

Cobb County Sign Ordinance

ARTICLE VI. - SIGNS

DIVISION 1. - GENERALLY

Sec. 134-311. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated illumination or effects means illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition also does not include electronic message signs as permitted within this article.

Animated signs means a sign which contains the appearance of movement to depict action or to create a special effect or scene, including any electronic sign which contains anything other than static messages or changes its message more often than permitted by this ordinance.

Awning sign means a sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.

Banner means a display made of a pliable material displaying a commercial or noncommercial message.

Block out zone means an area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance onto or exit from any public road or other location and extending 20 feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Buildable area of lot means that area of a lot within the building setback lines as set by this chapter within which a principal building or structure may be erected.

Building setback line means the minimum yard requirement adjacent to any public street or property line set by this chapter beyond which no part of a principal building or structure may be erected.

Bunting means a long colored strip of cloth or other pliable material used for festive decorations and containing no commercial or noncommercial message, logo or emblem, and must be attached to the structure.

Canopy sign means a sign affixed to, imposed upon or painted on any permanent rooflike structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

Commercial message means any message that identifies, advertises, directs attention to or promotes a business; or any message that attempts to generate good will for a business; or any message that advertises a good, product, property or service or otherwise proposing a commercial transaction.

Copy means the wording, designs and other advertising display on the surface of a sign.

Directional means providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Distance means the measurement in lineal feet from the closest point of the sign to the nearest property line or to the closest point of another sign, as the case may be.

Electronic sign means a sign whose message may be changed at intervals by computer controller, microprocessor controller or by remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type panels or screens, including devices known as commercial electronic message signs and similar devices.

Face means the surface of the sign that displays the message.

Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing means a pattern of changing light illumination where the light intensity alternates suddenly during display of a message for the purpose of drawing attention to the sign. The term "flashing" excludes Electronic Signs which are operated in conformity with this ordinance.

Frame effect means a visual effect on an Electronic Sign which depicts movement, fading, mosaic flips, wipes, or other changing effects associated with the transition from one static message to another.

Freestanding sign means a self-contained sign which is physically independent of any building or other structure, including a portable display sign; but not including any off-premises outdoor advertising sign, any canopy sign, any residential subdivision/development sign, any sign for a nonresidential use in a residential zone, any sign designated under section 134-372 or temporary signs.

Ground based monument sign means a self-contained sign permanently attached to the ground which is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign can not be attached to, resting upon, or supported by any pillars, columns, pylons which allow for open spaces or direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground. Ground based monument signs do not include any off-premises outdoor advertising sign, any canopy sign, any wall sign, any sign designated under section 134-372 or temporary signs.

Height means the measure in linear feet from the highest point on the sign to the unaltered elevation of the ground at the base of the sign or directly beneath the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road from which the sign is intended to be viewed.

Includes denotes a partial definition.

Inflatable advertising devices includes air- or gas-filled signs and figures used for advertising purposes. The term "inflatable advertising devices" excludes latex and similar balloons of less than two feet in diameter.

Interactive sign means a sign where the message displayed is changed or modified as a result of the exchange of information or instructions between the sign and a person viewing the sign, or is otherwise designed to modify the message displayed based upon the identity of a specific individual viewing the sign.

Interior sign means signs intended to be viewed from the interior of a building.

Interstate highway includes I-20, I-75, I-285 and I-575, and any road of the state highway system which is a portion of the national system of interstate and defense highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103, or any limited access highway as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to the provisions of 23 USC 103.

Legal lot of record means a lot which meets the legal requirements set forth for the applicable zoning district.

Lot means contiguous parcels of land, legally platted as one lot, recorded as a legal lot of record in single or common ownership, not divided by a public street. Lot also shall mean property listed and permitted as one overall development at the time of zoning or issuance of land disturbance permit.

Measurement condition means establishing a brightness level for electronic signs by recording an ambient light reading for the sign at the designated measurement distance, using a foot candle meter while the electronic sign is off or displaying all black. The foot candle meter should be aimed directly at the electronic sign at the appropriate pre-set distance (as established in this ordinance). A follow up recording should then be performed while all lights are illuminated white.

Noncommercial message means copy that does not contain a commercial message; and specifically included in the definition of noncommercial message is copy whereby the public is to be informed regarding a political event or candidate or issue.

Nonconforming sign means any lawfully erected sign which, on the effective date of the ordinance from which this article is derived, fails to comply with the requirements of this article.

Normal maintenance and repair. Normal maintenance and repair includes painting and cleaning. However, normal maintenance or repair conclusively does not include any structural alteration, any modification that requires a building permit or any alteration that costs in excess of 50 percent of the value of the sign prior to such maintenance and repair. For purposes of this definition, the value of the sign shall be the replacement cost of the sign structure. The valuation of the sign as shown on the records of the county tax assessor shall be presumed to be the replacement cost. If no amount appears in the records of the county tax assessor for the individual sign, then the amount stated as the value of the sign on the original sign permit application shall be presumed to be the replacement cost. These presumptions of replacement costs may be rebutted by an appraisal.

Off-premises outdoor advertising sign means a sign containing a commercial message for a business which is located on a lot that does not contain or otherwise conduct the business for which is advertised. This shall include, but not be limited to, those signs commonly referred to as billboards. For purposes of this article, "off-premises outdoor advertising sign" shall not include any sign that is allowed under this article and not requiring a permit or any sign requiring a temporary permit under this article. Changing the sign face on an off-premises outdoor advertising sign from a commercial message to a noncommercial message will not change the grandfathered or nonconforming status of the sign under this article.

On-premises sign means a sign containing a commercial message for a business which is located on a lot that does contain or otherwise conduct the business for which is advertised. "On-premises sign" shall be classified for the purposes of this article as canopy, freestanding, wall, residential subdivision/development signs and signs for nonresidential uses in residential zones. For purposes of this article, "on-premises sign" shall not include any sign not requiring a permit or any sign requiring a temporary permit under this article.

Owner includes any person having possession of or control of a sign or owner of record of real property.

Portable display sign means any sign not permanently affixed to the ground, including signs mounted or designed to be mounted on a trailer-type frame or portable wood or metal frame. Portable display signs are included in the definition of freestanding signs.

Primary highway means any road of the state highway system which is a portion of connected main highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103.

Prohibited sign means any sign, other than a nonconforming sign, not conforming to this article.

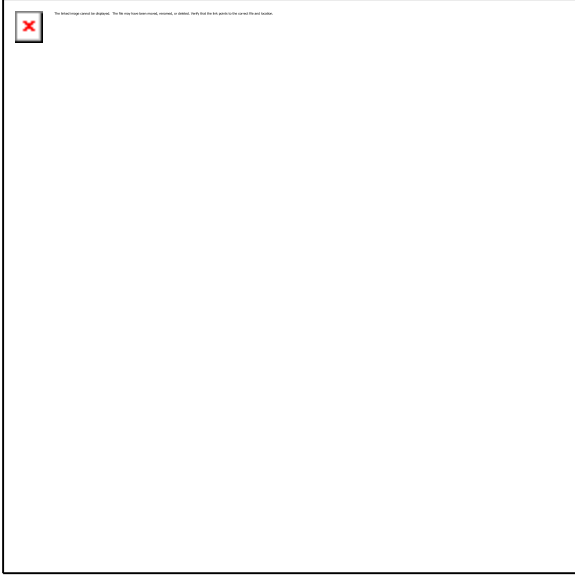
Public service information means time, temperature, notice of public meetings, special events, road/traffic directional signs, etc.

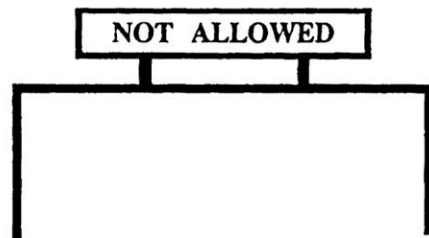
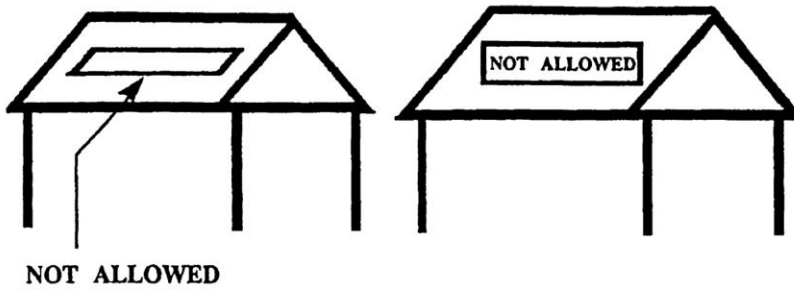
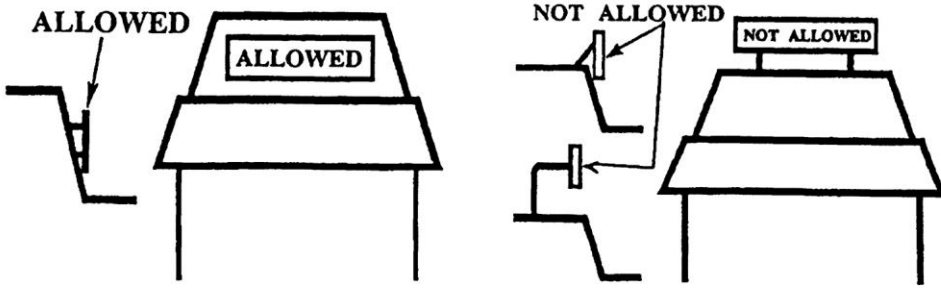
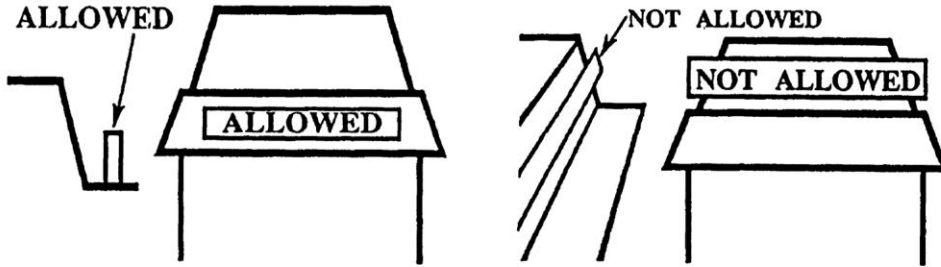
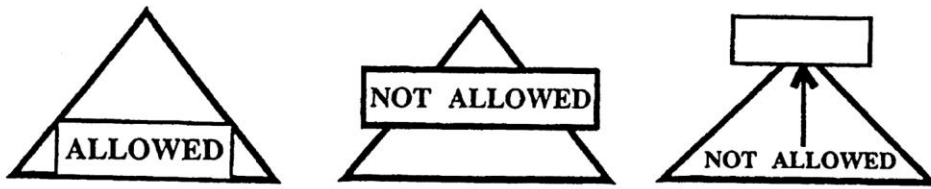
Real estate marketing sign means a temporary real estate sign located at the entrance to a subdivision/real estate development that shows the name of the project or development, name and phone number of real estate agent or agency that is handling the listing or sales, price range and hours of sales, and not to exceed 16 square feet in area.

