

**June 6, 2016 Draft** (as approved by Planning Commission; **Amended by Staff 8/2/16**; Amended by City Manager/Reviewed by L Henderson 8/9/16)

**EXHIBIT A**

**ARTICLE 10**

**Sign Regulation**

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**Section 22-310A Sign Regulations.**

**Section 22-311 Findings.**

After extensive research, study and deliberation, the city council has determined:

(1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment, the protection of property values and the promotion of tourism in this unique community;

(2) An improperly regulated sign environment poses health and safety hazards to the public;

(3) The result of effective sign regulation will be to lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrian and vehicle traffic;

(4) Through proper regulation of signs, the attractiveness and economic well being of the city will be enhanced as a place to live, work, and conduct business;

(5) The City of Thomasville derives substantial revenue from tourism centered around the historic character of the city and its surrounding plantations; preservation of the city's historic character is necessary to protect and foster future tourism;

(6) The following local sources, in particular, comprise appropriate background for the regulation of signage within the City of Thomasville:

- a. The 2005 Thomas County/Thomasville Comprehensive Plan;
- b. The 2009 Victoria Place Urban Redevelopment Plan;
- c. The 2007 US 319 and US 84 Corridor Study;
- d. The 2003 Quality Growth Resource Team Report.

(7) Specific study of US 319 and US 84 corridors was performed for the City of Thomasville by the Florida Planning and Development Lab of Florida State University, Department of Urban and Regional Planning, dated September 2007. The study found that additional restrictions were needed on signage in the US 319 and US 84 urban corridors.

(8) The following non-local sources, in particular, comprise appropriate background for the regulation of signage within the City of Thomasville:

- a. Signs, Billboards and Your Community, a Citizen's Manual for Improving the Roadway Environment by Effective Control of Billboards and Outdoor Advertising, by the Pennsylvania Resources Council Inc. and Society Created to Reduce Urban Blight;
- b. Information provided by Scenic America with respect to sign control;
- c. Toronto Staff Report, dated February 6, 2001, reflecting staff input on proposal to install two electronic animation signs;
- d. Billboard Regulation in Portland, A Report Adopted by the City Club of Portland Oregon on September 6, 1996;

- e. Electronic Billboards and Highway Safety, prepared for the Bureau of Highway Operations, Division of Transportation Infrastructure Development, by CTC and Associates LLC, June 10, 2003;
- f. Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Final Report, September 11, 2001, from Human Centered Systems Team, Office of Safety Research and Development, Federal Highway Administration;
- g. Materials related to a billboard collapse in Snellville Georgia, resulting in the death of three workers;
- h. Driving Performance and Digital Billboards, a Study by Virginia Tech Transportation Institute;
- i. A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America, prepared for the Maryland State Highway Administration by Jerry Wachtel, dated October 18, 2007;
- j. The Milwaukee County Stadium Variable Message Sign Study, dated December 1994; and
- k. The Impact of Driver Inattention on Near Crash/Crash Risk: An Analysis Using the 100 Car Naturalistic Driving Study Data prepared by National Highway Traffic Safety Administration, US Department of Transportation, dated April 2006.

(9) Some signage has a single targeted function and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of identifying addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to neighborhoods and major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage may be referenced based upon the function it serves within the context of this article, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

**Section 22-312                      Purpose and intent.**

(a) The purpose and intent of this article is to establish standards for the fabrication, erection, use, maintenance and alteration of signs within the city. These standards are designed to protect and promote the health, safety, and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight.

(b) The standards established by this article are designed to maintain the economic viability of businesses in our community through the availability of appropriate signage as well as promote the efficient transfer of public and commercial information through sign management.

(c) It is also the purpose of this article to prohibit the future erection, placement, or location of portable and certain other types of signs determined to be detrimental to the aesthetic sense, historic character and public health, safety, and general welfare of the citizens of the city, both generally and as it particularly affects tourism.

(d) A determination has been made by the city council that the regulations contained in this article are the minimum amount of regulations necessary to achieve the purposes set out above.

### **Section 22-313                      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:

***A-frame sign.*** Means a sidewalk sign, the support structure of which is not embedded in the ground, but that is constructed in such a manner that the sign stands on its own, yet is not permanently installed. A-frame signs are designed as two panels, hinged at the top, with the bottom edge of both panels spread so that the overall sign forms an “A” shape.

***Advertising device.*** See Sign.

***Aggregate sign area.*** Means the figures derived from adding the sign area of all signs of the designated category per entity, building or lot.

***Animated sign.*** Means a sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or any other type of video display. Animated signs also include signs that emit sound, smoke or other special effects.

***Area of sign face.*** See Sign area.

***Awning.*** Means an architectural projection comprised of a lightweight, rigid skeleton structure over which a covering is attached, and applied to the façade of a building as a frontage element and which provides protection from the elements, including sun and rain.

***Awning sign.*** Means a permanent sign that is painted, screen printed, or appliquéd on an awning.

***Banner.*** Means a temporary sign, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, plastic or fabric of any kind with only such

material for a backing. Flags within the standards of section 22-328 shall not be considered banners.

***Building inspector.*** Means a building inspector of the city.

***Building sign.*** Means a permanent sign attached directly to a building or to a supporting structure attached to a building. Building signs include, without limitation, canopy signs, marquee signs, suspended signs, projecting signs, wall signs, window signs and yard signs mounted by hanging from a front porch.

***Canopy.*** Means a permanently roofed horizontal architectural projection applied to, and supported entirely from, the exterior wall of the building, supported from below by brackets or above by suspension cables, and providing protection from the elements, including sun and rain.

***Canopy sign.*** Means a permanent sign attached to a canopy.

***Changeable copy, electronic.*** Means a portion of a permanent sign that is capable of changing the position or format of word messages or other displays on a portion of the sign face or of changing the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures (in which the lighting source forms the message) or other methods, provided these changes are actuated on the fact of the sign by an electronically controlled mechanism.

***Changeable copy, manual.*** Means a portion of a permanent sign that is capable of changing the position or format of word messages or other displays on a portion of the sign face or of changing the visible display of words, numbers, symbols and graphics by the use of movable discs, movable panels, or other methods, provided these changes are manually made on the face of the sign and not created electronically.

***Changeable copy sign.*** See electronic message board; stationary electronic window sign.

***Commercial.*** Means a term defining a work place, office, retail, service, public service and/or institutional use, collectively.

***Commercial entity.*** Means, for the purpose of this article, a particular business, work place, office, retail establishment, service use, nonprofit use, service organization, institutional use or other non-residential use.

***Directional sign.*** Means a sign consisting of a single or double sign pole that serves the purpose of guiding safe vehicular and pedestrian traffic movements onto, from, or on property, and without which there is an increased risk of incompatible traffic movements, conflict, or confusion. Such signs shall be used for the direction of traffic movement, and shall not be used of purpose of advertisement. Examples include, but are not limited to, "stop," "no parking," "entrance," "loading zone," "drive thru," etc.

**Double faced sign.** Means a sign that has two display areas opposite each other or where their interior angle formed by the display area is 45 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

**Electronic message board.** Means a permanent sign that is capable of changing the position or format of word messages or other displays on the entirety of the sign face or of changing the visible display of words, numbers, symbols and graphics thereon by the use of a matrix of electric lamps, movable discs, movable panels, light apertures (in which the lighting source forms the message) or other methods, provided these changes are actuated on the face of the sign by electronic control mechanism. Electronic message board excludes stationary electronic window signs.

