

2019 CODE AMENDMENT

Official Code of Cobb County Part I. - Chapters 134 Article VI

Package I

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Board of Commissioners Work Session
July 22, 2019

Board of Commissioners Public Hearing Dates
July 23, 2019 – 7:00 pm
August 27, 2019 – 7:00 pm

Planning Commission Public Hearing Date
August 6, 2019 – 9:00 am

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ARTICLE VI. – SIGNS

DIVISION 1. – GENERALLY

Sec. 134-311. – Purpose; findings.

The Board of Commissioners has considered the aesthetic and safety reasons for limiting signage within Unincorporated Cobb County. The Board of Commissioners has determined that unregulated sign proliferation may contribute to a lowering of commercial and residential property values in the County. Moreover, the Board of Commissioners has determined that clutter created by an excess in number, size, and height of signs can create a distraction to travelers and negatively impact the aesthetic qualities of the County and intrude upon the residential character of the County. It has been found by the Board of Commissioners that limiting the number, type, and dimension of signs in accordance with the following regulations will serve these substantial governmental and community interests.

The Board of Commissioners is well aware that signs are an important means by which County residents, organizations, institutions, and businesses convey constitutionally protected commercial and noncommercial messages. The following regulations provide an appropriate balance between the right to communicate via signs and the protection of the community interests stated above.

The Board of Commissioners recognizes that it is rarely proper for the government to determine the content of speech that will be allowed on signs. As such, it is the intent of the Board of Commissioners that signs will be approved or disapproved *entirely* without regard to the content to be posted on all signs. To any extent the text of this Sign Ordinance states or suggests that content should be a factor in determining whether a sign is to be permitted or allowed, that text is hereby overridden and such meaning is to be disregarded. County officials and staff shall not be allowed to consider sign content in any way. In the permitting of signs, the County shall not inquire of the applicant what a sign will say or what message or content is to appear thereon. The message appearing on any existing sign may be changed without regard to content.

Sec. 134-312. – Definitions.

Blade sign means a sign that projects from a wall or surface that normally runs perpendicular to the wall or surface that it is attached.

Electronic sign means a sign the message of which may be changed by computer controller, microprocessor controller, or by remote control, and the message of which 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 portion of the sign that displays, or is capable of displaying, the message, copy, text, or image.

Flag means a piece of fabric or other flexible material utilized to convey or communicate a visual impression or message.

Freestanding sign means a self-contained sign which is physically independent of any building or other structure.

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 (1) 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 cannot be attached to, resting upon, or supported by any pillars, columns, or pylons which allow for open spaces or direct line of sight from one (1) side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground.

Manager means the Zoning Division Manager or the authorized designee of the Zoning Division Manager.

Major Roads means only the following: Interstate 75, Interstate 20, Interstate 285, and Cobb Parkway/U.S. Highway 41.

Mitered corner means an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts, or railroads and extending twenty (20) feet along each such right-of-way, and closed by a straight line connecting the end points of the twenty (20)-foot sections of the right-of-way lines.

Oversized Sign means a permanent sign which exceeds nineteen (19) feet in sign height or forty-nine (49) square feet of sign area on any one (1) face of the sign.

Permanent Sign means a sign attached to a structure or the ground which is made of materials intended for long-term use.

Portable Sign means any sign posted on a cart, trailer, wheels, or other mobile device that is not permanently affixed, including but not limited to, signs mounted or painted on vehicles not used primarily for other purposes.

Sign means any device, image, structure, or other thing utilized in whole or in part to convey or communicate a visual impression or message. Such definition includes, but is not limited to, placards, posters, flags, banners, pennants, pictures, projected images, balloons, streamers, window signs, and painted images.

Sign area means the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign face to the extreme highest point of the sign face and from the extreme left edge to the extreme right edge of the sign face or faces 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.

Sign height means the height of the sign structure as measured from the base of the sign at ground level or from the grade of the nearest adjacent road, whichever is higher, to the highest point on the sign structure, to include the sign face and any borders, trim, or decorative elements.

