

**STATE OF GEORGIA  
CITY OF MCDONOUGH**

**ORDINANCE** 20-09-21

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH, GEORGIA, AMENDING TITLE 17 OF THE CITY CODE REGARDING NONCONFORMING SIGNS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, Georgia municipalities, including the City of McDonough, are vested with zoning powers under the state constitution and statutory law; and

WHEREAS, pursuant to the zoning powers, the City has adopted Title 17 of the City Code including Chapters 17.96 and 17.108 relating to administrative variance procedures and nonconforming signs; and

WHEREAS, given the expansion and reconfiguration of rights of way within the City, the City has recognized the need to ensure safety of travelers along rights of way within the City to include visibility of signage and to ensure that properly permitted signs may be relocated in a safe manner when otherwise impacted by eminent domain;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

**Section 1.** Chapter 17.96 of the City Code is hereby amended to provide for a new Section 17.96.030, as follows:

**17.96.030 — Eminent Domain.**

If the city or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property in the city, and, as the sole result of such condemnation or acquisition, any nonconformity is created in setback lines, required lot size, density, or parking regulations, the Director shall be authorized to grant such administrative variances as are necessary to bring any structure, sign (including a sign as may be relocated in accordance with Section 17.108.160 of the City Code), building or property into conformance upon receipt of a properly documented request. to remain as it exists at the time of condemnation or acquisition. The Director shall be required to maintain records which support the basis for granting such variance. Any variance granted under this section shall only apply to the current zoning district and existing structure, sign or use such that if there is any legally existing nonconformity, the same is not unduly expanded in degree.

**Section 2.** Section 17.108.100 of the City Code is hereby amended to provide a new subsection f, as follows:

f. If the city or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property in the city, and, as the sole result of such condemnation or acquisition, an existing nonconforming sign must be removed, the existing nonconforming sign may be relocated on the same lot on which the original nonconforming sign was located. In the relocation of a nonconforming sign as the result of an act of eminent domain, any nonconformities with respect to height or sign area may not be increased beyond those that exist as of the date of taking, however, the relocated sign may be relocated closer to the right of way than otherwise allowed by current setback requirements provided it will not impact line of sight or otherwise constitute a safety concern.

**Section 3.** If any ordinance, or part thereof, is in conflict herewith, this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision and, to this end, the provisions of this ordinance are declared to be severable. All ordinances and parts of ordinances or the City Code in conflict herewith are expressly repealed.

SO ORDAINED this 21 day of September, 2020.

**CITY OF MCDONOUGH, GEORGIA**

By: BC - original on file  
Billy Copeland, Mayor

Attest:

JP - original on file  
Janis Price, City Clerk

Approved as to form:

JE - original on file  
City Attorney