**Entrance, auxiliary.** Means the subordinate point of access for pedestrians into a building, typically from an alleyway or parking area (rear or side), and most often utilized or associated with deliveries.

**Entrance, principal.** Means the main point of access of pedestrians into a building, most often from the primary street.

**Entrance, secondary.** Means the secondary point of access of pedestrians into a building, most often from a secondary street or parking area (rear or side).

**Façade, auxiliary.** Means the exterior wall or elevation of the building that is set along a frontage line that does not face a public street.

**Façade, primary.** Means the exterior wall or elevation of a building that is set along the frontage line facing the public street of highest pedestrian and vehicular importance (traffic volume, number of lanes).

**Façade, secondary.** Means, for corner lots, the exterior wall or elevation of the building that is set along the frontage line facing the public street of second most pedestrian and vehicular importance (traffic volume, number of lanes).

**Feather flag.** Means a sign composed of fabric, plastic or other pliable material oriented in a vertical direction and supported by a harpoon-style pole or staff driven into the ground as its primary means of support.

**Flag.** Means a sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as an official symbol of a government or any other entity or organization. Feather flags are excluded from the definition of flag.

**Flashing sign.** Means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Flashing signs are considered animated signs.

***Freestanding sign.*** Means a permanent sign which is attached to or part of a completely self supporting structure. The supporting structure shall be permanently and firmly set in or below the ground surface and be wholly independent of a building or structure utilized for other purposes for support. Freestanding signs include, without limitation, pole signs, monument signs, and those yard signs erected in yards as defined by this article.

***Frontage.*** Means the distance for which property abuts one side of the street, road, highway, or other public way measured along the dividing line between the property and such road, highway, or other public way from one side property line to the other side property line.

***Ground clearance.*** Means the vertical distance in feet from the ground, sidewalk or other surface to the lowest point of the sign face or sign structure, whichever is lower.

***Height, sign.*** Means the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher. Where the ground is uneven, the average elevation is utilized to determine the starting point of the measurement.

***Illuminated sign.*** Means a sign or portion thereof that is lighted by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

***Illuminated sign, interior.*** Means a sign lighted by an internal light source.

***Illuminated sign, exterior.*** Means a sign lighted by an external light source directed primarily toward such sign.

***Informational sign.*** See standard informational sign.

***Landscape wall sign.*** Means a permanent sign attached to a freestanding wall that does not form a part of the structure of the building for which the sign is erected.

***Lot.*** Means a unit of land as defined in a single deed recorded in the Superior Court Deed Records of Thomas County Georgia. The description as specified in each recorded deed shall constitute a lot for the purpose of this article. Provided further, that two or more adjoining lots in common ownership and which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one lot for the purpose of this article.

***Lot, corner.*** Means a lot at the intersection of two or more thoroughfares.

***Marquee.*** Means a permanently roofed architectural projection whose sides are either vertical or horizontal and are supported entirely from an exterior wall of a building.

**Marquee sign.** A sign mounted to or hung from a marquee that projects horizontally or vertically from the façade to express a figural design and message to motorists and pedestrians. Marquee signs often have patterned or neon lighting and changeable or painted lettering.

**Marquee sign, horizontal.** Means a canopy-like structure integrated into the façade that projects horizontally over the sidewalk and is typically centered upon the entrance. A horizontal marquee may serve as the base for a vertical marquee.

**Marquee sign, vertical.** Means a linear, vertically oriented structure that projects outward at a 90 degree angle from the façade of the building or at a 45 degree angle from the corner of the building. A vertical marquee often extends beyond the parapet of the building, but may also terminate below the cornice.

**Monument sign.** Means a permanent freestanding sign that forms a solid structure, the width of which is constant from the ground to the top of the sign, and contains a distinguishable base (foundation), middle (sign area) and optional top (cap).

**Multi lane divided highway.** Means a highway consisting of four or more lanes with two or more lanes running in each opposing direction separated by a grassed or barrier median.

**Multi-tenant sign.** Means a sign that contains individual panels arranged vertically or horizontally, or both, in rows, each panel utilized by a separate commercial entity. Multi-tenant signs are designed to share signage among multiple tenants or occupancies on a lot. Multi-tenant signs may be wall or freestanding signs.

**New technology sign.** Means any sign or portion thereof, the sign face of which uses light emitting diode technology or other similar semi conductor technology to directly produce an illuminated image, picture or message of any kind whether the picture, image or message is moving or stationary. This type of sign includes any sign, the sign face of which directly utilizes LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diode (OLED), light emitted polymer (LEP), organic electro polymer (OEL), or any other similar technology and in which the lighting source forms the message. The definition of new technology sign specifically excludes those signs which use LED lighting for internal illumination but where the message viewable to the public is not formed by the lighting source, but is rather created by the sign surface and does not depend on the lighting source to form the message. For the purpose of this article, stationary electronic window signs that utilize LED technology to form the electronic message portion of such sign and changeable copy on freestanding signs and landscape wall signs that otherwise meet the standards of this chapter are excluded from the definition of new technology signs.

**Non-conforming sign.** Means a sign, legally existing at the time of its erection, but which does not conform to the provisions of this article.

**Non-conforming use.** Means any use of a building or land which was legal at the time of inception but which does not conform to this code for the zoning district in which it is situated.

**Owner.** Means the person who has the legal right or exclusive title to the sign.

**Pedestal sign.** Means a sidewalk sign composed of a base, pedestal and sign face meeting the standards of this article with the base forming the support system for the remainder of the sign.

**Permittee.** Means the person who owns a permit from the city to erect, install, attach or paint a sign.

**Planned center.** Means a group of two or more retail stores, service establishments, offices, industries, or any other commercial entities, which is in common ownership or condominium ownership.

**Pole sign.** Means a permanent freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is no more than four feet above the ground and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face. Pole signs may also be mounted between two poles or vertical supports, provided they otherwise meet the standards of this definition.

**Projecting sign.** Means any small, permanent, pedestrian-scaled sign that is mounted perpendicularly to the building's façade in a manner that allows for easy reading from both sides of the sign. Projecting signs may be hung by bracket, outside the reach of pedestrians, in a manner that permits them to swing slightly.

**Roof.** Means the exterior upper covering of a building or structure, including the supporting frame.

**Roof sign.** Means a sign mounted upon or above any portion of a roof of a building or structure including the upper and lower slopes of a gambrel or mansard roof or any variations of such roofs.

**Setback.** Means the distance from the property line to the nearest plane of the applicable building, structure, or sign, measured perpendicularly to the property line.

**Sidewalk sign.** Means a sign that provides secondary signage for individual commercial entities, located adjacent to the premises which the sign serves, typically on the sidewalk. Sidewalk signs consist of two types: A-frame signs and Pedestal signs.

**Sign.** Means a device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

**Sign area.** Means the area, in square feet, within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any material, color or open space forming an integral part of the display used to differentiate such sign from the background against which it is placed. The sign area is measured as more specifically provided by section 22-321.

**Sign face.** Means the part of the sign that is or can be used to communicate its message.

**Sign height.** See Height, sign.

**Standard informational sign.** Means a temporary sign with an area not greater than six (6) square feet with a sign face for short-term use, containing no reflective elements, flags or projections and otherwise meeting the standards of section 22-327(b).