Wall sign means a sign, including an awning sign, permanently attached to the exterior wall of a building. A wall sign shall also include blade signs, glass facades, or rows of windows which when viewed in conjunction with or collectively with the sign, may represent a name, logo, or other advertisement.

Sec. 134-313. – Signs requiring a permit.

Unless exempted by Section 134-315 of this article, no sign shall be used, constructed, maintained, located, replaced, expanded, or relocated unless a sign permit has been issued by the County. Notwithstanding the foregoing sentence, normal maintenance or repair of a permitted sign or a legal nonconforming sign is allowed without a permit, as are copy/message changes.

Sec. 134-314. – Signs prohibited.

The following signs are prohibited:

- (a) Oversized signs, as defined above based only on their size or height, except in accordance with Sections 134-316, 134-321 or 134-322 of this article;
- (b) Signs on the public right of way, to include medians, sidewalks, curbs, and all other public land except in accordance with Section 134-315(b) of this article;
- (c) Any sign larger than twelve (12) square feet on property that is currently vacant or zoned or in use for residential purposes;
- (d) Signs located within recorded and/or prescriptive water, sewer, or utility service easements unless a variance is granted by the Board of Zoning Appeals or the easement holder provides a written waiver for the proposed sign;
- (e) Any sign, the erection of which would increase the total aggregate area of all sign faces on property that is currently vacant or zoned or in use for residential purposes to more than twenty (20) square feet;
- (f) Any sign, the erection of which would increase the total aggregate area of all sign faces on a property that is currently primarily used for commercial or industrial purposes to more than eighty (80) square feet, except in accordance with Sections 134-316 or 134-321 of this article;
- (g) Signs attached to the roof of a building or structure;
- (h) Portable signs;
- (i) Any sign that is taller than nineteen (19) feet in sign height, except in accordance with Section 134-316 of this article;
- (j) Wall signs projecting more than twenty-four (24) inches from the building surface on which it is attached;
- (k) Electronic signs used as canopy, wall, or awning signs;
- (l) More than four (4) freestanding signs on any platted, recorded, or deeded lot of record;
- (m) Signs posted without the permission of the owner of the property or their authorized tenant or agent;

- (n) Permanent or temporary window signs which cover more than 50 percent of the window glass surface of each pane of glass.

Sec. 134-315. – Exempt signs.

The following signs are exempt from all provisions of this article but must meet other applicable County ordinances:

- (a) One (1) non-permanent sign smaller than twelve (12) square feet in area may be posted on any parcel of land but, as with all signs, only with the express permission of the property owner or authorized tenant;
- (b) Signs posted by authorized government officials in the strict performance of their official duties on public land or right of way;
- (c) Signs not legible from public thoroughfares, including trails and walkways, or signs within a business, office, building, or other enclosed area that are not visible from other parcels;
- (d) Any sign of six (6) square feet or smaller that is posted by a County resident at the location of their residence, so long as the total square footage of all signs on such property does not exceed twenty (20) square feet;
- (e) One (1) temporary sign or banner of a size not larger than thirty-two (32) square feet may be posted in common areas of platted residential subdivision property for a period not exceeding thirty (30) days during each calendar year;
- (f) Flags, so long as the total square footage of all flags on a property does not exceed fifteen (15) square feet if the property is vacant or zoned or used for residential purposes or forty-five (45) square feet if the property is used for non-residential purposes.

Sec. 134-316. – Oversized signs.

The Board of Commissioners has considered the need for commercial and noncommercial speech through the medium of oversized signs along major roads, as defined herein. These interests must be weighed against the aesthetic and safety concerns that have been enumerated elsewhere in this article. After thorough consideration of these countervailing interests, the Board of Commissioners has developed the following restrictions regarding oversized signs to be allowed along major roads (on parcels adjacent to the right of way), as defined herein, in the County. These restrictions shall apply to all oversized signs that are not allowed by Sections 134-321 or 134-322 of this article.

