within five hundred (500) feet of another billboard as measured by the radius around the billboard.

- (d) The maximum size of a billboard shall be six hundred seventy-two (672) square feet and the maximum height shall be seventy (70) feet. A billboard shall be more than two hundred (200) square feet in size.
- (e) No billboard may be closer than one hundred (100) feet from residentially zoned property.
- (f) No billboard larger than three hundred eighty-four (384) square feet or having a maximum height of more than forty (40) feet above ground level, and no multiple message billboard, may be within two hundred (200) feet of residentially zoned property.
- (g) No billboard shall be located inside, or within five hundred (500) feet in any direction of, a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within five hundred (500) feet of such an area when the sign is separated by a building(s) or other obstruction(s) so that the sign located within the five hundred (500) foot zone is not visible from such area.
- (h) No billboard structure shall be located inside or within one thousand (1,000) feet of the property line of a historic zoning district, national register historic district or any legally recognized historic site or monument.
- (i) Distances and sign heights, when required by these regulations, shall be established by a survey performed by a surveyor licensed in the State of Georgia. Said survey shall be provided at the time an application is made.
- (j) The following billboards are prohibited: Double-stacked or side-by-side billboards and billboards located on walls, rooftops or canopies, as well as billboards with flashing, intermittent or moving light except as allowed for multiple message billboards under subsection [7] of this section.
- (k) Where allowed as a permitted or conditional use, billboards, including multiple message billboards, may be an additional sign to those allowed under Section 25.06.
- (l) In addition to the spacing and setback standards provided elsewhere in this section, billboards shall meet all setbacks for front, side, and rear yards as required for principal buildings in the same zoning district.

[2] *Permitted use areas for standard billboards.* Subject to the general provisions in Subsection [1] of this section, in C-2, C-4, M-1, M-2 and M-3 districts, standard billboards not otherwise prohibited may be constructed and maintained as a permitted use, as follows:

- (a) Standard billboards located adjacent to either an interstate highway or Eisenhower Parkway, located at least two hundred (200) feet from the nearest residentially zoned property; and
- (b) Standard billboards which do not exceed three hundred eighty-four (384) square feet in size and forty (40) feet in height above ground level if located at least one hundred (100) feet from the nearest residentially zoned property.

[3] *Conditional use areas for standard billboards.* Subject to the general provisions in subsection [1] of this section, and except as provided in subsection [2], above, standard billboards not otherwise prohibited shall be allowed only as a conditional use in C-2, C-4, M-1, M-2, M-3, PDE (nonresidential areas only), PDC and PDI districts.

[4] *Permitted use areas for multiple message billboards.* Subject to the general provisions in subsections [1] and [7] of this section, in C-2, C-4, M-1, M-2 and M-3 districts, multiple message billboards may be constructed and maintained as a permitted use where they are adjacent to an interstate highway or Eisenhower Parkway.

[5] *Conditional use areas for multiple message billboards.* Subject to the general provisions in subsections [1] and [7] of this section, and except as provided in subsection [4], above, multiple message billboards shall be allowed only as a conditional use in C-2, C-4, M-1, M-2, M-3, PDE (nonresidential areas only), PDC and PDI districts, and only in the following locations within such districts:

- (a) Signs adjacent to an interstate highway or Eisenhower Parkway;
- (b) Signs located on property not adjacent to an interstate highway but that can be read by the traveling public on such highway; and
- (c) Signs located on property fronting an arterial street having a grass or raised median.

[6] *Criteria for conditional use.* The commission, in determining whether to allow any billboard as a conditional use, in addition to considering any applicable criteria under Section 3.03 of this resolution, shall be guided by the following criteria:

- (a) Whether the size of the site and the size and height of the sign are suitable, considering the relationship of the proposed sign to adjacent parcels of land and development patterns in the area;
- (b) The impact which the proposed sign may have on the view of significant features of the landscape as seen by motorists and adjacent property owners, the proposed location and setback of the sign on the site, and its aesthetic impact on surrounding properties;
- (c) The effect the proposed sign will have on traffic and highway safety;
- (d) Any accompanying or unique feature of the proposed sign, including plans for illumination and landscaping; and
- (e) Any other factor that is related to the suitability of the proposed sign for the proposed site, including any conditions or limitations offered by the applicant.