**Stationary electronic window sign.** Means a type of electronically lighted window sign, placed inside a building that is viewable and or readable from the exterior of the building and does not exceed two (2) square feet in sign area and contains no moving message.

**Suspended sign.** Means a small, pedestrian scaled sign that mounts to the underside of a beam, porch ceiling, gallery, arcade, breezeway or similar covered area in a manner that allows for easy reading from both sides. Suspended signs are typically hung in a manner that allows them to swing slightly.

**Temporary sign.** Means a sign of a non-permanent nature.

**Traffic control and directional sign.** See Directional sign.

**Tri-vision sign.** Means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

**Urban Center Area.** That area identified on the map contained in Exhibit 1 hereto and encompassing primarily those areas designated as Downtown Mixed Use and Traditional Neighborhood in the 2005 Thomas County/Thomasville Comprehensive Plan.

**Wall sign.** Means a sign painted on, applied to or mounted to the wall or surface of a building or structure, the sign display surface of which does not project more than eight (8) inches from the outside wall of such building or structure, provided that channel letters mounted to a raceway may not project more than 12 inches. Wall signs include signs composed of individually cut or painted letters and/or graphics that are applied directly to the façade of the building or applied to a signboard or base that is then attached to the façade of the building. Wall signs do not project above the top edge of the wall or below the front wall or beyond the edge or face of a wall.

**Window sign.** Means any sign placed inside or upon a window in such a manner as to be viewable and or readable from the exterior of the building. Window signs may be either permanent or temporary.

**Yard sign.** Means either a permanent suspended sign mounted on a porch parallel to the building's façade or a small permanent freestanding sign located in the yard between the public right-of-way and the building façade.

**Zoning administrator.** Means the zoning administrator of the city.

**Section 22-314 Permit requirements and procedures.**

(a) **Requirement.** Unless specifically exempted from obtaining a permit under the provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the city.

(b) **Persons entitled to permits; nontransferable.** Sign permits shall be issued only to the owner of the lot for which the sign is to be erected or to the owner's agent. For all signs, the sign face of which does not exceed 32 square feet and the height of which does not exceed six (6) feet, permits may be issued to the owner or owner's agent without designation of a licensed contractor. Any sign exceeding those dimensional requirements, with the exception of wall signs painted on an exterior wall and banners, shall require designation of a licensed contractor to perform the sign fabrication and installation. Sign permits are authorizations granted to a specific applicant and are nontransferable. The sign permit holder shall remain responsible at all times for the erection, maintenance and condition of the sign. Once signs have been erected pursuant to valid permits, the sign permits are transferable only to a new owner or agent who succeeds to the legal interest of the former sign permit holder; no transfer of the sign permit shall be complete without application to and approval by the city.

(c) **Applications.** Applications for sign permits shall be made upon forms provided by the city. One application and permit may include multiple signs on the same lot. Each application shall have contained or attached thereto the following information:

(1) Name, address and telephone number of the applicant.

(2) Tax lot ID and address of building, structure or lot to which or upon which the sign is to be attached or erected.

(3) Two (2) accurate drawings of the site, to scale, showing the proposed location of the sign, other signs on the site, driveways, parking areas, existing rights-of-way, easements, a site distance diagram and any other limiting site features (survey not required). Signage installed upon a building or structure shall include the height and width of the building façade for each façade that signage is to be installed upon.

(4) Two (2) accurate drawings, to scale, of the plans, specifications and method of construction and attachment of the sign to the building or ground. The drawing shall specifically include the size of the sign area, overall dimensions of the sign, height of the sign upon installation, location of the sign installation and any protective devices or landscaping around the base of the sign. Engineered structural drawings designed to applicable codes may be required by the building official.

(5) Name, address, telephone number and sign contractor's license number of the person erecting the sign.

(6) Written consent of the owner of the lot to which or upon which the sign is to be erected if the application is made by the owner's agent.

(7) The value of the sign.

(8) Comprehensive photographs of the proposed site, including all existing buildings, structures, existing signage and driveways.

(9) Such other information as the city shall require to show full compliance with this and other ordinances of the city.

(d) **Content neutrality.** No review of the specific content of any proposed sign shall be made or required, it being the intent of the city that the provisions of this article do not regulate the message of a sign, regardless of whether the sign content is commercial or noncommercial.

(e) **Multi-tenant signs.** For multi-tenant signs the property owner shall secure a permit for the sign structure as well as for removal of individual sign panels reserved for uses which no longer exist within the building or buildings covered by the multi-tenant sign. In addition to the permit required for a multi-tenant sign structure, a separate permit shall be required for each panel of the multi-tenant sign.

(f) **Insurance for certain signs.** No permit for a sign that extends over a public right-of-way shall be issued until the owner or person in control of such sign shall have obtained liability insurance in the sum of \$1 million for property damage for any one claim and public liability insurance in an amount not less than \$1 million for injuries, including accidental death to one person, insuring the municipality against all loss, costs, damages, personal injury or expenses incurred or sustained by or recovered against the city by reason of the construction or maintenance of such sign. The certificate of insurance shall state that the city is an additional insured and that the insurance carrier will notify the city 30 days in advance of any termination or restriction of coverage. The provisions of this section shall not apply to signs not requiring a permit under this article.

(g) **Fees.** Permit fees shall be collected at the time of permit issuance. Fees for permits shall be fixed from time to time by the city council.

(h) **Review of application; issuance of permit.** Upon the filing of an application for a sign permit, the zoning administrator shall review all information supplied, all plans and specifications submitted, and the premises upon which the sign is proposed to be erected. Such review shall be completed within 30 calendar days of submission of a sign application. If, based on review of the permit application and inspection of the site, the proposed sign is in compliance with the requirements of this article and all other laws and ordinances of the city, the zoning administrator shall issue a permit upon payment of all fees. Application packages submitted in an incomplete form shall be returned to the applicant with denial based upon incompleteness of the application. If no decision is made within 30 calendar days, the permit will be deemed approved, provided that any sign erected must comply with all size, height, location and other physical requirements of this article, and no vesting of rights for a sign in violation of the standards shall occur.

(i) **Denial of permits; revocation.** The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any material or false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that the permit has been erroneously issued in violation of this article, the zoning administrator shall revoke the permit. Should the zoning administrator deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before the 30<sup>th</sup> calendar day after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 30 calendar days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.

(j) **Expiration of permits.** A sign permit shall become null and void if the sign for which the permit was issued has not been erected, installed or affixed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

(k) **Appeals.** An individual whose permit application has been denied or a permittee whose written permit has been revoked may appeal the decision to the ~~city manager or his designee~~ **Sign Permit Appeals Panel**, provided the appellant files a written notice of appeal with the city clerk within 10 business days of the zoning administrator's notice. **The Sign Permit Appeals Panel shall consist of three members - the city manager, the planning & zoning chairperson, and the chairman of the Chamber of Commerce board of directors.** Such appeals shall be considered by the ~~city manager or his designee~~ **Sign Permit Appeals Panel** in a hearing held within 30 days of the notice of appeal being filed. In hearing an appeal under this article, the ~~city manager~~ **Sign Permit Appeals Panel** shall be bound by the standards contained in this article. At

the hearing the appellant shall have the right to introduce evidence, may testify, may be represented by counsel, and may cross-examine witnesses. The burden of supporting the decision of the zoning administrator rests with the zoning administrator. The ~~city manager~~ **Sign Permit Appeals Panel** will tape record the appeal proceedings. The appellant has the right to supply a court reporter at his or her own expense, if desired. The ~~city manager~~ **Sign Permit Appeals Panel** shall reach ~~his a~~ decision within 14 calendar days after hearing. If no decision is made within 45 days of appeal filing, the appeal will be deemed to overrule the zoning administrator's decision. Decisions of the ~~city manager~~ **Sign Permit Appeals Panel** to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator shall be reduced to writing and served upon the applicant in the same manner as the original notice from the zoning administrator.