Right-of-way means the real property owned and controlled by a governmental agency for maintaining public infrastructure, including streets, sidewalks, pathways, mass transit rail lines, freight and passenger railroad lines, drainage ditches and structures, shoulders, traffic control devices, and vegetative buffers.

The width of the right-of-way outside the pavement of any given street or road can be determined by the county department of transportation.

Roof sign means a sign erected, constructed or maintained above the roof of any building. The sign or copy area shall not extend beyond the pitch boundaries or extremities of the roof line. The sign shall be mounted flush as depicted in the illustrations below. Square footage is to be calculated the same as wall signage. Permit applications shall be accompanied by a site plan which shall be stamped by a registered engineer or architect as to dimensions, above requirements and structural integrity.





Allowed and Not Allowed

Sign means any name, identification, description, display, illustration, banner, string of lights or device which is affixed to or represented directly or indirectly upon a building, structure, vehicle or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Soffit sign means a sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Streamer means strips of fabric or other flexible material combined together and used as a wind activated device.

Temporary-local directional sign (T-LDS) means a temporary sign that directs attention to or conveys directions through the use of words, symbols, arrows or otherwise to a specific place, wherein the sign provides direction or attention to a temporary or non-permanent event or happening, such as a church or community gathering, yard sale, moving sale, estate sale or the sale of an individual house. T-LDS shall not include those signs defined under Weekend subdivision directional signs (WSDS) and also shall not include off-premise outdoor advertising signs.

Wall sign means a sign, including an awning sign, permanently attached to the exterior wall of a building.

Weekend subdivision directional sign (WSDS) means a temporary sign that provides directions to a residential subdivision that is offering new houses for sale. "New" for purposes of this definition shall mean houses that are located in a subdivision that has filed its final subdivision plat within two years of obtaining the permit for such temporary sign.

Window sign means a sign painted upon or affixed so as to be visible through a window.

Zoning district means the zoning designation of parcels of land under this chapter.

(Ord. of 1-9-90, § 21; Ord. of 2-25-92, § 21(C), (F), (P), (Q); Ord. of 2-14-95, § 19; Ord. of 1-26-99; Ord. of 9-10-02; Ord. of 7-25-06; Ord. of 9-8-09; Amd. of 2-26-13)

Sec. 134-312. - Findings; purpose.

- (a) The board of county commissioners finds as follows:
  - (1) The regulations set out in this article are necessary to the fundamental goal of protecting the health, safety and welfare of residents, visitors and businesses in the county.
  - (2) A sign by its very nature is designed to draw an individual's attention to that sign. This characteristic makes signs a valuable medium of communication; however, this same characteristic can distract motorists and pedestrians, thus creating traffic hazards.
  - (3) The clutter created by an excess in number, size and height of signs creates a distraction to travelers and negatively impacts the general appearance of an area. Signs may lessen the aesthetic qualities of an area and intrude upon the residential character of an area.
  - (4) Signs must be regulated to ensure that they are structurally safe and sound. Electrical hazards must be eliminated.
- (b) Proper regulation is necessary to limit the negative impact of signs while encouraging the positive and constructive uses of signs.
- (c) This article regulates signs by zoning district, size, height, location on a lot, number, methods of construction, maintenance, illumination and in other ways. The board of county commissioners finds that such controls will improve the general appearance of the county; protect the lives and health of residents and visitors; protect property values and the public investment in roads; have a positive impact upon the economy of the county; and enhance the attractiveness of the county as a place to live, recreate and do business.

- (d) Signs are a valuable means of commercial advertising and noncommercial speech. We intend this article to reasonably regulate signs in the unincorporated areas of the county while showing full deference to the right to engage in constitutionally protected speech.

(Ord. of 1-9-90, § 1; Ord. of 2-14-95, § 1)

Sec. 134-313. - General regulations.

- (a) Applicability. Unless specifically excluded in this article, this article shall govern any sign erected, maintained or located in the unincorporated areas of the county. Signs wholly located within a structure or building and which are intended to be viewed from the interior of the building are not regulated by this article.
- (b) Definitions and specific provisions. The names of sign types and other words have special meanings in this article. Consult section 134-311 and the other specific provisions to determine the meaning of words and the regulations that apply to each type of sign.
- (c) Signs requiring a permit. All signs require a permit unless specifically exempted by this article. By way of example and not by limitation, the following types of signs require a permit prior to erection: canopy signs, freestanding signs, wall signs, electronic signs, residential subdivision/development signs, signs for nonresidential uses in residential zones, temporary on-premises signs, semi-permanent directional signs, temporary commercial produce and agricultural product stand signs, temporary residential agricultural farm and wood products and livestock, poultry sale signs and directional signs. Signs which do not require a permit are referenced primarily under section 134-372, but may also be referenced in other sections, such as section 134-316
- (d) Compliance with other laws. All signs shall comply with all federal, state and county laws, ordinances, codes and rules. Compliance with the terms of this article shall not operate to relieve any individual, corporation or other entity of any other duty imposed by law.
- (e) Rights arising from permits. A permit issued under this article constitutes a revocable license to maintain a sign. Relocation of a permitted sign may be required in the interest of the public for such causes as road improvements. If the county or any other lawfully constituted state or federal governmental authority, agency, body or utility having the authority of eminent domain condemns property which, as a sole result of such condemnation, creates nonconformity and relocation of a sign is required, enforcement personnel may administratively approve the relocation of the sign outside of the right-of-way without the necessity of a variance. Whenever the sign owner has been fully or partially compensated for the signs during property acquisition or eminent domain proceedings, the relocation shall be treated as a new permit. In determining the point of relocation, enforcement personnel shall consider the following factors:
  - (1) Safety.
  - (2) Size of sign.
  - (3) Shape of sign.
  - (4) Height.
  - (5) Amount of remaining property.
  - (6) Amount of property acquired.
  - (7) Topography.

A permit that is issued in violation of this article is void. A permit does not create a vested right to maintain any sign which violates any of the terms of this or any other ordinance or law.

- (f) Protection of property rights. Issuance of a permit pursuant to this article shall not serve to waive any applicable protective covenants or private rights of property ownership.



- (g) Zoning district regulations. A sign can only be erected in a zoning district that allows that type of sign. See the specific provisions for each type of sign. If a new zoning district is created after the enactment of the ordinance from which this article is derived without signage designation or authority, signs shall be allowed under this article in accordance with the next more restrictive zoning district unless specific criteria are specified within the new zoning district at the time of adoption. Signs not otherwise requiring a permit shall be allowed in any newly adopted zoning districts.
- (h) Size. Size shall be governed by sign type. See specific provisions relating to each sign type.
- (i) Location. All signs must be located on private property, except signs erected on public property by any authorized governmental unit. No sign can be erected on or encroach on any public right-of-way, except as authorized by the governmental unit which controls the right-of-way. For the purposes of this section, residential real estate signs as defined in subsection 134-372(15)a. that are located within platted subdivisions and are accessed only by local roadways as identified in the Cobb County Major Thoroughfare Plan, as may be amended from time to time, may be placed within public right-of-way provided they are at least one foot from the curb line or edge of pavement, are not permanently affixed to the earth, do not exceed one sign per road frontage and do not obstruct sight distance along the roadway.
  - (1) Unless a specific exception is stated in this article, no sign shall be located within the minimum yard requirement adjacent to an interstate highway, within 62 feet of the center of an arterial road right-of-way, within 52 feet of the center of a major collector road right-of-way or within 42 feet of the center of any other road right-of-way. For the purposes of this subsection, the classification of roads shall be determined by the county major thoroughfare plan as most recently approved by the county board of commissioners at the time of application for a sign permit or at the time of erection of any sign not requiring a permit.
  - (2) Unless a specific exception is stated in this article, no sign shall be located within one foot of a public right-of-way.
  - (3) Unless a specific exception is stated in this article, all signs shall meet the side and rear yard setback requirements of this chapter.
  - (4) No canopy sign, freestanding sign, wall sign, sign for nonresidential use in a residential zone or off-premises outdoor advertising sign can be located upon any lot that is smaller than the minimum lot area for its zoning district.
- (j) Height. Height shall be governed by sign type. See specific provisions relating to each type. The ground elevation shall not be altered to provide additional sign height.
- (k) Roadway safety; obstruction of vision at intersections.
  - (1) Safety must be exercised in erecting signs near a road. 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 such obstruction could create a hazard to life or property.
  - (2) At a minimum, no sign or other obstruction of vision, including but not limited to poles or other support structures, with a height greater than three feet, shall be permitted within the mitered corner, defined as an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts or railroads and extending 20 feet along each such right-of-way, and closed by a straight line connecting the end points of the 20-foot sections of the right-of-way lines. However, a sign with a height of 15 feet or greater may be erected outside the area designated in this subsection and allowed to overhang in the designated area. In no event shall a sign or other obstruction of vision greater in height than three feet or less than 15 feet in height be permitted within the designated area or overhang within the designated area.
- (l) Interference with or similarity to traffic control devices. No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device, nor shall any sign be used, constructed, maintained or located

where it, by reason of its position, shape, wording or color, may be confused with an authorized traffic control device or emergency vehicle device or markings.

- (m) Illumination. Illuminated signs shall be installed and operated in such a manner to prevent glare from being a hazard to or from interfering with the normal use of the public rights-of-way and adjoining property. No flashing or animated illumination or effects shall be allowed, except as otherwise allowed in this article. No lighted sign shall cast light directly on streets, roads or neighboring property.
- (n) Electrical and structural safety. All electrical signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the county building inspections division or its successor. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.
- (o) Electronic signs. Electronic signs may be used in accordance with the following provisions, provided that legal nonconforming off premise outdoor advertising signs shall not be converted to electronic signs except in accordance with the provisions of section 134-318.1
  - (1) The following shall apply to all electronic signs:
    - a. Electronic signs shall only be used as freestanding signs and shall not be allowed as canopy, wall or awning signs as defined in this ordinance.
    - b. Electronic signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
    - c. Electronic signs must operate within brightness levels as established in this ordinance.
    - d. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
    - e. The owner of said electronic sign shall provide to the zoning division manager or designee, information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
    - f. In the course of processing a complaint, the staff of Cobb County may request a certification of the brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within 24 hours of a request by the staff of Cobb County, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at owner's expense.
    - g. Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this ordinance.
    - h. Any electronic sign that does not comply with this ordinance may re-permit the sign in accordance with the operational standards listed above at no charge until December 31, 2011.
    - i. No electronic sign shall utilize, house or contain any interactive features or components, or function as an interactive sign.
    - j. Electronic signs shall not be allowed in residential zones.
  - (2) Electronic signs located on nonresidentially zoned property: Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on nonresidentially zoned property,

provided that each such electronic sign shall comply with the following requirements in addition to and in conjunction with those specified in subsection (1) hereinabove:

- a. Must be located on a property/lot with at least 200 feet of public road frontage on one road (if abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that may be permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.
  - b. Electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than two electronic sign areas per sign. The sign area of an electronic sign shall be the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of the sign face. Any open space or unused space contained within the rectangular perimeter, such as between letters in a word and/or numbers, or between any component panel, strip or figure of any kind comprising the sign shall be included in the computation of the sign area, whether this open space be enclosed or not by a frame or border.
  - c. Each individual static message must be displayed for not less than 20 seconds.
  - d. Electronic signs located on nonresidentially zoned property may not operate at brightness levels of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.
  - e. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.1 footcandles above ambient light levels (at measurement conditions) as measured at the nearest portion of such residential structure.
- (p) Prohibited signs. The following signs are prohibited in any zoning district in the unincorporated areas of the county:
- (1) Banners and streamers, except as specifically allowed under this article.
  - (2) Signs which produce noise or sounds capable of being heard even though the sounds produced are not understandable sounds. This subsection does not prohibit radio transmissions used in conjunction with any sign.
  - (3) Signs which emit visible smoke, vapor, particles or odors.
  - (4) Signs which are erected or maintained upon trees, utility poles or painted or drawn upon rocks or other natural features.
  - (5) Permanent or temporary window signs which collectively cover more than 50 percent of the window glass surface area.
  - (6) Bench, covered shelter or bus shelter advertising signs other than as authorized by Cobb Community Transit.
  - (7) Flashing signs, except electronic signs as allowed in this article.
  - (8) Signs which advertise illegal activity or depict nudity, sexual conduct, obscene or pornographic material as defined in the United States and state codes such as O.C.G.A. § 16-12-80 and O.C.G.A. § 16-12-81, and relevant case law, as may be amended from time to time, or which contain fighting words as defined by O.C.G.A. § 16-11-39.
  - (9) Roof signs, except as otherwise allowed in this article.
  - (10) Rotating signs.
  - (11) Wind activated devices, including flags, except as specifically allowed under this article.