- (a) All oversized signs must comply with the State of Georgia's sign regulations (O.C.G.A. §§ 32-6-70, *et seq.*) and all additional or more restrictive regulations set forth in this Section 134-316;
- (b) No oversized sign shall exceed thirty-five (35) feet in height;
- (c) No oversized sign shall exceed three hundred (300) square feet in sign area per side;
- (d) No oversized sign shall be located within one thousand (1,000) feet of another oversized sign in any direction;
- (e) No oversized sign shall be located within one thousand (1,000) feet in any direction of any parcel zoned or used for residential purposes;
- (f) Oversized signs shall not be electronic signs except in conformance with Section 134-317 below.

Sec. 134-317. – Reduction in number of nonconforming oversized signs.

- (a) The Board of Commissioners finds that all existing oversized signs in unincorporated Cobb County that do not comply with this article are legal nonconforming uses, and consistent with the provisions of Section 134-319 of this article, it is the desire of Cobb County that such nonconforming uses be permitted to continue, but that they be reduced over time. The Board of Commissioners further finds that the development of electronic signs provides a valuable opportunity to enhance the utilization of existing oversized sign 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 oversized signs to electronic signs, in exchange for a reduction in the overall number of nonconforming oversized signs constitutes a benefit to Cobb County in regard to traffic safety and aesthetics.
- (b) Notwithstanding any other provision of this article, any existing legal nonconforming oversized sign face(s) or panel(s) existing on the date of adoption of this article and not located within five hundred (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 (3) legal nonconforming oversized 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 oversized sign face(s) or panel(s) existing on the date of adoption of this article amendment that is located within five hundred (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, proof of mailings to residents within one thousand (1,000) feet and public hearing requirements. When determining the appropriateness of modifying an existing legal nonconforming oversized sign to an electronic sign if located within five hundred (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 five hundred (500) feet and whether or not electronic sign faces visible from the residence(s) are properly buffered and screened from lighting cast from the sign.
- (c) Provided, in determining the exchange ratios:
- (1) Multiple sign panels may be combined to satisfy the necessary sign face or panel removals;
- (2) Two (2) sign faces or panels not less than three hundred (300) square feet shall equal one (1) sign face or panel of six hundred and seventy-two (672) square feet in size;
- (3) For purposes of the installation an electronic sign face or panel six hundred and seventy-two (672) square feet in size, the applicant may remove five (5) sign panels not less than three hundred (300) square feet in size to comply with the removal requirements.
- (d) 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) 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) Each electronic sign allowed pursuant to this section shall conform to the requirements set forth in Section 134-318(c) of this article.
- (g) No electronic sign allowed pursuant to this section shall be located within five thousand (5,000) feet of another electronic sign on the same side of the road (pole to pole), nor shall any electronic sign be located within one thousand (1,000) feet of another electronic sign facing the same direction.
- (h) Where located on a state-controlled route, each oversized sign allowed pursuant to this section must comply with all Georgia Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this chapter.
- (i) Owners of electronic signs allowed pursuant to this section 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.

Sec. 134-318. – Illumination.

- (a) 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 lighted sign shall cast light directly on streets, roads or neighboring property.
- (b) 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.
- (c) Electronic signs may be used in accordance with the following provisions, provided that legal nonconforming oversized signs shall not be converted to electronic signs except in accordance with the provisions of both this Section and Section 134-317 of this article.
 - (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 article.
 - b. Electronic signs shall contain static messages only that are displayed for not less than ten (10) seconds 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 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:

<u>Elec. Sign sq. ft.</u>	<u>Feet Distance</u>
<u>< 100 sq. ft.</u>	<u>100'</u>
<u>201 sq. ft.—300 sq. ft.</u>	<u>150'</u>
<u>> 300 sq. ft.</u>	<u>250'</u>

e. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

f. The owner of said electronic sign shall provide to the zoning division manager or designee, information for a twenty-four (24)-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time more than fifty (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.

g. 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 twelve (12 months)]. If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this article, the owner of the sign, within twenty-four (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 article at owner's expense.

h. Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this article.

i. No electronic sign shall utilize, house, or contain any interactive features or components, or function as an interactive sign.

Sec. 134-319. – Nonconforming signs.