(1) **Further review by certiorari.** In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the ~~city manager~~ **Sign Permit Appeals Panel**, such applicant or permit holder may petition for writ of certiorari to the Superior Court of Thomas County as provided by law.

#### **Section 22-315 Signs exempt from permit requirements.**

The permit requirements of this article shall not apply to the following, provided that signs are erected or placed only on property of the person who erects such signs, and provided further that all signs exempted from the permit requirements shall nevertheless be maintained in accordance with the other remaining provisions of this code.

(1) Traffic control devices and other public safety signs on public streets and highways conforming to the Uniform Manual for Traffic Control Devices;

(2) Directional signs located on private property, limited to two (2) per driveway, a maximum of four (4) square feet in size and erected to a height of no more than three (3) feet;

(3) Warning signs and no trespassing signs not exceeding four (4) square feet in size;

(4) Standard informational signs.

(5) Signs within enclosed businesses, offices, malls or other enclosed areas, not posted within 12 inches of a window or not readable from public right-of-way or from any sidewalk adjoining the premises within which the sign is posted;

(6) Signs painted on or applied to the window or door of the building and not obscuring more than 30% of the glazing of such window or door; ~~window glazing shall be visibly transparent and not tinted, opaque, or blacked out;~~

(7) Stationary electronic window signs erected in windows of commercial entities not exceeding two (2) square feet in sign area for each individual sign or an aggregate of five (5) square feet in sign area for all such signs;

(8) Flags, subject to the limitations of section 22-328.

(9) Address numerals not exceeding four (4) inches in height for residential uses or eight (8) inches for non-residential uses.

(10) Historical markers, monuments or signs as recognized by local, state or federal authorities.

(11) Sidewalk signs meeting the standards of Section 22-327(e).

(12) Banners meeting the definition of Section 22-313 on lots containing single and two family residences.

(13) Name plates not exceeding two (2) square feet for customary home occupations, mounted on or within two (2) feet of the door.

**Section 22-316 Prohibited signs generally.**

(a) The following types of signs are prohibited in all zoning districts of the city:

(1) Roof signs; provided that signs mounted on the lower slope of a gambrell or mansard roof existing on the date of adoption of this article may continue in existence in accordance with nonconforming use standards.

(2) Animated signs;

(3) New technology signs;

(4) Electronic message boards, provided this prohibition excludes stationary electronic window signs and allowable electronic changeable copy where otherwise authorized by this Sign Ordinance as a portion of freestanding and landscape wall signs;

(5) Tri-vision signs;

(6) Signs on public rights-of-way except signs erected by the jurisdiction controlling the right-of-way;

(7) Signs erected in a manner that obstruct free ingress to, or egress from a required door, window, fire escape or other required exit way;

(8) Signs placed in such a manner as to constitute a hazard to pedestrian or vehicular traffic, including but not limited to signs that obstruct sight distance along a public right-of-way, signs that tend, by location, color, illumination, or nature, to be confused with or obstruct the view of official traffic control signs and signals and/or the flashing lights of an emergency vehicle;

(9) Portable signs, except where permitted as sidewalk signs, standard informational signs, feather flags or banners;

(10) Signs attached to or painted on any telephone pole, light pole, or telegraph pole, other than signs erected by the owners of such poles and required for identification or access;

(11) Signs attached to or painted on any tree, rock or other natural object,

(12) Any sign mounted, attached or painted on a trailer, boat or motor vehicle when parked, stored, or displayed conspicuously on a permanent or semi-permanent basis in a manner intended to attract attention of the public for the purpose of advertising or identifying a business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted, wrapped or magnetically attached on the surface of the vehicle, so long as the vehicle is actively used in the daily conduct of the business, currently licensed and regularly driven as a motor vehicle. Such vehicles shall be parked in a lawful manner as far from the travel lanes of the nearest roadway as is practical.

### **(13) Feather flags.**

(b) Prohibited signs shall be removed in accordance with the notice of removal provided by section 22-331(e); provided that prohibited signs erected on public rights-of-way or other publicly owned property may be removed without prior notice.

### **Section 22-317 False advertising on signs; nuisances.**

(a) No person shall display false statements upon signs in such a manner as to mislead the public as to anything sold, services to be performed or information disseminated.

(b) No person shall display any sign in such a manner as to constitutes a nuisance as defined by O.C.G.A., section 41-1-1.

### **Section 22-318 Occupation tax; contractor's license.**

No person shall engage in the business of erecting, painting or maintaining signs within the city, unless and until such person shall have paid a city occupation tax and obtained an applicable contractor's license.

### **Section 22-319 Illumination.**

(a) ***Brightness limits.*** The brightness of an illuminated sign shall not exceed 30 foot-candles at any one point on the sign face.

(b) ***Shielding of illumination source.*** Any light from an illuminated sign, or flood or spot light used to illuminate the sign, shall be stationary, shielded, and directed so that the light intensity or brightness shall:

(1) Illuminate only the surface area of the sign;

(2) Not interfere with the safe vision of ~~motorists or bicyclists~~ **motorists, bicyclists or other roadway users**;

(3) For spot-lit signs, the sign base and/or proposed landscaping shall be designed to conceal the base of the light fixture to the extent feasible.

(c) The use of colored lamps for external lighting of signage is not permitted;

(d) Externally mounted gas filled tubes filled with neon or other Noble Gases shall only be permitted in the C-1, C-2, **M and M-1** zoning districts.

(e) **Fluctuations in lighting.** No sign shall have blinking, flashing, scrolling, fading, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color or form. No revolving or rotating beam or beacon of light, including but not limited to searchlights, shall be utilized and or permitted as part of any sign.

(f) **Electrical wiring and equipment.** Signs with internal electrical wiring or lighting equipment, and all external lighting equipment shall be inspected and approved by the city in accordance with existing and prevailing electrical codes. All wiring to electrical signs or to lighting equipment directed to ground signs shall be underground.

### **Section 22-320**                      **Design and construction standards.**

(a) **Compatibility.** Signage, including overall design, materials, and illumination shall be compatible with the overall design of the main building.

(b) **Shape.** Signs shall be composed of standard geometric shapes and/or letters of the alphabet, or as a sponsor motif (bottle, hamburger, ice cream cone, etc.) All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign.

(c) **Visibility.** The area around the sign shall be properly maintained clear of brush, trees, and other obstacles so as to make the sign readily visible.