- (12) Signs which advertise an activity which is illegal under the laws of the state, federal laws or regulations, or any county ordinance.
- (13) Signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space a minimum of 50 feet off the right-of-way and in a space rented, leased or belonging to the business or on the property to which the sign makes reference. Any vehicle or common carrier having directional arrows directing public attention to the location of the business on any portion of the vehicle is prohibited. No signs on trailers or other nonmotorized vehicles will be allowed under this subsection.
- (14) Signs placed in parking spaces which are required to meet the minimum parking requirements.
- (15) Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view.
- (16) Abandoned signs, which advertise an activity, business, product or service no longer conducted or available.
- (17) Off-premises outdoor advertising signs as defined in this article.
- (18) Laser images, except as allowed by specific actions by the board of commissioners as a temporary activity.
- (19) Sign copy on litter receptacles, vending machines or like structures, except for copy indicating products sold, dispensed or distributed from within the structure upon which the sign copy appears, e.g., sign copy on vending machines shall be permitted if restricted to products sold, dispensed or distributed from the machine.
- (20) Portable signs.
- (q) Content of sign. Except as provided at subsection 134-313(p)(8), this article shall not regulate the specific content of signs. Any sign, display or device allowed under this article may contain commercial or noncommercial copy.
- (r) Time limit for commencing and completing construction. A sign permit for a sign shall expire 12 months after the issuance of the permit if construction of the sign has not commenced within that time. A sign permit shall expire 18 months after the issuance of the permit if construction of the sign is not completed within that time. If construction has not begun or been completed as required by this subsection, then a new application must be submitted and the permitting process commenced anew.
- (s) Structural and safety requirements. Any sign within this article attached to a building must meet the county building inspections safety, electrical and structural code requirements.
- (t) Cleanup. The person or entity holding the permit shall be required to remove or have removed from premises discarded or unusable paper, sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.

(Ord. of 1-9-90, § 2; Ord. of 2-25-92, § 2(A), (E), (F), (I), (K), (N), (Q); Ord. of 2-14-95, § 2; Ord. of 1-26-99; Ord. of 9-12-00 (eff. 1-1-01); Ord. of 1-22-02; Ord. of 2-27-07; Ord. of 9-8-09; Amd. of 2-26-13; Amd. of 2-25-14; Amd. of 7-22-14)

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Sec. 134-314. - On-premises signs.

- (a) Generally. All on-premises signs under this section require a permit, and may contain a noncommercial message in any zoning district where an on-premises sign is allowed as provided in this section.

Table 1

This chart applies to freestanding signs and canopy signs located outside the buildable area of the lot, unless otherwise provided.

Lot Size (acres)			
Greater Than or Equal To	But Less Than	Maximum Total Sign Area (square feet)	Maximum Sign Structure Area* (square feet)
	½**	60	150
½	1**	65	162.50
1**	5	120	300
5	10	200	500
10	25	300	750
25+	no limit	300, plus an additional 10 sq. ft. for each acre over 25, up to a maximum of 700 sq. ft. of sign area***	250% of sign area

\*Sign structure area shall be computed as including the entire area of structure surrounding the actual advertising display area, including the advertising display.

\*\*For the purpose of this section, one-half acre shall mean 20,000 square feet and one acre shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage.

\*\*\*No single sign area (advertising display area) may exceed 300 square feet on any size lot.

- (b) Freestanding signs. In addition to the other provisions of this article, the following regulations shall apply to freestanding signs. Freestanding signs located in areas zoned LRO, LRC, NRC, CRC, NS, PSC,GC, RRC, TS, LI, HI, O&I, UVC or PVC or other commercial or industrial zoning districts, shall be governed by the following regulations and any other applicable regulations in this chapter.

- (1) Sign area.

- a. The sign area of a freestanding sign shall be the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of the sign face or faces and shall not include the support structure. For double-faced signs, only one display face shall be measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less and attached to a common structure. If the two faces of a double-faced sign are of unequal area, the larger of the two faces shall be the area used for calculations.
  - b. Within the low rise office (LRO) district, the maximum square footage shall not exceed 32 square feet if property is contiguous to a single-family residence. For this section only, contiguous shall apply only to the properties with the same road frontage or the major side yard where the signage is to be located. In all other circumstances the square footage of the sign shall be regulated by table 1 in subsection (a) of this section.
  - c. On any lot, the sum of the sign areas of all freestanding signs, including those canopy signs outside the buildable area of the lot, shall not exceed the maximum established for the size of the lot as set forth in table 1 in subsection (a) of this section.
  - d. The official street number shall be displayed on all freestanding signs for emergency notification purposes. The maximum height of the number shall not exceed one foot in height or width. The numbers will not be counted against the maximum allowable sign area.
- (2) Number. The maximum number of on-premises freestanding signs allowed on any lot shall be determined by road frontage. However, the total number of such signs shall be governed by the regulation most restrictive of signage. The maximum number of signs shall be calculated as follows:
- a. On each road frontage, one sign is allowed for each complete 200 feet of public road frontage; provided that on any frontage of less than 200 feet, one sign shall be allowed on that public road frontage. This shall not apply to residential subdivision development signs.
  - b. No more than four freestanding signs shall be allowed on any platted, recorded or deeded lot of record. Each freestanding sign must be at least 150 feet from any other freestanding sign on the same lot.
  - c. If the lot fronts on more than one road, the calculation shall be completed separately for each road frontage.
- (3) Type/design. All signs must be ground based monument, unless within 660 feet of the nearest edge of right-of-way of an interstate highway. In the event that the original and final grade have a topographical difference of ten feet below road grade, a pole sign can be considered through the variance process. No applications for variances will be accepted for existing pole signs unless done so in accordance with the above. By way of example, and without limitation the ground based monument sign can not be attached to, resting upon, or supported by any pillars, columns, or pylons which allow for open spaces of direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground. No portable signs will be allowed.
- (4) Location. All signs must be located on private property, except signs erected on public property by any authorized governmental unit. No sign can be erected on or encroach on any public right-of-way. No sign shall be located within 62 feet of the center line of an arterial road right-of-way, within 52 feet of the center of a major collector road right-of-way or within 42 feet of the center of any other road right-of-way, and no closer than one foot behind the public right-of-way. All signs shall conform to the side yard setback per zoning classification. In no event shall signs be placed in the mitered corner as set out in section 134-313(k)(2).
- (5) Height. Freestanding signs shall not exceed a height of 20 feet, except that those freestanding signs located within 660 feet of the nearest edge of the right-of-way of an interstate or federal primary highway and visible from the main traveled way of the interstate or federal primary highway may be up to a height of 35 feet.

(c) Canopy signs. In addition to the other provisions of this article, the following regulations shall apply to canopy signs. Canopy signs located in areas zoned LRO, LRC, NRC, CRC, NS, PSC,GC, RRC, TS, O&I, LI, HI, OMR, OHR, OS, UVC or PVC or other commercial or industrial zoning districts, shall be governed by the following regulations and any other applicable regulations in this chapter.

(1) Sign area.

- a. The maximum sign area for a canopy sign shall be calculated as follows: for each one linear foot of canopy along each face of the canopy, two square feet of sign area is allowed on that face.
  1. If the canopy is not entirely within the buildable area of the lot as defined in this chapter and as amended from time to time, the canopy sign shall be included in the calculations of maximum total sign area under table 1 in subsection (a) of this section, which establishes a maximum total sign area for freestanding signs and canopy signs outside the buildable area of the lot, as if the canopy sign were a freestanding sign. The maximum square footage allowed per single sign shall apply.
  2. If the canopy is entirely within the buildable area of the lot, the square footage is not included in the calculations of the maximum total sign area under table 1 in subsection (a) of this section.
- b. The support structure of the canopy shall not be included in the computation of sign area, provided that it contains no commercial message. It may contain warning and public service messages.

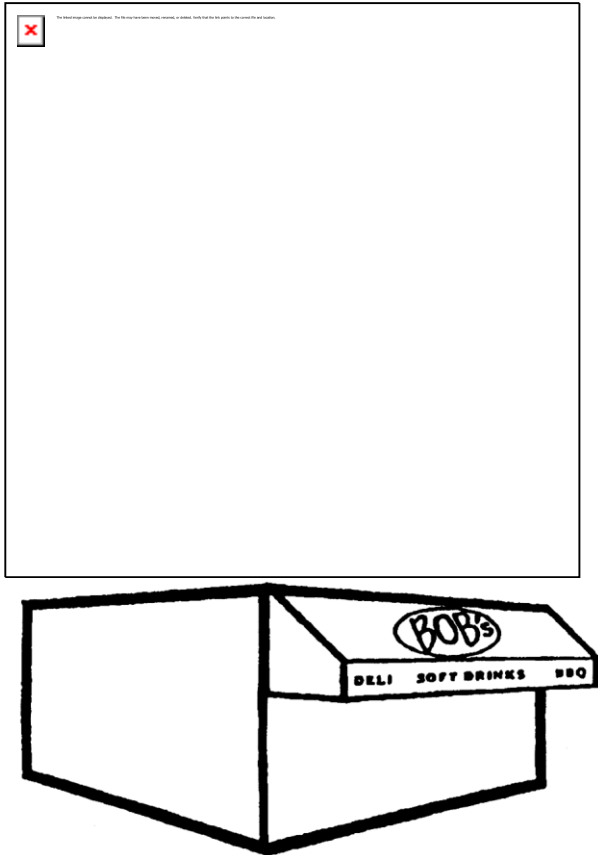
(2) Height. No canopy sign shall be less than eight feet above the ground at its lowest extremity.

(3) Location. Canopy signs shall only be located on a lot with a minimum road frontage of 50 feet.

(d) Wall signs/awning signs. In addition to the other provisions of this article, the following regulations shall apply to wall signs, including awning signs. Wall signs and awning signs located in areas zoned LRO, LRC, NRC, CRC, NS, PSC,GC, RRC, TS, O&I, LI, HI, OMR, OHR, RHR, OS, UVC or PVC or other commercial or industrial zoning districts, shall be governed by the following regulations and any other applicable regulations in this chapter.