Notwithstanding the above criteria, content of the sign shall not be considered by the commission.

[7] *Additional criteria for multiple message billboards.* In addition to the above requirements and provisions for multiple message billboards and all billboards, multiple message billboards shall be subject to the following additional requirements and provisions:

- (a) *Location.* Multiple message billboards shall not be placed within a five thousand (5,000) foot radius of another multiple message billboard or within two hundred (200) feet of residentially zoned property.
- (b) *Mode of Transition.* Multiple message billboards using electronic or digital transition shall only contain messages changed through either: (i) instantaneous transition, with no visible intermittent elements; (ii) subtle transitions such as fading, dissolving or similar transitions that do not have the appearance of moving text or images; or (iii) scrolling.
- (c) *Display and transition time.* Each message shall remain static for a minimum of ten (10) seconds. If the message is changed mechanically, transition shall occur in less than three (3) seconds. If the message is changed electronically or digitally, transition shall occur in less than two (2) seconds.
- (d) *Flashing, intermittent and moving lights.* Other than as described in (b) and (c) immediately above, flashing, intermittent and/or moving lights are not allowed on

multiple message billboards.

- (e) *Freestanding*. Multiple message billboards shall only be freestanding signs.
- (f) *Dimmers*. All multiple message billboards must have photocell dimmers in good working condition to achieve the requirements for brightness of all illuminated signs under Section 25.09[5].
- (g) *Default mechanism*. All multiple message billboards shall be equipped with a properly functioning default mechanism that will stop the sign in one position should any malfunction occur.

Section 25.08 - Standards for changeable copy signs.

[1] *Zoning districts*.

- (a) *Permitted use*. Subject to Section 25.06, changeable copy signs not otherwise prohibited shall be allowed as permitted uses in C-2, C-4, M-1, M-2, M-3, PDE (nonresidential areas only), PDI and PDC Districts.
- (b) *Conditional use*. Changeable copy signs not otherwise prohibited on property associated with a land-use that is a nonresidential conditional use in non-historic residential or agricultural districts shall be a conditional use. Any changeable copy sign in C-1 or C-5 districts not otherwise prohibited shall be a conditional use.
- (c) *Prohibited*. Changeable copy signs are prohibited in all historic, SC, CBD-1, and CBD-2 districts and on all residential properties.

[2] *Area*. No changeable copy sign shall exceed seventy-five (75) square feet or the size allowed for such sign under Section 25.06, whichever is less.

[3] *Message transition*. Changeable copy signs using electronic or digital transition shall only contain messages changed through either: (i) instantaneous transition, with no visible intermittent elements; (ii) subtle transitions such as fading, dissolving or similar transitions that do not have the appearance of moving text or images; or (iii) scrolling.

[4] *Display and transition time*. Each message shall remain static for a minimum of six (6) seconds. If the message is changed mechanically, transition shall occur in less

than three (3) seconds. If the message is changed electronically or digitally, transition shall occur in less than two (2) seconds.

[5] *Flashing, intermittent and moving lights.* Other than as described in subsections [3] and [4] of this section, flashing, intermittent and/or moving lights are not allowed on changeable copy signs.

[6] *Location:*

- (a) Changeable copy signs are prohibited on a building or any structural or architectural element of a building. Changeable copy signs located within a building shall be oriented to be viewed by patrons within the building or on the premises.
- (b) Except signs located and readable at drive-through areas of drive-through traffic establishments, signs permitted by Section 25.06[5] (miscellaneous signs) are prohibited from being changeable copy signs.
- (c) No part of a changeable copy sign shall be located within two hundred (200) feet of a structure with a residential use, or in or within five hundred (500) feet of a historic zoning district, CBD-1 or CBD-2.
- (d) Any sign permitted under this section shall be located on an arterial or collector street or have frontage on an Interstate Highway. Placement of changeable copy signs must be adjacent to the arterial, collector, or Interstate Highway when property has frontage on multiple rights-of-way.