### **Section 22-321**                      **Measurements and number of signs.**

(a) **Measurement of sign area.** Sign area for all sign types is measured as follows:

(1) *Single faced signs.*

Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background. **See Figure 1.**

Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign. **See Figure 2.**

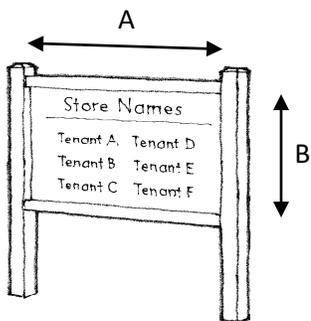
(2) *Two face signs.*

If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. **See Figure 3.**

If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces. **See Figure 3.**

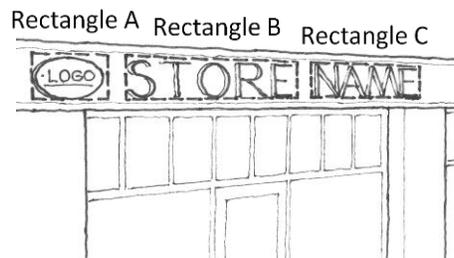
(3) *Three or four face signs.* The sign area is 50 percent of the sum of all areas of all sign faces. **See Figure 3.**

(4) *Free-form or sculptural signs.* Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four sided polyhedron that will encompass the sign structure. **See Figure 3.**



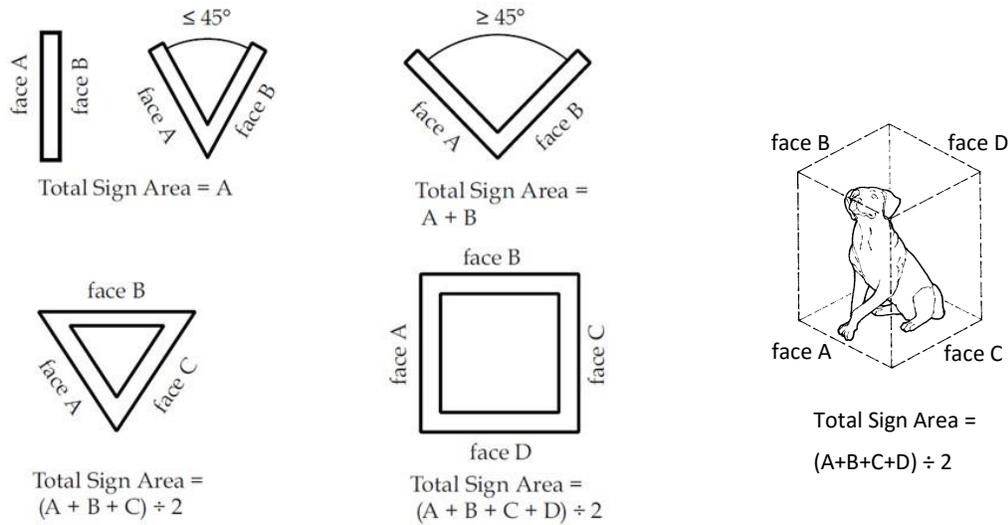
Sign Area =  $A \times B$

**Figure 1**



Total Sign Area =  $A+B+C$

**Figure 2**



**Figure 3**

(b) **Height measurement.** Sign height is measured as the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher. Where the ground is uneven, the average elevation is utilized to determine the starting point of the measurement.

**Section 22-322 Standards for signs on lots with a single or two-family residential use.**

(a) All lots in the city on which the primary use is single and two-family residential, including homes where a customary home occupation is practiced, shall be permitted to erect signs in accordance with the standards of this section. This standard applies to all single and two-family uses, regardless of zoning district category. The following types of signs are permitted:

- (1) Standard informational signs, subject to the standards of section 22-327(b).
- (2) Warning signs and no trespassing signs, subject to the standards of section 22-315(3).
- (3) Flags, subject to the standards of section 22-328.
- (4) Address numerals, subject to the standards of 22-315(10).
- (5) Historical markers, monuments or signs as recognized by local, state or federal authorities.
- (6) Name plates not exceeding two (2) square feet for customary home occupations, mounted on or within two (2) feet of the door.
- (7) Banners meeting the definition of Section 22-313.

(b) The aggregate sign area of all signs on any lot shall not exceed 16 square feet, provided that during the period of time commencing with opening of qualifying for

elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on such lots.

(c) No sign erected on a single or two-family residential lot used for private residence may be illuminated.

**Section 22-323**                      **Standards for signs for non single or two-family residential uses in A, R-1A, R-1B, R-1, R-2A zoning districts.**

(a) In districts zoned A, R-1A, R-1B, R-1, and R-2A uses other than single and two-family residential, the following signs are permitted:

- (1) All signs exempt from permit requirements by section 22-315; provided that no more than one standard informational sign may be posted at any one time.
- (2) Yard signs meeting the standards of section 22-322(a)(6)
- (3) Banners meeting the standards of section 22-327.

(b) Permanent signage may be illuminated only externally in accordance with the standards of section 22-319.

**Section 22-324**                      **Standards for signs in the Urban Center Area.**

(a) **Context.** Signs erected in the Urban Center Area should elicit a character and form that is sensitive to the community's history while maintaining a human scale that is equally amenable to pedestrian and vehicular users.

(b) **Types of signs allowed.** All types of signage is allowable in the Urban Center Area, with the exception of pole signs, banners and feather flags that are prohibited. Certain types of signs have size and/or height restrictions. Where land in the Urban Center Area is used for single or two-family residential use, the standards of section 22-322 apply. Otherwise, size and height limits of signs in the Urban Center Area is specified through regulation by the type of sign. Where no distinction is made between the Urban Center Area and the remainder of the City, city-wide standards apply.

(c) **Finish materials.** Except where noted otherwise in this article, finish materials for signs shall be as follows:

- (1) Wood: painted, stained, or natural; or other material that is finished and looks like wood;
- (2) Metal: copper, brass, galvanized steel, or aluminum composite;
- (3) Stucco or brick;

- (4) Fabric awnings (i.e., canvas); or
- (5) Paint and vinyl (applied directly onto building walls or window glass).

(d) **Illumination.** Illumination of signs in the Urban Center Area is limited to the following:

- (1) Illuminated signage may only be externally lighted using fully shielded fixtures;
- (2) The use of goose neck light fixtures is strongly encouraged;
- (3) The use of colored lamps for external lighting of signage is not permitted;
- (4) Externally mounted gas filled tubes filled with neon or other Noble Gases shall only be permitted in the C-1, C-2, **M, and M-1** zoning districts.

**Section 22-325 Standards for freestanding and landscape wall signs.**

(a) **Permitted districts.** Freestanding signs and landscape wall signs are permitted in the C1A, C1, C2, M, M1 and R2 districts.

(b) **Quantity per location.** Only one single or multi-tenant freestanding or landscape wall sign is permitted per lot, per frontage; provided that if the frontage exceeds 500 linear feet, one additional freestanding/landscape wall sign may be permitted per frontage. If the location is a planned center, then multi-tenant signs may be used as the allowable freestanding or landscape wall sign(s) on the lot in accordance with this allowance. All multi-tenant signs shall be owned and maintained by the owner of the property upon which the sign is erected.

(c) **Limitations on type.** Freestanding signs in the Urban Center Area are limited to monument signs. In all areas, the base of a monument sign shall occupy a minimum of 100 percent of the width of the sign face.

(d) **Maximum size of sign area** (freestanding signs):

<b>Sign area</b>	<b>Single Tenant</b>	<b>Multiple Tenants</b>
Urban Center	24 sf.	32 sf.
Hwy 19	60 sf.	120 sf.
Elsewhere in districts	48 sf.	80 sf.
Changeable copy	<del>25</del> 3325% of sign	<del>25</del> 3325% of sign
Entrance to residential Communities	24 sf.	