(1) Sign area.

- a. Wall sign. The sign area of a wall sign shall be the area within a continuous rectangular perimeter enclosing the limits of each separate writing, representation, emblem message or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed; provided, however, that any open space contained within the rectangular perimeter, such as between letters in a word, or between any component panel, strip or figure of any kind comprising the sign shall be included in the computation of the sign area, whether this open space be enclosed or not by a frame or border. A parapet or parapet wall shall be considered as part of a wall sign as long as it conforms to the building height restrictions within the zoning district the property is located. For double-faced or projecting signs, only one display face shall be measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less, provided that it is a common attached structure. If the two faces of a double-faced sign are of unequal area, the sign area shall be the area of the larger face.
- b. Awning sign. Awnings with no script or identification will not be counted against the maximum allowable sign area. When calculating the sign area of an awning sign, the limits of each separate writing, emblem, representation, message or similar character, including any open space between words or letters, shall be included in computing the sign area, but not any other portion of any lighted or unlighted awning. See the following diagram.



## Awning Sign

- c. The maximum sign area for a wall sign/awning sign shall be calculated as follows: for each one linear foot of the wall or building along each face of the building, two square feet of sign area is allowed on that face. If signage is proposed for three or more building faces, it shall be limited to one square foot of sign face for each one linear foot of wall (applies to all three walls).
- (2) Height. No wall sign that projects more than four inches from the building surface on which it is attached shall be less than eight feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
- (3) Miscellaneous. No wall sign shall project more than 24 inches from the building surface on which it is attached.
- (e) Residential subdivision/development signs. In addition to the other provisions of this article, the following regulations shall apply to residential subdivision/development signs.
  - (1) Zoning districts. Residential subdivision/development signs shall be allowed in all zoning districts.
  - (2) Sign area. The total sign area of residential subdivision/development signs, exclusive of any wall, fence or supporting structure, shall not exceed 64 square feet in area.
  - (3) Height. The topmost portion of a residential subdivision/development sign shall not exceed a maximum height of eight feet. Any supporting fence or wall shall conform to the height provisions of this chapter, including ornaments, lights and posts.
  - (4) Location. Residential subdivision/development signs shall be adjacent to a public road within the boundary of the property, except when such sign is a directional sign. Residential subdivision/development signs may be placed not less than one foot from any right-of-way.



However, such signs shall be subject to all safety regulations. In no event will any signs be placed within the mitered corner (block out zone) as set out in this article. Additionally, no sign(s) or wall(s) shall be placed in a drainage easement, sewer easement, waterline easement or site distance easement without the approval of the respective county department.

- (5) Number. No more than two permanent residential subdivision/development signs are allowed per entrance. At each subdivision entrance, one additional temporary 16 square foot marketing/informational sign for the development will be allowed. Such sign shall be renewed on an annual basis, subject to the rates set out in section 134-375
- (6) Illumination. Residential subdivision/development signs shall use only indirect lighting.
- (7) Type/design.
  - a. All residential subdivision/development signs shall be ground based signs or attached to or a part of a supporting wall or fence. Temporary marketing informational signs may be pole mounted.
  - b. Residential subdivision/development signs shall be designed as permanent signs.
- (f) On-premises signs for nonresidential uses in residential districts. In addition to the other provisions of this article, the following regulations shall apply to signs for nonresidential uses in residential districts:
  - (1) Zoning districts. Signs for nonresidential uses in residential zones shall only be located on property zoned for residential use on which a nonresidential use is legally being conducted. Subject to this chapter, examples of such nonresidential uses may include a church, a country club, golf course, school, produce or product stands.
  - (2) Sign area. Sign area for nonresidential uses in residential zones shall be calculated pursuant to table 2, as follows:

Table 2

Lot Size (acres)	Maximum Total Sign Area (square feet)
less than 1*	16
1* to 5	32
greater than 5	64

\*For the purpose of this subsection one-half acre shall mean 20,000 square feet and one acre shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage.

- (3) Height. Signs for nonresidential uses in residential zones shall not exceed a height of eight feet, except that signs for nonresidential uses in residential zones that are attached to a building shall be subject to the height provisions applicable to wall signs unless otherwise specifically regulated under other provisions within this article.

- (4) Location. Any sign for nonresidential uses in residential zones shall be located at least 150 feet from any other such sign on the same lot.
- (5) Number. The maximum number of freestanding signs for nonresidential uses in residential zones allowed on any lot shall be determined by road frontage. The maximum number of signs shall be calculated as follows:
  - a. One sign for each complete 200 feet of the lot's public road frontage.
  - b. Any lot with less than 200 feet of public road frontage shall be allowed one sign.
  - c. If the lot fronts on more than one public road, then the calculation shall be performed for each public road frontage separately.
- (6) Illumination. Illuminated signs for nonresidential uses in residential zones located on arterials, or major or minor collectors, as determined by the county major thoroughfare plan, may use indirect or internal lighting. On all other road classifications, only indirect lighting shall be allowed. Electronic signs shall not be allowed in residential zones.
- (7) Miscellaneous.
  - a. Signs for nonresidential uses in residential zones shall be designed as permanent signs.
  - b. Temporary use permit: Permits to allow a temporary use sign in residential zones may be issued for a period of 30 days. A sign permitted pursuant to this article shall be removed no later than the date of expiration of the temporary use permit, or upon the discontinuance of the temporary use, or maximum time allowed under this chapter, whichever is the shortest time.
  - c. Property having an approved land use permit may, at the discretion of the board of commissioners, have a sign up to two feet by three feet.

(Ord. of 1-9-90, § 3; Ord. of 2-25-92, § 3(A)(1), (2)(a)(1), (2)(a)(2), (2)(b)(1), (2)(b)(2), (2)(c), (B)(1), (2)(b), (3)(a), (4), (5)(b), (C)(1), (3), (4), (D)(2), (E)(7)(c); Ord. of 10-27-92, § 3(B)(1), (2)(b), (4)(a); Ord. of 2-14-95, § 5; Ord. of 12-9-97 (eff. 1-1-98); Ord. of 1-26-99; Ord. of 11-23-99; Ord. of 9-12-00 (eff. 1-1-01); Ord. of 9-10-02; Ord. of 12-9-03; Ord. of 2-27-07; Ord. of 7-27-10; Ord. of 9-28-10; Amd. of 7-22-14)

Sec. 134-315. - Signs in residential zones.

- (a) Generally. All signs under this section require a permit unless specifically exempted from a permit elsewhere within this chapter. Cost of a permit is governed under section 134-375. No sign in a residential zone shall contain a commercial message unless specifically allowed elsewhere in this article. Property having an approved land use permit may, at the discretion of the board of commissioners, have a sign up to two feet by three feet.
- (b) All signs not exempt from a permit and not located in areas zoned LRO, LRC, NRC, CRC, NS, PSC, GC, RRC, TS, O&I, LI, HI, OMR, OHR, RHR, OS, UVC or PVC or other commercial or industrial zoning districts, shall be governed by the regulations within this section unless specifically exempted under another section of this chapter, and any other applicable regulations in this chapter.
  - (1) Sign area. Total sign area per lot in residential zones shall be calculated pursuant to table 3, as follows:

Table 3

Lot Size (acres)	Maximum Total Sign Area (square feet)
Less than 5*	32
Greater than 5	64

\*For the purpose of this subsection one-half acre shall mean 20,000 square feet and one acre shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage.

- (2) Height. Signs for use in residential zones shall not exceed a height of eight feet, except that signs for use in residential zones that are attached to a building shall be subject to the height provisions applicable to wall signs unless otherwise specifically regulated under other provisions within this article.
- (3) Location. Any sign for use in residential zones shall be located at least 75 feet from any other such sign on the same lot.
- (4) Reserved.
- (5) Illumination. Illuminated signs for use in residential zones located on arterials, or major or minor collectors, as determined by the county major thoroughfare plan, may use indirect or internal lighting. On all other road classifications, only indirect lighting shall be allowed.

(Ord. of 1-9-90, § 4; Ord. of 2-25-92, § 4(C)—(E); Ord. of 2-14-95, § 6; Ord. of 1-26-99; Ord. of 9-10-02; Ord. of 12-9-03)

Sec. 134-316. - Temporary signs.

- (a) Temporary on-premises signs and advertising devices. Temporary on-premises signs located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or other commercial or industrial zoning districts, (inflatables permitted on no less than four-lane roadways and only on properties recommended for community activity center or regional activity center on the county future land use map, as may be amended from time to time) shall be governed by the regulations within this section and any other applicable regulations in this chapter.
  - (1) The following types of signs or advertising devices may be displayed on-premises upon the issuance of a temporary permit:
    - a. Searchlights.
    - b. Banners.
    - c. Inflatables.
  - (2) Only one temporary on-premises sign or advertising device may be displayed on a lot at a time. Each occupant or tenant of a multioccupant building or multitenant lot may display one banner flush with a wall during the permit period without regard to the usage of other occupants or tenants and without regard to the prior usage of temporary on-premises signs by others on the lot.

- (3) A temporary on-premises sign or advertising device (searchlight or banner) shall require a permit on a semiannual basis which allows two 60-day periods to utilize a temporary on-premises sign or advertising device, i.e., one 60-day period from January 1 through June 30, then a second 60-day period from July 1 through December 31. There must be at least a 30-day break between any two 60-day permitted periods. Temporary advertising devices (inflatables) shall require a permit on a semiannual basis which allows two weekends per month, to utilize the inflatable, i.e., one permit from January 1 through June 30, and a second permit, July 1 through December 31.
  - (4) It shall be unlawful to display any temporary sign or advertising device without a permit or outside of the term of a permit or otherwise in violation of this section or article.
  - (5) The temporary permit shall be acquired prior to the display of any temporary sign or advertising device.
  - (6) The permit shall specify the first and last day of the period in which display of the temporary sign or advertising device is permitted. Display of the temporary sign or advertising device (searchlight or banner) shall be allowed beginning at 12:01 a.m. on the first day specified on the permit. The permit shall expire at 11:59 p.m. on the last day specified on the permit. Display of the temporary advertising device (inflatable) shall be allowed from 3:00 p.m. on Friday to 8:00 a.m. on Monday. Violations of section 134-316(a) would authorize staff to terminate the permit.
  - (7) Top of inflatable devices cannot be any higher than 20 feet from the roofline and 35 feet from ground level.
  - (8) Signs placed pursuant to temporary permits shall be removed on or before the last day or time limit of the permit.
- (b) Semi-permanent directional signs (SPDS).
- (1) Definition. SPDS are signs which convey directions to a specific place under construction or to specific real estate for sale or to a noncommercial event, and are not intended to be permanent but rather are intended to provide direction to a place or event for a limited period of time.
  - (2) Zoning districts. SPDS shall be allowed in all zoning districts. However, SPDS in residential zones shall only provide direction to residential real estate for sale or to a noncommercial place or event.
  - (3) Permit required. SPDS require a permit on an annual basis.
  - (4) Sign area. SPDS may have one face on each side of the sign. Each face may be up to 16 square feet.
  - (5) Height. SPDS shall not exceed ten feet in height above the elevation of the nearest right-of-way(s). In the event of multiple road frontages, the highest elevation shall be used for measuring height.
  - (6) Construction. SPDS shall be mounted on single or double poles of sufficient strength to safely support the sign. SPDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles or other permanent sign structures. SPDS shall be made of a durable and waterproof material.
  - (7) Location. No SPDS shall be located closer than 26 feet from the back of curb or edge of pavement, or 12 feet behind the right-of-way, whichever ensures that the WEDS is not within the right-of-way. All SPDS must be placed on private property with the property owner's written permission. SPDS shall be located at intersections and at other places along roads to provide directional information. No SPDS shall obstruct or interfere with the sight visibility requirements or violate any safety provisions of this article.
  - (8) Number. A maximum of five SPDS are allowed in an intersection area, and each SPDS must be at least 150 feet from any other SPDS. An intersection area includes the areas on all corners of an intersection bounded by the right-of-way lines and within 200 feet of the intersection of right-of-way lines at the intersection, but no closer than 20 feet from such intersection of right-of-way lines. Only one SPDS advertising for any given place, activity or event shall be allowed within any intersection area. Outside of an intersection area, one SPDS is allowed per lot.