Any sign that was approved or in existence at the time this article was passed, August 27, 2019, and was legal pursuant to the County's previous sign regulations, variances, or agreements, will be exempt from the provisions of this article. The structure, dimensions, location, and/or other physical characteristics of any such sign shall not be changed without first complying with this article. 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. The purpose of this section 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 (6) 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.

Sec. 134-320. – Future developments.

Where the owner or developer of a commercial, residential, or other development seeks permission to post signs on such development as part of the general plan approval process, such signs may be approved by the Board of Commissioners as part of the normal process for approving design and building plans for new developments. If such approval is obtained, the owner or developer shall still be required to seek and obtain necessary sign permits pursuant to Sections 134-313 and 134-343 of this article.

Sec. 134-321. – Commercially and industrially-zoned properties.

All freestanding signs must be ground based monument signs except oversized signs authorized by Section 134-316 of this article.

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

<u>Lot Size</u> <u>(acres)</u>		<u>Maximum Total Sign Area</u> <u>Allowed on Property</u> <u>(square feet)</u>	<u>Maximum Sign</u> <u>Structure Area Allowed</u> <u>on Property*</u> <u>(square feet)</u>	<u>Maximum</u> <u>Total Sign</u> <u>Area</u> <u>Allowed</u> <u>Per Sign</u> <u>(square</u> <u>feet)</u>	<u>Maximum</u> <u>Sign</u> <u>Structure</u> <u>Area</u> <u>Allowed</u> <u>Per Sign</u> <u>(square</u> <u>feet)</u>
<u>Greater</u> <u>Than</u> <u>or</u> <u>Equal</u> <u>To</u>	<u>But</u> <u>Less</u> <u>Than</u>				
	<u>1/2**</u>	<u>60</u>	<u>150</u>	<u>49</u>	<u>120</u>
<u>1/2</u>	<u>1**</u>	<u>65</u>	<u>162.50</u>	<u>49</u>	<u>140</u>
<u>1**</u>	<u>5</u>	<u>120</u>	<u>300</u>	<u>49</u>	<u>200</u>
<u>5</u>	<u>10</u>	<u>200</u>	<u>500</u>	<u>120</u>	<u>300</u>
<u>10</u>	<u>no</u> <u>limit</u>	<u>300</u>	<u>750</u>	<u>200</u>	<u>500</u>

* 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 (1/2) acre shall mean twenty thousand (20,000) square feet and one (1) acre shall mean forty thousand (40,000) square feet. Any lot size above forty-three thousand five hundred and sixty (43,560) square feet shall be calculated on its actual square footage.

No single sign area (display area) may exceed two hundred (200) square feet on any size lot.

- (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 (1) 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 sixty (60) degrees or less and attached to a common structure. If the two (2) faces of a double-faced sign are of unequal area, the larger of the two (2) faces shall be the area used for calculations.

- (b) Businesses and property owners are encouraged to promote better emergency response conditions by displaying the street address on the largest freestanding sign on each parcel. The maximum height of the number shall not exceed one (1) foot in height or width. The numbers will not be counted against the maximum allowable sign area.
- (c) All signs must be located on private property except in accordance with Section 134-315(b). No sign can be erected on or encroach on any public right-of-way. No sign shall be located within sixty-two (62) feet of the center line of an arterial road right-of-way, within fifty-two (52) feet of the center of a major collector road right-of-way, or within forty-two (42) feet of the center of any other road right-of-way, and no closer than one (1) 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.
- (d) One sign is allowed for each complete two hundred (200) feet of public road frontage; provided that on any frontage of less than two hundred (200) feet, one (1) sign shall be allowed on that public road frontage.
- (e) The maximum sign area for a wall sign or awning sign for each occupant or tenant shall be calculated as follows: for each one (1) linear foot of the wall or building along each face of the building devoted to each occupant or tenant, two (2) square feet of sign area is allowed on that face, up to a maximum of forty-nine (49) square feet of sign area per occupant or tenant.
- (f) Each freestanding sign must be at least one hundred and fifty (150) feet from any other freestanding sign on the same lot.
- (g) A blade sign may project up to forty-eight (48) inches from the wall or surface on which it is attached.
- (h) Electronic signs may be utilized for and in conjunction with any freestanding sign permitted by this section, provided that each such electronic sign must be located on a property/lot with at least two hundred (200) feet of public road frontage on one (1) road (if abutting more than one public road, sign may only be erected along a road with more than two hundred (200) feet of frontage) and cannot be within two hundred (200) feet of another electronic sign that has been permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.