(e) **Height limits:**

<b>Location</b>	<b>Monument sign</b>
Urban Center	7'
Hwy 19—single tenant	12'
Hwy 19-multi-tenant sign	18'
Elsewhere in districts	9'
Entrance to residential Communities	5'

The width divided by the height of the sign area for a pole sign must be equal to or greater than .67.

(f) **Clearance** from ground to base of sign

Pole signs: ~~4' 5' max.~~ **5' min., 6' max.**  
Monument signs: 12" min.

(g) **Landscape wall signs :**

Sign area maximum	24 square feet
Height of wall	4 feet
Number of signs per wall face	1 per frontage
Mounting height from top of wall	6 inches min.
Clearance from ground to bottom of sign	12 inches min.

(h) **Setbacks.** Pole signs may be installed within zero setback from the property line, provided that visual clearance for traffic safety is maintained and provided further the no part of the sign overhangs the property line and no part of the sign is within eight (8) feet of electric power lines. Freestanding signs erected as monument signs and maintaining limited or no minimum ground clearance shall be set back from the back of curb or paved portion of the right-of-way (where no curb exists) a minimum of eight (8) feet, provided no such sign shall be erected off the owner's property.

(i) **Yard signs.** Yard signs are permitted in all zones. Where utilized, no additional freestanding sign, monument sign or landscape wall sign is permitted on the lot. Yard signs shall be parallel or perpendicular to the public right-of-way, but in no case shall they be located within the right-of-way.

**Sign area:** 6 sq. ft.

**Width:** 36 " max.

**Height:** 36 " max.

**Clearance:**

porch mount—6'8" min.

yard mount—12" min.

**Height (overall sign structure):** 5 ft. max.

**Signs per building:** one, mounted either on porch or in yard.

(j) **Changeable copy standards.**

(1) Manually changeable copy and electronic changeable copy may be used in conjunction with a freestanding or landscape wall sign ( but excluding yard signs), provided the changeable copy portion of the sign does not exceed twenty-five percent (25%) of the sign face.

(2) Electronic changeable copy is subject to the following additional restrictions:

- a. Prohibited in the Urban Center area.
- b. Limit of one contiguous digital display area per sign face.
- c. Electronic copy shall be limited to ~~monochromatic (single color)~~ **no more than two (2) colors for the** display that does not scroll, blink, flash, or convey animated displays.
- d. Character height is limited as follows:
  1. Speed limit ~~25-35~~ **≤ 35** mph - 7" min., ~~10 12~~ **" max.**
  2. Speed limit ~~36-45~~ **> 35** mph - 9" min., ~~12 15~~ **" max.**
  3. ~~Speed limit 46 or more mph – 12" min, 15" max.~~
- e. Copy may change message no more frequently than once every one hundred eighty (180) minutes.
- f. Lighting of copy and/or background shall operate below a maximum illumination level of 5000 nits (candela per square meter), full white mode, during daylight hours and a maximum of 200 nits, full white mode, from sunset to sunrise.
- g. Electronic panel shall include light sensors to automatically dim the sign as ambient light levels decrease.
- h. All digital and other electronic copy portion of signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

**Section 22-326 Standards for building signs.**

(a) **Combinations of building signs.** A lot not utilized as a single family or two-family residential use may use a combination of building signage, up to no more than three types of signs per occupied space for first floor occupancies. For the purpose of this section "occupied space" is that space identified by the owner of the property as a single unit for the purpose of rental or occupancy, regardless of whether additional subtenants may occupy the space.

(b) **Wall signs.** Wall signs are allowable for non single family and two-family uses in the C1A, C1, C2, M, M1, M2, and R2 zones. Wall signs may consist of individual cut or painted letters or graphics applied directly to the façade of the building, or applied to a sign board that is then attached flat against the façade of the building. For areas outside the Urban Center Area that permit internal illumination of signs, channel letters may also be

attached directly to a raceway mounted on the outside of the building. Wall signs shall not protrude beyond the roofline or cornice of the building. Wall signs may be installed with zero setback from a property line, provided that no part of the sign overhangs the property line and that no part of the sign is within eight (8) feet of electric power lines. Signs mounted to the wall of buildings in the downtown C-2 zoning district may overhang the right-of-way (sidewalk) provided that all other provisions of this article are met.

***Aggregate sign area of wall signs (primary and secondary façades):***

Façade of <b>more than 14 feet and less than 80 feet</b> <del>or less</del> :	1 sf per linear foot of storefront width up to 80 sf max.
Façade of more than 80 feet <b>or less than 14 feet</b> :	1.5 sf per linear foot of storefront width up to 120 sf max.
Each auxiliary façade:	.5 sf per linear foot of storefront width up to 80 sf max.

<b>Width:</b>	Storefront width, maximum
<b>Vertical dimension limit:</b>	5 feet max., 12 inch min.
<b>Projection from façade:</b>	8 inches maximum, <b><u>with raceway 12 inches maximum</u></b>

**Signs per building:** Per aggregate sign areas

***Upper story entities:***

One tenant only: 1 sign only, 3 square foot max. at entrance;  
Multiple commercial entities: shared multi-tenant sign.

(c) ***Awning and canopy signs.*** Permitted in C1A, C1, C2, M, M1 and R2 zones, excluding single family and multi-family residential uses. Awning and canopy signs are limited to the first floor of buildings. All awnings and canopies must be constructed of fabric or metal. Vinyl and plastic awnings and canopies are prohibited.

**Canopy standards (maximums):**

Sign area:	1 square foot per linear foot of frontage
Letter height:	16 inches
Letter thickness:	6 inches
Limit one sign per canopy	

**Awning standards (maximums):**

Sloping plane:	25% coverage, 18 inch letter height
Valance:	75% coverage, vertical dimension between 8 and 16 inches, letter height of 8 inches
Limit one sign per sloping plane and one sign per valance per awning	

**Combined canopy and awning standards:**

Clearance over sidewalk: 8 feet min.  
Setback from curb: 2 feet min.

(d) **Marquee signs.** Permitted in C1A, C1 and C2 districts. One marquee sign is allowed per commercial entity. Marquee signs may be oriented either horizontally or vertically or may be combined into a horizontal/vertical combination marquee sign.

**Vertical marquee signs:**

Sign area limits:	24 inch width max, 10 inch depth, max.
Lettering width:	75% of sign width max.
Clearance height:	<b>12 10</b> feet minimum
Extension above roofline:	10 feet maximum (may not extend beyond eave of pitched roof).

**Horizontal marquee signs:**

Sign area limits:	5 sf per lineal feet of commercial entity frontage, up to 250 sf, max.
Sign width:	Commercial entity width, max.
Vertical limits of sign:	5 feet max.
Clearance height:	10 feet min.
Setback from sidewalk/curb:	2 feet minimum

(e) **Projecting signs.** Permitted in C1A, C1, C2 and R2 districts. Projecting signs are intended to be small, pedestrian scale signs, easily read from both sides. Projecting signs shall be hung well out of reach of pedestrians. All exposed edges of the sign must be finished.

Sign area:	6 square feet max.
Sign width:	48 inches, max.
Sign vertical limit:	36 inches, max.
Sign thickness:	4 inches, max.