- (9) Removal. SPDS used to convey directions to a noncommercial event or a specific place under construction shall be removed within ten days after the event is over or the project is completed. SPDS providing direction to a subdivision or other real estate for sale shall be removed within ten days after the closing of the sale of that property or the closing of the last lot of the subdivision. SPDS providing direction to multifamily rental property shall be removed within one year of the issuance of a permit under this article, or renewed with approval by the board of zoning appeals.
- (c) Weekend subdivision directional signs (WSDS).
- (1) Findings and purposes. Many people travel to, from and through the county on a daily basis. Traffic hazards and distractions must be minimized. The clutter created by an excess in number, size and height of signs negatively impacts the general appearances of an area, lessens the aesthetic qualities of an area and intrudes upon the residential character of an area. However, people at times need the benefit of directional signs to help them find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic while limiting the negative impact of such signs on the aesthetic qualities of an area. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county, including the aesthetics of the community. Improperly located WSDS or prohibited WSDS are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.
  - (2) All WSDS shall be required to obtain a permit per location. The permit shall be available through the county's zoning division and shall require at a minimum:
    - (i) Permission. Property owner's permission to install the WSDS.
    - (ii) Permit identification on sign. Each permit for a WSDS shall include a 24-hour contact number. Each WSDS must affix a permit sticker provided by the zoning division.
    - (iii) Construction. WSDS shall not exceed four square feet of sign area and three feet in height and may be double-faced. WSDS shall be mounted on an independent single or double pole device. WSDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, other signs or other sign structures. WSDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.
    - (iv) Location. There shall be only one WSDS for any given place, activity or event per 300 feet of road frontage, and within a three mile radius of the ultimate location to which it provides direction. No WSDS shall be located closer than 14 feet from the back of curb or edge of pavement, or one foot behind the right-of-way, whichever ensures that the WSDS is not within the right-of-way.
    - (v) Time allowed. WSDS shall be allowed from 3:00 p.m. on Friday to 11:59 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all WSDS, including all stakes, anchoring or pole devices, etc., prior to 11:59 p.m. on Sunday.
    - (vi) Expiration. Permits issued for WSDS shall expire six months from the date of issuance.
- (d) Temporary-local directional signs (T-LDS).
- (1) Zoning districts. T-LDS shall be allowed in all zoning districts.
  - (2) No permit required. T-LDS do not require a permit or a permit fee.
  - (3) Sign area. T-LDS may be single or double faced. Each face may be up to four square feet.
  - (4) Height. T-LDS shall not exceed three feet in height.
  - (5) Construction. T-LDS shall be mounted on an independent single or double pole device. T-LDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles, or other permanent signs or sign structures. T-LDS shall be made

of metal, plastic, laminated cardboard or some other durable and waterproof material. No such sign shall be made of paper.

- (6) Location. No T-LDS shall be located closer than one foot from the right-of-way. T-LDS must be on private property with permission of the owner. No T-LDS shall be located beyond a three-mile radius of the ultimate location to which it provides direction. There shall be only one T-LDS for any given place, activity or event per 300 feet of road frontage.
  - (7) Number. A maximum of four T-LDS are allowed for any location to which the T-LDS provide direction. A maximum of one T-LDS per event or property for sale may be located upon any one lot.
  - (8) Identification on sign. Each T-LDS shall be legibly marked with the name and telephone number of the sign owner. This information must be written in weatherproof ink or paint upon at least one face of the T-LDS and in letters of at least one-half inch in height. All T-LDS shall display legibly the date and address of the activity and/or event. Any T-LDS which does not contain the above information shall be subject to immediate removal by code enforcement personnel and/or other such remedies provided by this article.
  - (9) Removal. A T-LDS shall be removed within ten days after the event to which it provided direction is over. It shall be the sign owner's responsibility to remove the sign. This provision shall require the removal of any T-LDS providing direction to an individual real estate lot for sale within ten days of the closing of the sale of that lot.
- (e) Temporary commercial produce and agricultural product stands signs.
- (1) Zoning districts. Temporary commercial produce and agricultural product stand signs shall be allowed in LRC, NRC, UVC, PVC, CRC, NS, GC, TS, PSC, RRC, LI and HI or any other district where such stands or businesses are allowed as specifically permitted in this chapter.
  - (2) Number. One permitted sign shall be allowed per temporary vendor.
  - (3) Sign area. Signs shall be no greater than 32 square feet.
  - (4) Construction. No manufactured portable signs shall be allowed.
  - (5) Permit required. All signage requires a sign permit. Cost of the permit is governed under section 134-375
- (f) Temporary residential agricultural, farm and wood products and livestock and poultry sales signs.
- (1) Zoning districts. Signs shall be allowed in single-family residential districts.
  - (2) Number. Only one permitted sign is allowed per property.
  - (3) Sign area. Signs shall be no greater than 32 square feet.
  - (4) Construction. No manufactured portable signs shall be allowed.
  - (5) Height. The height of signs shall not exceed six feet.
  - (6) Permit required. All signage requires a sign permit. Cost of the permit is governed under section 134-375
- (g) Olympic signs. Signs for Olympic or like events are permitted within a two-year period prior to and running through the conclusion of the event.
- (h) Temporary signs not located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or all other commercial or industrial zoning districts, shall be governed by the regulations of signs under section 134-315 except that no permit shall be required.
- (i) Temporary on-premises signs not located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or other commercial or industrial zoning districts, shall be governed by the regulations under section 134-314(f).

(Ord. of 1-9-90, § 6; Ord. of 2-25-92, § 6(A), (1)(a), (2), (4), (5), (9), (C)(8), (D)(7); Ord. of 10-27-92, § 6(E)(1)—(4), (F)(1)—(5); Ord. of 2-14-95, § 7; Ord. of 1-26-99; Ord. of 9-12-00 (eff. 1-1-01); Ord. of 7-10-01; Ord. of 1-22-02; Ord. of 9-10-02; Ord. of 7-25-06; Amd. of 7-22-14)

Sec. 134-317. - Public and/or private business, tourism and recreation directional signs.

Findings and purposes. Many people travel to, from and through the county on a daily basis. During weekday rush hours when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards, excessive curb cuts/access points and distractions must be minimized and interparcel access connections increased to improve mobility and reduce congestion. However, people at times need the benefit of directional signs to help them find their destinations to activities or business that have reduced access points and established interparcel connections and which offer as its primary business purpose tourism or public recreational activities. Properly regulated, such directional signs may actually aid the flow of traffic. The following regulations recognize the necessity of such directional signs and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county.

Any activity or business that has established interparcel access connections in accordance with the Cobb County Development Standards, as may be amended from time to time, or any activity or business which offers as its primary business purpose tourism or public recreational activities located within the county or the six municipalities, such as Cobb Galleria Center, Kennesaw Mountain National Battlefield Park, Six Flags, White Water, Atlanta Classic, Acworth Beach, The General, other regional or nationally known tourist attractions and/or county-owned facilities, shall be entitled to file for a county department of transportation approved, owned and maintained directional sign under rules and regulations to be promulgated by the county department of transportation in conjunction with state DOT regulations and approval by the county board of commissioners. These rules and regulations shall be adopted by vote of the county board of commissioners. Factors to be considered by the department of transportation in establishing these rules shall be:

- (1) Safety.
- (2) Number of signs.
- (3) Radius.
- (4) Location.
- (5) Size.
- (6) Color.
- (7) Height.
- (8) Cost to manufacture, install and maintain sign.
- (9) Other factors deemed relevant.

All costs incurred in manufacturing, erecting and/or maintaining these signs shall be borne by the person or entity causing the sign to be erected.

(Ord. of 1-9-90, § 16; Ord. of 2-25-92, § 16(A)(1)—(9); Ord. of 2-14-95, § 8; Ord. of 9-10-02; Amd. of 2-24-09; Amd. of 7-22-14)

Sec. 134-318. - Off-premises outdoor advertising signs.

- (a) Effective the date of adoption of the ordinance from which this article is derived, off-premises outdoor advertising signs are prohibited.
- (b) Off-premises outdoor advertising signs legally existing on such date may be continued, even though such signs do not conform to this section. Such nonconforming signs shall not be expanded, relocated

or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed.

- (c) No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six months.
- (d) Unless a specific exception is stated in this article, no sign shall be located on or within 100 feet of a lot used for a church, school, park, cemetery or any lot zoned for residential use.
- (e) Notwithstanding any other provision of this article, no off-premises outdoor advertising signs shall be erected or maintained if any part of the sign or sign structure is visible from the main traveled way of the Lost Mountain scenic highway within unincorporated areas of the county, being State Highway 120, also known as Dallas Highway, from the line between Cobb and Paulding Counties to the line between the county and the City of Marietta. See 1986 Ga. Laws, page 535. This subsection shall also apply to any other road declared historic, scenic or natural after the adoption date of the ordinance from which this article is derived.