Sec. 134-322. – Nonresidential uses on residential properties.

This section regulates signs for nonresidential uses on residentially zoned properties. Examples of such nonresidential uses include but are by no means limited to churches, country clubs, golf courses, schools, and produce or product stands. However, such nonresidential uses shall not include a customary home occupation as defined in Section 134-1.

- (a) The maximum sign area for a wall sign or awning sign shall be calculated as follows: for each one (1) linear foot of the wall or building along each face of the building, two (2)

square feet of sign area is allowed on that face, up to a maximum of thirty-two (32) square feet of sign area.

(1) *Sign area.* This chart specifies the allowable sign area for freestanding signs and canopy signs located outside the buildable area of the lot for nonresidential uses on residentially zoned properties:

<u>Lot Size</u> <u>(acres)</u>	<u>Maximum Sign Area Allowed on Property</u> <u>(square feet)</u>
<u>Less than 5*</u>	<u>32</u>
<u>Greater than 5</u>	<u>64</u>

* For the purpose of this subsection one (1) acre shall mean forty thousand (40,000) square feet. Any lot size above forty-three thousand five hundred and sixty (43,560) square feet shall be calculated on its actual square footage.

(2) *Height.* Signs for use in residential zones shall not exceed a sign height of eight feet.

(3) *Location.* Any permitted sign for use in residential zones shall be located at least seventy-five (75) feet from any other such permitted sign on the same lot.

(4) *Type/design.* All freestanding signs must be ground based monument signs.

(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.

- (b) Electronic signs may be utilized for and in conjunction with any freestanding sign permitted by this section, provided that each such electronic sign must be located on a property/lot with at least two hundred (200) feet of public road frontage on one (1) road (if abutting more than one (1) public road, sign may only be erected along a road with more than two hundred (200) feet of frontage) and cannot be within two hundred (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. Further, the electronic messaging portion of sign shall not exceed thirty-two (32) square feet per allowable sign area and may not have more than two (2) electronic sign areas per sign.

Sec. 134-323. – Temporary signs for commercially and industrially-zoned properties.

- (a) The following types of signs or devices may be displayed on commercially or industrially zoned properties upon the issuance of a temporary permit so long as any such sign or device does not exceed two hundred (200) square feet:
- (1) Searchlights.
 - (2) Banners.
 - (3) Inflatables (greater than three (3) feet in width and/or height).
- (b) Each occupant or tenant of a multi-occupant building or multi-tenant lot may display one (1) 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 signs by others on the lot.

- (c) Only one (1) freestanding banner may be displayed on a lot at a time.
- (d) Search lights or banners shall require a permit on a semiannual basis which allows two (2) sixty (60)-day periods to utilize a temporary sign or device, i.e., one (1) sixty (60)-day period from January 1 through June 30, then a second sixty (60)-day period from July 1 through December 31. There must be at least a thirty (30)-day break between any two sixty (60)-day permitted periods. Temporary devices (inflatables) shall require a permit on a semiannual basis which allows two (2) weekends per month, to utilize the inflatable, i.e., one (1) permit from January 1 through June 30, and a second permit, July 1 through December 31.
- (e) Top of inflatable devices cannot be any higher than twenty (20) feet from the roofline and thirty-five (35) feet from ground level.
- (f) Display of the inflatable device shall be allowed from 3:00 p.m. on Friday to 8:00 a.m. on Monday.

Secs. 134-324 – 134-340. – Reserved.

DIVISION 2. – ADMINISTRATION AND ENFORCEMENT

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.

Sec. 134-342. – 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.