Clearance height above sidewalk:	7 feet, 6 inches min.
Extension from building:	4.5 feet maximum
Number per commercial entity:	one per façade.

Upper story commercial entities may have either a projecting or suspended sign at first floor entrance, not both.

(f) **Suspended signs.** Permitted in C1A, C1, C2 and R2 districts. Suspended signs must be hung well out of the reach of pedestrians. All exposed edges of the sign must be finished.

Sign area: 6 square feet max.  
Sign width: 36 inches, max.  
Sign vertical limit: 36 inches, max.

Clearance height: 7 feet, six inches minimum  
Number per commercial entity: one per façade.

Extension of sign beyond edge of the façade, frontage or overhang on which it is placed is not permitted.

Upper story commercial entities may have either a projecting or suspended sign at first floor entrance, not both.

**Section 22-327 Standards for temporary signage.**

(a) Temporary signage for uses other than single family and two-family residential use is limited to standard informational signs, banners, feather flags, and sidewalk signs. A commercial entity may utilize banners and feather flags for premises under that entity's control for four periods of 10 days each per year, or alternatively one period of 30 days per year. Sidewalk signs and standard informational signs may be utilized at all times in accordance with these regulations.

(b) ***Standard informational signs.***

(1) Standard informational signs are permitted on all properties within the city at all times, including properties utilized for single family and two-family residential use.

(2) Standard informational signs are temporary signs designed for short term use and containing no reflective elements, flags or projections, and otherwise meeting all standards of this article.

(3) All standard informational signs shall be located entirely on private property. Any such sign erected on public right-of-way is subject to immediate removal without prior notice.

(4) The sign face of a standard informational sign shall not exceed six (6) square feet. The aggregate sign area of all standard informational signs on a lot shall not exceed sixteen (16) square feet; provided that during the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on single and/or two-family residentially occupied lots. No increase in the aggregate allowance of standard informational signs is made for other uses.

(5) No standard informational sign shall be illuminated.

(6) For single and two-family residential properties, standard informational signs shall stand at a height of not greater than three (3) feet and shall be mounted in the yard on a wooden stake or metal frame with a thickness or diameter not greater than one and one-half (1 ½) inches. Alternatively, no more than one standard information sign on such residential properties may be suspended from a wooden mailbox post where both the supporting structure and the cross arm inserted at a 90 degree angle into the supporting structure are composed of wood measuring four (4) inches by four (4) inches and erected to an overall height not exceeding five (5) feet.

(7) For properties with a primary use other than single and two-family residential, standard informational signs shall be mounted in the window or on the wall adjacent to the primary entrance; provided that no more than one standard informational sign per lot may be suspended from a wooden mailbox post where both the supporting structure and the cross arm inserted at a 90 degree angle into the supporting structure are composed of wood measuring four (4) inches by four (4) inches and erected to an overall height not exceeding five (5) feet; such sign may be utilized only by the owner of the lot.

(c) **Banners.**

(1) Banners are allowed in all zoning districts of the city outside the Urban Center Area. Every commercial entity located in the city shall be permitted to display one (1) banner in accordance with the time limits specified in subsection (a); ~~provided that no banner shall be displayed at the same time as a feather flag and the time periods for which banners and feather flags are permitted are cumulative.~~

(2) The maximum size of any such banner shall be no more than 50 square feet.

(3) Each banner displayed shall be made from vinyl or canvas with a minimum weight of eight (8) ounces. Each banner shall have metal grommets placed ~~15~~ **24** inches on centers and in the corners for attachment. All edges of each banner shall be hemmed and reinforced by adding reinforcing material, such as rope or nylon tape, to the edges.

(4) Each banner shall be mounted on a building or similar solid structure. No banner displayed pursuant to this article shall be mounted on poles, wires or other such devices.

(5) Each time a banner is displayed pursuant to the provisions of this section, there shall be charged a permit fee as established from time to time by the mayor and council. Application for permit and payment of the permit fee shall be

made to the office of the zoning administrator in the same manner and shall be handled as other sign permits, provided the zoning administrator may utilize a truncated application form for banner permits that includes only the information necessary to determine eligibility for the permit. No banner shall be displayed until the permit has been issued by the city and the permit fee has been paid.

(6) Within 48 hours after notification of a violation of this section, prohibited banners shall be removed.

~~(d) Feather flags.~~

~~(1) Feather flags are permitted for commercial entities at all locations except in the Urban Center Area where they are prohibited.~~

~~(2) Commercial entities eligible to utilize feather flags shall be permitted to display one (1) feather flag for each 40 feet of linear street frontage, not to exceed three such signs. Feather flags shall be permitted for the time period provided by subsection (a); provided no feather flag shall be displayed at the same time as a banner, and the time periods for which feather flags and banners are permitted are cumulative.~~

~~(3) The maximum size of any each feather flag shall be no more than 27 square feet.~~

~~(4) Each feather flag displayed shall be made from cloth or fabric. Use of plastic is prohibited. All edges of each feather flag shall be hemmed and reinforced.~~

~~(5) Each time a feather flag is displayed pursuant to the provisions of this section, there shall be charged a permit fee as established from time to time by the mayor and council. Application for permit and payment of the permit fee shall be made to the office of the zoning administrator in the same manner and shall be handled as other sign permits, provided the zoning administrator may utilize a truncated application form for feather flag permits that includes only the information necessary to determine eligibility for the permit. No feather flag shall be displayed until the permit has been issued by the city and the permit fee has been paid.~~

~~(6) Within 48 hours after notification of a violation of this section, prohibited feather flags shall be removed.~~

**(de) Sidewalk signs.**

(1) Sidewalk signs consist of either A-frame signs or pedestal signs. A-frame signs and pedestal signs are permitted in C1A, C1, C2, M, M1 and R2 districts. A-frame signs constitute a form of signage that is granted by a permit but which is utilized only during active hours for which the commercial entity is open. Pedestal

signs constitute a form of signage located near the curb either in planters or supported on their own base. While capable of being moved, pedestal signs are not required to be removed from the sidewalk area on a nightly basis, but may remain in place. Pedestal signs are prohibited on Broad Street between Smith Avenue and Jefferson Street. Where permitted in the Urban Center Area, sidewalk signs are allowed on sidewalks in the public right-of-way. Where permitted elsewhere in the city, sidewalk signs shall be located entirely on sidewalks located on private property.

(2) Sidewalk signs shall not be illuminated.

(3) Plastic, dry erase boards, or unfinished plywood are prohibited materials for sidewalk signs.

(4) Sidewalk signs shall be located on or adjacent to sidewalks in such manner that they do not encroach upon required four foot accessible pedestrian paths.

(5) A commercial entity **in the Urban Center Area** may utilize one sidewalk sign or one pedestal sign, but not both, unless the sidewalk width is more than 10 feet.

(6) The base of an A-frame sign shall not be located more than 18 inches from the façade of the commercial entity responsible for the sign.

(7) A-frame signs may only be displayed during business hours and shall be removed when the commercial entity is closed.

(8) A-frame signs shall be composed of stained or painted wood with a sign face composed of wood or slate (chalk) board. Pedestal signs have pedestals of metal or wrought iron base, with a frame of clay, metal, tin or concrete and a sign face composed of metal.