(Ord. of 1-26-99)

Sec. 134-318.1. - Reduction in number of off-premises outdoor advertising signs

- (a) Purpose: The board of commissioners finds that all off-premises outdoor advertising signs in unincorporated Cobb County are legal nonconforming uses, and consistent with the provisions of section 134-346, nonconforming signs, it is the desire of Cobb County that such nonconforming uses be permitted to continue, but that they be reduced over time. Despite this intent, the number of legal nonconforming off-premises outdoor advertising signs has not been materially reduced in a significant fashion. The board of commissioners further finds that the development of electronic signs provides a valuable opportunity to enhance the utilization of existing signage within Cobb County, although such electronic signs must be properly regulated to insure they do not constitute a traffic hazard or otherwise negatively impact the aesthetics of Cobb County. As such, the board of commissioners finds that the modification of a limited number of existing legal nonconforming static signs to electronic signs, in exchange for a reduction in the overall number of nonconforming off-premises outdoor advertising signs constitutes a benefit to Cobb County in regard to traffic safety and aesthetics.
- (b) Exchange ratio and permitting: Notwithstanding any other provision of this ordinance, any existing legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment and not located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), provided that the applicant remove from within Cobb County (including both incorporated and unincorporated areas) not less than three legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) of equal or greater square footage to that sign being converted to an electronic sign. Any existing legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment that is located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), in accordance with all other applicable criteria listed above subject to:
  - (1) Approval by the board of commissioners as an other business agenda item, including applicable posting, certified mailings to residents within 500 feet and public hearing requirements. When determining the appropriateness of modifying an existing legal nonconforming off-premises outdoor advertising sign to an electronic sign if located within 500 feet of a residence, the board of commissioners will consider whether or not the electronic sign face will be visible from the residence(s) that is within 500 feet; whether or not electronic sign faces visible from the residence(s) are properly buffered and screened from lighting cast from the sign; whether or not there are other existing or changing conditions that would give supporting grounds for either approval or disapproval of the requested modification.
- (c) Determination criteria: Provided, in determining the exchange ratios:
  - (1) Multiple sign panels may be combined to satisfy the necessary sign face or panel removals;



- (2) Two sign faces or panels not less than 300 square feet shall equal one sign face or panel of 672 square feet in size;
- (3) For purposes of the installation an electronic sign face or panel 672 square feet in size, the applicant may remove five sign panels not less than 300 square feet in size to comply with the removal requirements.
- (d) Eligibility criteria: In order to be eligible for exchange credit, the entire above-ground sign structure upon which the sign faces/panels to be exchanged are located must be removed. The applicant will be issued a provisional permit to upgrade the designated sign to an electronic sign upon identifying the locations to be removed and otherwise showing compliance with the provisions of this section relating to electronic signs, but shall not be issued a building permit to complete the upgrade until such time as the exchanged sign(s) are actually removed.
- (e) Construction: The final permit shall provide that except for the replacement of the sign face(s) with the electronic sign panel, and any associated structural improvements or reconstruction required by current building codes for such signs, the designated sign shall not be moved to another portion of the property, increased in size or height, or otherwise modified in a manner which increases the nonconformity of the structure unless a variance is first obtained to permit such modification.
- (f) Regulation: In addition to the provisions of subsection 134-313(o)(1) of this chapter, each off-premises outdoor advertising electronic sign shall conform to the following:
  - (1) Each individual static message must be displayed for not less than ten seconds.
  - (2) Off-premises outdoor advertising electronic signs may not operate at brightness levels of more than 0.30 footcandles (under measurement conditions) above ambient light levels as measured at the following distances:

ELEC SIGN SQ.	FEET DISTANCE
< 100 sq. ft.	100'
101 sq. ft—300 sq. ft.	150'
> 300 sq. ft.	250'

- (3) The owner of said electronic off-premises outdoor advertising sign shall arrange for an annual certification of the light intensity showing compliance by an independent contractor and provide said certification to Cobb County.
- (4) No electronic off-premises outdoor advertising sign shall be located within 5,000 feet of another electronic off-premises outdoor advertising sign on the same side of the road (pole to pole), nor shall any electronic off-premises outdoor advertising sign be located within 1,000 feet of another electronic off-premises outdoor advertising sign facing the same direction.
- (5) Where located on a state-controlled route, each off-premises outdoor advertising electronic sign must comply with all Georgia Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this chapter.
- (g) Public service: Owners of off-premises outdoor advertising electronic signs are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information.

(Ord. of 9-8-09; Amd. of 2-22-11; Ord. of 2-28-12)

Sec. 134-319. - Redevelopment signage.

- (a) Purpose. The county and its staff have made certain determinations that there are blighted and underutilized properties existing within certain areas of the county and have officially targeted certain of such areas for redevelopment, and have observed that there are certain nonconforming grandfathered freestanding billboards (a.k.a. off-premises outdoor advertising signs) which may impede the redevelopment of such properties. Therefore, the county has determined that it is in the best interests of its citizens to provide that certain nonconforming grandfathered freestanding billboards be relocated on the said properties for a limited time period in order to facilitate redevelopment, amortize the useful life remaining on such billboards, and provide for their removal after such time period.
- (b) [Temporary relocation.] Any owner of real property located in an area which has been officially targeted by the board of commissioners for redevelopment and any permit holder to any nonconforming grandfathered freestanding billboard located thereon, may apply to the county for the purpose of temporarily relocating said billboard to another location on said property if such relocation is for the sole purpose of implementing an approved redevelopment plan on said property and if the relocation complies with all setbacks and other requirements for a structure on said parcel of real property. Any sign which is temporarily relocated on said property shall be limited to remain in the new location for no more than five years at which time the permit and any rights to said signage or permit shall expire. The property owner, permit holder, and any party holding an equity interest in said property must consent to such relocation and expiration and agree that there shall be no recovery for any alleged taking of property arising out of said relocation or expiration, and that the property owner shall be responsible for all costs of relocating said signage and removing it from the property at the end of the five-year period. Such consent and agreement shall be reflected in a writing to be recorded with the deed records of the clerk of superior court and shall run with the land.

(Ord. of 9-23-03)

Sec. 134-320. - Community improvement district directional and informational signs.

Findings and purposes. Article 9, Section VII of the Georgia Constitution allows for the creation and authorization of community improvement districts. The legal purposes as set forth in the State Constitution include that community improvement districts can generate and administer funds for a number of purposes including but not limited to street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads; parks and recreational areas and facilities; public transportation, including, but not limited to, services intended to reduce the volume of automobile traffic, to transport two or more persons, to improve air quality, and to provide bicycle and pedestrian facilities and the operation of a traffic management association or similar entity; planning, development, and improvement consistent with Cobb County's coordinated and comprehensive planning.

Because these community improvement districts are within and adjacent to regional activity centers as shown on the Cobb County Comprehensive Plan, as may be amended from time to time, there are many businesses and institutions within the districts that attract out-of-county visitors. These districts are some of the most urbanized areas in the entire county, including some of the highest daytime employment populations and vehicular traffic counts. Many people travel to, from, and through the districts on a daily basis. The roads are often at or above their capacity. Many travelers are visitors from other regions and are not familiar with the location of major destinations, major interstate highways, and activities within the districts. Travelers need the benefit of directional signs to help them find their activities or destinations within the districts. They also need the benefit of signage of a common appearance identifying the districts so as to confirm their location.

Each district has defined geographical boundaries and has achieved a prominence and a unique identity similar to that of a municipality. The legal purposes as set forth in the State Constitution require

cooperation between the county and/or city and the community improvement district to coordinate the very complex activities within the community improvement districts. Many of the activities that are coordinated by the county and the community improvement district can be accomplished by cooperative directional and informational signage within Cobb County rights-of-way. Properly regulated, such directional signs and signage identifying the districts may aid the flow of traffic which benefits not only the travelers who are unfamiliar with the districts, but residents of Cobb County who need to avoid the obstructions created by drivers wandering aimlessly on the districts' roads.

The following regulations recognize the necessity of such signage and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county within the official boundaries of community improvement districts.

For these reasons, community improvement districts shall be entitled to file for county department of transportation approved, directional and/or informational signs under rules and regulations to be promulgated by the county department of transportation, not in violation of state DOT regulations and approval by the county board of commissioners.

These rules and regulations shall be adopted by vote of the county board of commissioners after a public hearing in compliance with all applicable notice provisions of state law. The rules and regulations proposed by the county department of transportation are not required to be presented to the planning commission for review prior to adoption.

Factors to be addressed by the department of transportation in establishing these rules shall be:

- (1) Implementation of the stated purpose of this ordinance.
- (2) Limitation of signs to within the official boundaries of a community improvement district.
- (3) Safety.
- (4) Number of signs.
- (5) Radius.
- (6) Location.
- (7) Size.
- (8) Color.
- (9) Height.
- (10) Cost to manufacture, install and maintain sign.
- (11) Other factors deemed relevant.

All costs incurred in manufacturing, erecting and/or maintaining these signs shall be borne by each district.

(Amd. of 3-24-09)

Secs. 134-321—134-340. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Subdivision 1. - In General

Sec. 134-341. - Compliance with other laws; conflicting provisions.

The provisions of all other applicable county, state and federal laws shall apply. This article shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. If any provision of this article regulates the same activity, conduct or any aspect of signage that is also regulated by county, state or federal law, then the provision most restrictive of signage shall govern. If any provision of this article is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

(Ord. of 1-9-90, § 19; Ord. of 2-14-95, § 4)

Sec. 134-342. - Enforcement and penalties.

- (a) Enforcement personnel. Unless otherwise specifically provided by resolution of the county board of commissioners, the enforcement of this article shall be within the jurisdiction of the county's code enforcement personnel, including the zoning division manager, the zoning division manager's designees and all law and code enforcement personnel of the county. The enforcement personnel shall have such powers as are to enforce and give effect to this article. With regard to any provision of this article relating to traffic safety or public rights-of-way, the county department of transportation shall also be deemed to be enforcement personnel.
- (b) Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.
- (c) Removal of signs with notice:
  - (1) The enforcement personnel may order the removal of any sign that has been issued a permit and is in violation of this article by written notice, registered mail return receipt requested, to the permit holder. The removal order shall be issued only after the appropriate party fails to comply with the terms of this article within five days after the receipt of written notice of noncompliance by the county or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.
  - (2) An aggrieved party may appeal the removal order within ten days from the date the notice was received. Such appeal shall be as provided in section 134-95 or any successor provision. If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this article.
- (d) Removal of signs without notice. The enforcement personnel or any other agent of the county having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; or (ii) poses an immediate threat to the life or health of any members of the public; or (iii) the sign does not have a permit and is in violation of this article. In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to any one or combination thereof of the following: (i) to the owner of the sign; (ii) to the erector of the sign; (iii) to the property owner upon which such illegal sign is located; or (iv) to the person or to the business entity who procured the erection of the sign.
- (e) Charges to legal entity. If the criminal charges shall issue to a legal entity registered to do business in any state, such as a corporation, limited liability company, partnership or the like, then in that case, the citation for such violation may be issued to both the legal entity and any or all of the officers or employees of the legal entity who are culpable of violating this article.
- (f) Evidence in prosecution. Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.

- (g) Costs of removal. Removal of any sign as provided for in this section shall be without liability to the county, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the enforcement personnel shall certify the amount thereof for collection to the county attorney. Following such removal or repair, the county may collect the costs as provided in this subsection.
- (h) Invalid permits. The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this article or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this article. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings pursuant to this article against the property owner, sign owner, lessee, sign erector or a combination thereof.
- (i) Civil actions. The enforcement personnel or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this article.
- (j) Citations. Any violation of this article may be tried upon citations issued by the enforcement personnel pursuant to O.C.G.A. § 15-10-63 and any successor statute. Without limitation, sign erectors, sign owners and such other parties responsible for the violation may be cited for violation of any provisions of this article.
- (k) Penalties.
  - (1) Any person who violates any section or provision of this chapter, article VI, after the conviction upon a citation issued to the magistrate court of the county, for the first violation, shall be incarcerated for a period not to exceed 60 days and/or fined \$200.00, with the exception of those specific fines imposed in subparagraph (2) of this subsection, and not to exceed the maximum penalty prescribed by O.C.G.A. § 36-1-20, as amended from time to time. If any person is found to be guilty of more than one violation of this chapter, article VI, in any 12-month period the following fines are established:
    - (i) Three hundred dollars for the second violation of this chapter in any 12-month period.
    - (ii) Six hundred fifty dollars for the third violation of this chapter in any 12-month period.
    - (iii) One thousand dollars for the fourth violation and each successive violation of this chapter.
  - (2) Any person or business entity who violates the provisions of this article regulating off-premise outdoor advertising signs or the provisions of this article regulating weekend subdivision directional signs (WSDS), after the conviction upon a citation issued to the magistrate court of the county, for the first and each successive violation, shall be incarcerated for a period not to exceed 60 days and/or fined \$1,000.00, and not to exceed the maximum penalty prescribed by O.C.G.A. § 36-1-20, as amended from time to time.
- (l) Prosecutor. The governing authority of the county may provide by separate resolution that a county attorney shall prosecute all citations issued for the violation of this article in accordance with O.C.G.A. § 15-10-66, and any successor statute. Until such time as the governing authority shall enact such a resolution, the solicitor of the state court of the county and his assistants shall prosecute all citations issued for the violation of this article.
- (m) Remedies cumulative. All remedies and penalties specified in this article are cumulative.