Sec. 134-343. – Permits.

- (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 who must be fully authorized to perform such work.

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) *Notices.* All notices and communications shall be sufficiently given for all purposes of this article if delivered personally, mailed via U.S. mail, or sent by electronic communication (email) to the permit holder or applicant at the address given in the application or any subsequent notification of change of address. County staff may also call an applicant or sign owner and instruct them that an item is available for pick-up. Notice shall be deemed effective on the date first sent by County staff.
- (c) *Application.* An 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 size, height, and other structural components of the sign; and such other information needed to show strict compliance with the provisions of this article and other applicable building and electrical ordinances of the County based on the type of sign requested. For all permanent freestanding signs, the application must be accompanied by two (2) 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. Such plans shall be to scale and bear the signature and seal of a registered land surveyor, professional engineer, architect, or land planner. All applications for sign permits 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.
- (d) *Processing of application.* County staff shall examine and process the application. If the application is missing any of the materials specified in subsections (a) and (c) above, the application will be deemed incomplete and the applicant will be given written notice stating the reason for incompleteness in accordance with subsection (e) below within forty-five (45) calendar days after the application was submitted. If an applicant submits additional materials in an attempt to complete a sign application, the submission date of the entire application shall be deemed to be the last date on which any such material is submitted. If the application contains all materials specified in subsections (a) and (c) above, the application will be deemed complete and will be processed and approved or denied within forty-five (45) calendar days of it being submitted. Any sign permit application for which no decision has been made after forty-five (45) calendar days or more shall be deemed to be approved. A permit shall 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 forty-five (45) calendar 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 fifteen (15) days of the

communication 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. If a sign has not been installed within six (6) months of the issuance of any sign permit, the permit shall be deemed expired and the applicant will need to resubmit for a new sign permit.

Sec. 134-344. – Renewal of oversized sign permits.

- (a) All sign permits for signs classified as oversized signs under this article that were renewed annually under the previous County sign regulations shall continue to be renewed annually.
- (b) The annual renewal permit fee shall be set by a fee schedule adopted and approved by the Board of Commissioners, as may be amended from time to time.
- (c) Such renewal fees 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 (1) year, the permit shall thereafter expire. If a sign is erected and the permit expires under the provisions of this section, sign enforcement personnel and/or the County attorney's office shall be authorized to institute proceedings to remove such sign.

Sec. 134-345. – 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.

Sec. 134-346. – Fees.

The application for a permit shall be accompanied by the appropriate permit fee. This fee shall be set by a fee schedule adopted and approved by the Board of Commissioners, as may be amended from time to time. The fee schedule for sign permits under this chapter shall be on file at the County clerk's office and at the community development agency. Any person, company, or entity who commences work on a sign before obtaining the necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be subject to a penalty fee equal to the required permit fees. The penalty fee shall be paid in addition to the required permit fee. The penalty fee shall not exceed \$1,000.00.

Sec. 134-347. – 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, or the Board of Commissioners. Variances from the provisions of this article may be applied for and granted in the same procedural manner as variances from this chapter, or via an action before the Board of Commissioners. 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 or Board of Commissioners shall be final, subject to such legal remedies an aggrieved party may have. Any appeal from a decision of the Board of Zoning Appeals or Board of Commissioners must be filed within 30 days of the decision.

Sec. 134-348. – Enforcement and penalties.

(a) *Maintenance.* All signs must be maintained in a state of good repair and structural soundness.

(b) *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, the Community Development Director, the Chief Building Official, the Fire Marshal 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.

(c) *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.

(d) *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, certified 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.

- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) Penalties.

(1) Any person who violates any section or provision of this 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 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 oversized signs or the provisions of this article regulating temporary signs, 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.

(m) *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.

(n) *Remedies cumulative.* All remedies and penalties specified in this article are cumulative.

Sec. 134-349. – 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.

Sec. 134-350. – Severability.

If any portion of this article is held to be invalid by a court, it is the intention of the Board of Commissioners that the remainder of this article shall remain in full force and effect.

Secs. 134-350 – 134-376. – Reserved.