[7] *Dimmers.* All changeable copy signs must have photocell dimmers in good working condition to achieve the requirements for brightness in Section 25.09[5].

[8] *Default Mechanism.* All changeable copy signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position should any malfunction occur.

Section 25.09. - Special requirements for illuminated signs.

[1] Illuminated signs are prohibited on single or two family residential properties located in residential or historic zoning districts. Where illumination is allowed on signs in residential or historic zoning districts, only remote source illumination may be used and

no visible bulbs, neon tubing, luminous paints or plastics shall be permitted as a part of any signs or sign structures in said districts.

- [2] The source and design of the light or illumination emanating from a sign, including any electronic displays or other devices, shall be installed and/or shielded so that no light or illumination is angled or directed into a residential structure, or hinders the operation of motor vehicles.
- [3] No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted as part of a sign display.
- [4] No sign shall be operated so as to create a flashing or pulsing of light or light intensity or color, or intermittent or moving light, except as permitted for changeable copy signs or multiple message billboards in this chapter.
- [5] Illuminated signs shall not exceed 5,000 nits during daylight hours. Brightness from dusk until dawn shall not exceed 500 nits. All illuminated signs which are capable of complying with any future regulations under this Resolution regarding illumination without removal or physical alteration of the sign shall comply with such future regulations.

Section 25.10. - Setbacks and vision clearance.

- [1] No part of a sign shall be located closer than two (2) feet to a public right-of-way. All other setbacks shall be as required in the district in which the sign is located.
- [2] There shall be no sign or other obstruction to vision permitted to protrude in the space between the heights of two and one-half (2½) feet and ten (10) feet above ground level within twenty (20) feet of the intersection of the right-of-way lines of two (2) or more streets or railroad lines, of a street intersection with a railroad line, or of a curb cut with a street.

Section 25.11. - Master signage plan.

- [1] No permit, whether for a permitted use sign or otherwise, shall be issued for a sign located in a planned development district, which was created after January 10, 2006, unless and until the commission has approved a master signage plan for such district.
- [2] A master signage plan shall contain:

- (a) An accurate site plan at a scale the zoning enforcement officer may reasonably require;
- (b) Computation of maximum sign area, maximum size of individual signs, height of signs and location of freestanding signs;
- (c) An accurate location of each sign on the site plan and/or facade of proposed buildings; and
- (d) A detailed description of lighting and materials.

[3] The master signage plan may contain such other restrictions as the commission determines to be necessary to enhance the visual environment and public safety.

[4] The master signage plan may be amended by the applicant after review and approval by the commission of the proposed amended changes.

[5] No sign shall be erected, placed, painted or maintained that is not in conformance with the master signage plan.

[6] In reviewing any master signage plan for approval, the commission shall not consider the content of any sign.

Section 25.12 - Maintenance and removal of signs.

[1] All signs must be properly maintained and kept in good repair.

[2] For signs not otherwise regulated by Georgia Law, any legally established nonconforming sign or sign structure existing prior to the effective date of any provision of this resolution prohibiting such sign shall be permitted without alteration in size or location. Nothing herein shall prevent the maintenance or repair of legally established nonconforming signs.

[3] Nonconforming signs, which must be or were removed because of road widening, other public improvement or destruction by an act of God, may be relocated on the parcel of property so long as the size, height and type of such sign are an exact replica (provided that content of the sign shall not be considered) of the sign removed or destroyed and provided that the sign shall be located as close to the original location as is lawful and feasible. If the nonconforming billboard is removed by the owner of the property or the owner of the sign at his or her own will, said sign, if replaced, must be replaced in compliance with these regulations.