(Ord. of 1-9-90, § 11; Ord. of 2-25-92, § 11(C), (D), (F), (G), (J); Ord. of 2-14-95, § 14; Ord. of 1-26-99; Ord. of 2-8-00; Ord. of 1-22-02; Ord. of 9-24-02; Ord. of 7-8-03; Ord. of 7-25-06; Amd. of 7-22-14)

Sec. 134-343. - Business license.

All persons engaged in the business of erecting, installing, altering, relocating, constructing or maintaining signs for compensation must possess a current business license at the time any sign permit is submitted and/or obtained.

(Ord. of 1-9-90, § 12; Ord. of 2-25-92, § 12; Ord. of 2-14-95, § 15; Ord. of 6-24-97 (eff. 7-1-97); Amd. of 7-22-14)

Sec. 134-344. - Indemnification of county.

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this article, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees and assigns agree to hold harmless and indemnify the county, its officers, agents, servants and employees from any and all claims for damages, including death; including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this article, to the extent allowed by law.

(Ord. of 1-9-90, § 13; Ord. of 2-14-95, § 16; Ord. of 9-10-02)

Sec. 134-345. - Variances.

- (a) There shall be no deviation from the terms of this article unless a variance has been granted by the board of zoning appeals of the county. Variances from the provisions of this article may be applied for and granted in the same procedural manner as variances from this chapter. For a variance to be granted from this article, each of the following must be shown:
  - (1) No characteristics contrary to the public interest will be promoted. No resulting variance shall create an effect or condition contrary to the public safety and welfare. Relief shall not impair the purposes of this article.
  - (2) A unique hardship is existing because of an extraordinary and exceptional condition pertaining to the particular piece of property in question because of a characteristic of its size, shape, topography or like characteristic. In the absence of the factors listed in the preceding sentence, economic or financial hardship alone may not be sufficient to support the grant of a variance.
  - (3) The condition causing the hardship is unique and is not common to the region in general.
- (b) Request for variances regarding any part of this article or enforcement thereof shall specifically include reasons why the application should be granted.
- (c) Variance procedures shall apply both to signs which are nonconforming as of the effective date of the ordinance from which this article is derived and to new signs erected thereafter.
- (d) Decisions of the board of zoning appeals shall be final, subject to such legal remedies an aggrieved party may have. Any appeal from a decision of the board of zoning appeals must be filed within 30 days of the decision.

(Ord. of 1-9-90, § 14; Ord. of 2-25-92, § 14(C), (D); Ord. of 2-14-95, § 17)

Sec. 134-346. - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of the ordinance from which this article is derived which do not conform to the provisions of this article shall be deemed to be nonconforming signs and may remain, except as otherwise specifically qualified in this article. Such signs shall not be enlarged,

extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either height or sign area. This provision shall not have the effect of excusing any violation of any other ordinance, nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.

- (b) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than normal maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this article. For any sign that is declared to be unsafe due to changed conditions beyond the control of the sign owner, such sign shall be promptly repaired, rebuilt or restored to the same dimensions, type and size of the original nonconforming sign. The failure to promptly repair, rebuild or restore such a sign within six months of the county declaring, in writing, the sign to be unsafe shall be deemed abandonment of the sign and any re-erection of such sign shall conform in all respects to the provisions of this article.
- (c) A nonconforming sign shall not be moved for any distance on the same lot or to another lot unless such change in location will make the sign conform to the provisions of this article, and meet permit requirements of this article.
- (d) If a nonconforming sign is removed or discontinued for any period of time, the subsequent erection of a sign shall be in accordance with the provisions of this article.
- (e) A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (f) All nonconforming temporary signs shall be brought into compliance with this article or removed within 90 days from the effective date of the ordinance from which this article is derived. Upon failure to comply with the requirements of this article, the county may cause the removal of such signs at the expense of the property owner, sign owner, permit holder and/or sign erector. The county shall have the right to maintain an action at law for the recovery of the costs of such removal. If the owner is unknown and cannot be found upon reasonable investigation, the county may cause the removal of such sign without liability.
- (g) Notwithstanding the other provisions of this section, all signs which were illegally erected or maintained with respect to prior sign ordinances shall be removed by the owner of the sign within 90 days from the effective date of the ordinance from which this article is derived. Upon failure to comply with the requirements of this article, the county may cause the removal of such signs at the expense of the property owner, sign owner, permit holder and/or sign erector. The county shall have the right to maintain an action at law for the recovery of the costs of such removal. If the owner is unknown and cannot be found upon reasonable investigation, the county may cause the removal of such sign without liability.
- (h) The purpose of this article's nonconforming treatment is to mitigate detrimental impact of new ordinances on existing previously legally conforming signage. Over time, it is anticipated that nonconforming usages shall eventually be eliminated. As a consequence, when a nonconforming sign is damaged by nature or an act of God, such sign may be promptly repaired, rebuilt or restored to the same dimensions, type, shape, location, and size and at the same height as the original nonconforming sign. The failure to repair, rebuild or restore such a sign within six months of the date of damage shall be deemed to be abandonment of the sign and any re-erection of such sign shall conform in all respects to the provisions of this article.
- (i) Except for the condition that renders a sign nonconforming, nonconforming signs must otherwise comply with all provisions of this article.

(Ord. of 1-9-90, § 17; Ord. of 2-14-95, § 9; Ord. of 9-10-02)

Sec. 134-347. - Inspections.

- (a) The enforcement personnel are hereby empowered to enter into or inspect any building, structure or premises upon which a sign subject to this article is located for the purpose of inspecting the sign, its structural and electrical connections and to ensure compliance with the provisions of this article and other applicable ordinances. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
- (b) This provision is in addition to and without prejudice to the rights of other inspectors and regulators to enter into and inspect premises.

(Ord. of 1-9-90, § 18; Ord. of 2-14-95, § 18)

Secs. 134-348—134-370. - Reserved.

Subdivision II. - Permit

Sec. 134-371. - Generally.

- (a) Except as otherwise provided in this article, no sign shall be used, constructed, maintained, located, replaced, expanded or relocated unless a sign permit has been issued by the county.
  - (b) A new sign permit shall be required for any structural alterations, other than normal maintenance and repair as defined in this article.
  - (c) No permit issued for a sign under the provisions of this article shall be deemed to constitute permission or authorization to maintain any sign that violates any provision of this article, any other ordinance, state law or federal law.
  - (d) Any sign requiring a permit for which a permit has not been secured shall be removed immediately. Removal shall be the joint and severable responsibility of the sign owner, the sign erector and any party that procured the erection of the sign.
  - (e) Permits for off-premises outdoor advertising signs are transferable upon proper application to the county under the following conditions:
    - (1) Application must be made within 30 days of the change in ownership of the sign or of assignment of any lease;
    - (2) Renewal fees, if any, are current; and
    - (3) The application must be on forms prescribed by the county, and such forms shall require:
      - a. That the transferee agree to the terms and conditions of the permit and any variance, stipulation, special use permit or zoning decision associated with such sign; and
      - b. A statement of the date of sale attested to by both seller and purchaser.
- Failure to timely and properly comply with this subsection shall be grounds for revocation of the permit.

(Ord. of 1-9-90, § 7; Ord. of 2-25-92, § 7(B), (F); Ord. of 2-14-95, § 10)

Sec. 134-372. - Exemptions.

- (a) The following operations shall not be considered as creating a new sign, and therefore shall not require a sign permit:



- (1) The changing of the advertising copy or message on an approved painted or printed sign, billboard, theater marque or similar approved sign which is specifically designed for the use of replaceable copy.
  - (2) Reserved.
  - (3) Normal maintenance or repair of an approved sign or sign structure.
- (b) No sign permit shall be required for any of the following signs to be displayed in any zoning district; provided, however, that all other applicable regulations shall apply to such signs and that no such sign in a residential zoning district shall be illuminated. Certain temporary signs not listed here and that do not require a permit are included in section 134-316
- (1) Official governmental signs. Signs of a governmental body, governmental agency or public authority or entity in its exercise of power of eminent domain, including but not limited to traffic signs, signals or similar regulatory devices or warnings, official flags, emblems, official public notices, official instruments, signs of historical interest or other similar signs or devices.
  - (2) Identification signs. Identification signs indicating the name and street number of owner or occupant, provided that no such sign shall exceed three square feet in sign area or contain any advertising display. Signs may be wall or building mounted or freestanding, provided that if freestanding, the sign shall not exceed a height of three feet. One sign shall be allowed per road frontage.
  - (3) Parking area signs. Signs identifying parking areas in commercial lots, so long as the primary purpose of the signs is to facilitate parking. No commercial message of any kind, except the name of a center, may be displayed and no sign shall exceed 21 square feet per structure. These signs may be permanent or temporary and banners are allowed. All signs must be securely attached to the structure, be in good condition and not discolored, have no tears, rips or frays and must comply with safety standards of this and other ordinances and laws. This subsection has enhanced the ability to erect signs identifying parking areas. As a result, it is not contemplated that variances as to size or number shall be granted without specific extenuating circumstances. These may include:
    - a. Number of parking spaces.
    - b. Height of structure.
    - c. Whether increased size would obscure visibility to motorists.
    - d. Size of tract, etc.
  - (4) Entrance/exit signs. Signs erected for the purpose of giving directions or instructions into and from the property; provided, however, no such sign shall exceed three feet in height above the pavement and no such sign shall exceed two square feet in sign area. No such sign shall be located closer than one foot from the public right-of-way and no such sign shall contain advertising displays. Location of the sign shall not obstruct sight distance from driveways or intersections.
  - (5) Construction-related signs. Signs placed upon a site under construction, alteration or removal denoting the name of the project under construction, the bank, the architect, engineer or contractor involved; provided, however, that such sign shall not exceed 16 square feet in sign area in residential districts or 32 square feet in sign area in other zoning districts and shall not exceed ten feet in height. All signs shall be removed from the site within seven days after final inspection or completion or abandonment of the project.
  - (6) Noncommercial signs. Signs bearing a noncommercial message are allowed without a permit. Such signs shall be located a minimum of one foot from any publicly maintained right-of-way or easement, shall not be located in any medians and must be with proper authorization of the property owners. Such signs shall be limited to a copy area not to exceed 32 square feet each, except that a rider/add-on not exceeding 12 inches high to the bottom and/or top of a 32 square foot sign and running the entire width of the sign is allowed; further except that, on a residential lot larger than five acres, oversized signs (signs exceeding 32 square feet each) are allowed so

long as the total of oversized signs on said lot do not exceed 64 square feet total copy area; and further except that, in areas zoned for commercial or industrial usage, noncommercial signs are subject to the size limitations as set forth in section 134-314(a) for commercial signs. Nothing herein shall be deemed to disallow the use of grandfathered off-premise outdoor advertising signs to display noncommercial messages. All noncommercial signs are subject to subsections 134-313(f), (k), (l) and (m) and subject to section 134-342

- (7) Special event or seasonal signs. Sign displays that include any message, insignia or depiction traditionally associated with the holiday or event celebrated or observed, including state, national or international events. It is envisioned that depictions traditionally associated with a holiday be allowed. These include, by way of example and not by limitation, Santa Claus, Nativity scenes, menorahs, Easter bunnies, pumpkins, "Happy New Year" flags and July 4th celebrations. However, no commercial message or copy shall be permitted in conjunction with an allowed seasonal or special event sign or display. Each allowed special event or seasonal display may continue for a 15-day period in any one year, except:
  - a. Thanksgiving through New Year's season, when a 40-day period of display will be allowed;
  - b. Seasonal displays may include signs, banners and ornamental objects which would not ordinarily be allowed under this article; and
  - c. Happy graduation banners for high school graduates or college graduates displayed not more than 30 days. Additionally, "welcome home" banners may be displayed not more than 14 days.
- (8) Official flags or insignias. Flags or insignias of the United States, the state or any other nation, state or government. Such flags or insignias shall be flown in compliance with the standards applicable under state and federal law. Flags or insignias of the United States, the state or any other nation, state or government shall not be used for the purpose of advertising, selling or promoting the sale of any good or service.
- (9) Other flags or insignias. Flags or insignias other than the flag or insignia of the United States, the state or any other nation, state or government, shall be limited to one per lot and shall not exceed 15 square feet in area, and shall be displayed from a flag staff not to exceed 30 feet in height. (Ordinance of February 15, 1995)
- (10) Occupational and professional signs. Wall mounted or soffit-type nameplates or signs denoting only name, address, telephone number and occupation or profession. Such signs shall be attached to buildings, shall be limited to one per tenant or subdivided occupant, and shall not exceed three square feet in sign area.
- (11) Architecture. Integral decorative or architectural features of buildings and structures.
- (12) Memorials. Memorial signs or tablets, including but not limited to building cornerstones and other similar signs which indicate the names of buildings, dates of erection or other historical data.
- (13) Temporary window displays. Temporary window displays of merchandise sold on premises.
- (14) Scoreboards. Scoreboards on athletic fields, including advertising on school athletic fields, fences or walls.
- (15) Real estate signs. Signs advertising the lease or sale of the property on which the sign is located are allowed without a permit subject to the following restrictions.
  - a. Residential. In residential zoning districts signs shall not exceed 16 square feet and shall comply with the provisions as noted in section 134-313
  - b. Nonresidential. In all other zoning districts signs shall not exceed 32 square feet.

One sign is allowed for each complete 200 feet of the lot's frontage along any one public road. All real estate signs shall be removed within 30 days of the sale or lease of the last property advertised.

- (16) No trespassing signs. Signs of less than two square feet in sign area, placed near property lines, identifying private property or instructing the public not to enter.
- (17) Warning or regulatory signs. Signs such as danger, no hunting, no smoking, no dumping, etc.
- (18) Gas pumps/vending machines. Signs forming an integral part of a gasoline pump, service appliance or vending machine.
- (19) State emission station signs. Each official station shall be allowed to display "authorized station" signs indicating such status. Signs shall not exceed 36 inches by 48 inches. Wording shall include "state approved emissions inspection," with letters of a minimum of 4½ inches high, and shall specify if the station is "full-time" or "appointment." If the station is a full-time station the hours and days of inspection shall be displayed. Such signs shall be displayed in accordance with O.C.G.A. § 57-21-08, as amended from time to time. Such signs shall be mounted as a wall sign or shall be located as a freestanding sign. All provisions of the Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. § 12-9-40 et seq., shall be complied with.
- (20) Interior signs. Signs intended to be viewed from the interior of the building.
- (21) Political signs, whereby the public is to be informed regarding a specific political event or candidate or issue, are treated the same as other noncommercial signs.
  - a. Reserved.
  - b. Political signs shall be located a minimum of one foot from any publicly maintained right-of-way or easement, shall not be located in any medians and must be with proper authorization of the property owners.
  - c. Political signs shall be limited to a copy area not to exceed 32 square feet; however, this shall not be deemed to disallow the use of general outdoor advertising signs. Candidates may place a rifer/add-on not exceeding 12 inches high to the bottom and/or top of a 32 square foot sign and running the entire width of the sign.
  - d. Political signs shall be allowed in all zoning districts.
  - e. Political signs shall further be subject to subsections 134-313(f), (k), (l) and (m) and section 134-342
  - f. Prior to removal of signs in violation, except for signs on the right-of-way or those signs creating a traffic or safety hazard, violators, whether erector or user, shall be given at least 48 hours notice to remedy their violation.
- (22) Drive thru restaurant menu board(s). Signs intending to inform restaurant drive thru patrons of food and/or drink items. The content of the menu board(s) shall not be legible from public roads.

(Ord. of 1-9-90, § 5; Ord. of 2-25-92, § 5(B)(1), (6), (11), (17), (18); Ord. of 2-14-95, § 3; Ord. of 1-26-99; Ord. of 9-24-02; Amd. of 2-25-14; Amd. of 7-22-14)

Sec. 134-373. - Application; issuance or denial.

- (a) Who may apply. Permits shall be issued only to:
  - (1) The owner of the real property where the sign is to be located;
  - (2) A lessee who has the right to install or maintain a sign on the real property where the sign is to be located; or
  - (3) The erector of the sign.

An applicant who is a lessee shall produce a copy of the lease or a written statement from the owner of the real property that the applicant has the right to maintain a sign on the property. A sign erector shall produce

a copy of a current business license. Application may be made by the owner, lessee or agent of the owner or lessee.

- (b) Permit holder generally. All notices and communications regarding notification of sign permit renewals or violations shall be sufficiently given for all purposes of this article if mailed, certified, return receipt requested, or by electronic communication (email) to the permit holder at the address given in the application or any subsequent notification of change of address. A change in return address on an envelope or on a letterhead shall not be deemed as notification of change of address unless correspondence clearly calls this change to the addressee's attention. Notice shall be effective at the time of receipt or ten days from the date of mailing, or emailing if no receipt indicating acceptance is returned. All other general notices and communication may be made by depositing the same in the United States mail with sufficient postage affixed thereto, or by electronic communication (email).
- (c) Application. Application for a sign permit shall be filed with the county on forms furnished by the county. The application for a permit shall contain the identification and address of the property on which the sign is to be erected; the names, addresses and telephone numbers of the sign owner, sign erector, property owner, lessee, if applicable, and the agent making the application, if applicable; the type of sign as classified by this article; and such other pertinent information as the county may require to ensure compliance with the provisions of this article and other applicable ordinances of the county. The county may require that the application be accompanied by two copies of the following: site plans showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, property lines, all easements of record, public rights-of-way and other signs; plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in ground erection; and a visual representation of the completed sign. The county may require such plans to be to scale and bear the signature and seal of a registered land surveyor, professional engineer, architect or land planner. Each application shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this article. If classification of the road on which the property fronts is of importance to the permit process, the county may require the applicant to submit certified documents from the state department of transportation or the United States Department of Transportation or their successors regarding the classification of the road.
- (d) Processing of application. Upon receipt of a properly completed application for a sign as permitted under the provisions of this article, the county, through its enforcement personnel, shall examine and process the application. An action by the county to approve or deny a sign permit shall be taken within 30 days of receipt of a complete sign permit application. Any sign permit application for which no action has been taken after 30 days or more shall be deemed to be approved. A permit may be denied if the applicant landowner or lessee is presently maintaining any sign in violation of this article.
- (e) Procedure upon denial. Upon denial of the application of a permit, the applicant shall be given written notice (which may include electronic communication such as email) stating the reason for the denial within 30 days of the decision to deny the permit. Upon denial of the application for a permit, the applicant may appeal to the board of zoning appeals as provided by section 134-95 within 30 days of the receipt of notice of the final decision of the administrative officer. The hearing before the board of zoning appeals shall be governed by the board of zoning appeals' hearing procedures.
- (f) Expiration. Any permit which is required to be renewed or transferred and is not renewed or transferred within 12 months will be deemed expired and cannot be renewed or reinstated. If the permit expires the sign may be removed as specified under subsection 134-342(c).

(Ord. of 1-9-90, § 8; Ord. of 2-25-92, § 8(E); Ord. of 2-14-95, § 11.A—E, G; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 4-25-02; Ord. of 9-10-02; Amd. of 2-22-11; Amd. of 7-22-14)

Sec. 134-374. - Renewal of off-premises outdoor advertising sign permit.

- (a) A sign permit for an off-premises outdoor advertising sign shall be renewed annually.

- (b) The fee for off-premises outdoor advertising signs annual renewal shall be as set by the board of commissioners from time to time.
- (c) Renewal fees for off-premises outdoor advertising signs shall be due January 1 of each year. Fees not received by April 1 shall be subject to a monthly penalty equal to the amount of the renewal fee each month the renewal is delinquent.
- (d) Should a renewal fee remain delinquent in excess of one year, the permit shall thereafter expire. If a sign is erected and the permit expires under the provisions of this section, sign enforcement personnel shall be authorized to institute proceedings to remove such sign.

(Ord. of 1-9-90, § 9; Ord. of 2-25-92, § 9(A)—(D); Ord. of 2-14-95, § 12; Ord. of 1-26-99)

Sec. 134-375. - Fees.

The application for a permit shall be accompanied by the appropriate permit fee as established by the board of commissioners from time to time. The board of commissioners may by amendment to this article establish any other fees, or amend fees set by this article. The sign permit fees shall be:

- (1) Temporary banner permits shall be \$25.00 each.
- (2) Renewal fee for existing off-premises outdoor advertising signs shall be \$50.00 per face.
- (3) Wall signs, freestanding signs, panel changes, or any other sign not covered under [subsections] (1) and (2) of this section shall be \$50.00 for up to the first \$1,000.00 of sign construction cost, plus one percent of the sign construction cost exceeding the initial \$1,000.00 cost.

(Ord. of 1-9-90, § 10; Ord. of 2-25-92, § 10(A)(2), (C); Ord. of 2-14-95, §§ 11.F, 13; Amd. of 7-22-14)

Sec. 134-376. - Severability.

- (a) It is hereby declared to be the intention of the governing authority that the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by judgment or decree of any court of competent jurisdiction, the unconstitutional or invalid phrase, clause, sentence, paragraph shall be struck and the remaining phrases, clauses, sentences, paragraphs, and sections shall be effective as if the unconstitutional or invalid portion had not existed.
- (b) In the event that a court of competent jurisdiction declares that the provisions of section 134-315 as applied to political or campaign signs is unconstitutional or invalid by judgment or decree, it is the intention of the governing authority that said section shall be considered severed from this section as applied to political or campaign signs, but the provisions of section 134-315 shall continue to apply to all other signs.
- (c) If any provision of this article conflicts with any other provision of this article or its amendments as adopted by the governing authority, or with any other applicable ordinance, statute, or law, the provision that contains the more stringent regulation shall be enforced.

(Ord. of 9-10-02)