	<b>A-Frame Sign</b>	<b>Pedestal Sign</b>
<i>Sign area:</i>	6 sf max.	2.25 sf max.
<i>Width:</i>		
Sign width	30" max	24" max (base & sign area)
Pedestal	n.a.	1.5" diameter max.
<i>Dimensions:</i>		
Sign height:	42" max.	80" max.
Base height:	n.a.	24" max.
Distance from ground to base of sign area	n.a.	48" max.

**Section 22-328                    Flags.**

Flags are allowed in all zoning districts and may be flown without permit in accordance with the following standards:

- (1) No more than two (2) flags shall be permitted per lot.
- (2) No flag shall exceed 24 square feet in area on any lot used for single and/or two-family residential use or 60 square feet when flown on a lot with a primary use other than single or two-family residential.
- (3) Flags shall not be flown from a pole, the top of which is higher than 25 feet on a single or two-family residential lot or 40 feet in height on lots with a primary use other than single or two-family residential.
- (4) Any flag not meeting any one or more of these standards shall be considered a banner and shall be subject to being permitted as such.

**Section 22-329                    Nonconforming signs.**

(a) Signs that on the effective date of this article were approved and legally erected under previous sign restrictions and that became or have become non-conforming with respect to the requirements of this article, may continue in existence subject to the following provisions of this section.

(1) No increase in the size of a nonconforming sign shall be permitted.

(2) Existing signs that were legally created and which have become nonconforming and do not meet the setback requirements of this article due to road widening may be moved to meet the setback requirement of this article, but shall not be increased in size, shape or changed in any manner, except as to become conforming.

(3) In all zoning districts the following nonconforming signs shall be prohibited and shall be removed by the owner:

- a. Signs illegally erected or maintained with respect to prior ordinances.
- b. Signs made of paper, cloth or non-durable materials.
- c. Signs located in the public right-of-way (except as permitted by owners of those rights-of-way).

(b) Upon the failure to comply with any requirement of this section, the zoning administrator may cause the removal of such sign at the expense of the owner.

(c) Any attempt to add a new technology sign type or tri-vision sign type to a nonconforming sign shall negate its nonconforming status and require removal of the sign structure in its entirety.

(d) Minor repairs and maintenance of nonconforming signs, such as electrical repairs or lettering repairs, panel changes or structural repairs (less than or equal to 25 percent of the value of the sign prior to repair) shall be allowed. However, no structural repairs (over 25 percent of the value of the sign prior to repair) or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article; provided that signs damaged by fire, vehicle accident or act of God may be restored to their original condition.

(e) Each nonconforming sign shall be identified by the city and each sign owner shall be notified by the city within 180 days of the enactment of this article.

(f) The provisions of this section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

(g) New signs related to legally established nonconforming uses of property may be erected, provided the signs comply with the applicable provisions of this article.

(h) No new sign shall be erected upon an old foundation that is located on a public right-of-way or which would cause any part of the sign to overhang a public right-of-way.

(i) If a nonconforming sign is installed on or overhangs any portion of a public right-of-way, the sign and its foundation shall be removed once the commercial entity to which the sign is attached ceases.

(j) For any sign on property annexed after the effective date of this article, applications for sign permits bringing all signage into conformance or certifying the sign as nonconforming shall be submitted within three months of the effective date of the annexation or within such period as may be established in the annexation agreement between the city and the landowner.

**Section 22-330 Maintenance; appearance and inspection of signs.**

(a) All signs shall be maintained in good condition so as to present a neat and orderly appearance. The zoning administrator shall periodically inspect each sign in an attempt to ascertain whether the same is secure or insecure and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

(b) In order to ensure that signs are erected and maintained in a safe and orderly manner, the following maintenance requirements shall be observed for all signs, and any deficiency shall be corrected within 30 working days of being detected:

(1) No sign shall have more than 10 percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper;

(2) No sign shall stand with visible rust, bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular;

(3) No sign shall have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed; and

(4) No interior illuminated sign shall stand with only partial illumination.

(c) When a commercial entity utilizing a sign is discontinued, all signs related to that entity shall be removed or neutralized within 30 days from the date of discontinuance of the use. Sign cabinets and structures to which another sign face may ultimately be attached can conform to this requirement by (1) painting over the existing sign with a color that harmonizes with the building, (2) removing sign pan faces and replacing them with blank panels, or (3) placing a fitted sign wrap over the cabinet that completely obscures the underlying sign face, is fitted snugly over the existing cabinet, is secured and has no loose or hanging ties, ropes or supports.

**Section 22-331 Enforcement; removal procedures.**

(a) The provisions of this article shall be enforced by the zoning administrator, with the aid of code enforcement, as well as other city agencies.

(b) The zoning administrator shall have full authority to remove, without notice to the owners thereof, and impound for a period of five (5) business days:

(1) Signs located on public rights-of-way except signs erected by the jurisdiction controlling the right-of-way;

(2) Signs located on city property that are attached to or painted on any telephone pole, light pole, telegraph pole, other than signs erected by the owners of such poles and required for identification or access;

(3) Signs attached to or painted on any tree, rock, or other natural object located on city owned property.

(c) The zoning administrator may institute removal procedures after due notice for any sign that shows gross neglect, becomes dilapidated, or is otherwise in violation of this article.

(d) The zoning administrator shall cause to be removed any sign that endangers the public safety, such as abandoned, dangerous or materially, electrically or structurally defective signs or a sign for which no permit has been issued or which is otherwise in violation of this article.

(e) The zoning administrator shall prepare a written notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation corrected within a reasonable period of time specified in the notice, not to exceed 30 days, the sign shall be removed in accordance with the provisions of this section.

(f) All notices mailed by the zoning administrator shall be sent by certified mail and first-class mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail or, if the first class mail is not returned, after three days of mailing. Alternatively, notice may be personally hand-delivered to the sign owner, and notice shall be effective on such date of hand delivery.

(g) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign if different than the property owner, and the occupant of the property. If any of such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

(h) Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal within 10 business days after receipt of notice.

(i) Appeals of decisions by the zoning administrator, including but not limited to, orders to repair or demolish signs, or denials of administrative adjustments, shall be taken to the city manager or his designee by filing a written notice of appeal within 10 business days of the zoning administrator's decision. The appeal hearing shall be conducted in accordance with the procedures set out in section 22-314(k). Any subsequent appeal shall be taken as provided in section 22-314(l).

(j) In the event no appeal is filed, or appeal is filed and final determination has been made, all signs for which notice of removal or notice to take corrective action has been given shall be removed or brought into compliance within the original time period specified in the notice or within five (5) business days after final determination by the city manager, provided that where permanent signs are installed, the time period may be extended for up to two (2) weeks by the zoning administrator where removal requires engagement of a sign contractor or other specialized expertise; and provided further that a sign that constitutes an imminent hazard to life may be removed by the city pursuant to subsection (l) without further delay.

(k) Any sign removed by the zoning administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner

deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(l) When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety, and contact cannot be made with the sign owner or property owner, no written notice will have to be served. In this emergency situation, the zoning administrator shall document the imminent danger and his or her attempts to contact the sign owner and property owner, and may correct the danger, all costs being charged to the sign owner and property owner.

(m) If it is necessary for the zoning administrator to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, he may sell the same at public or private sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.

(n) In the event any sign regulated by this article is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the zoning administrator may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this article, requiring the presence of the violator in the municipal court.

(o) The zoning administrator may also institute action for injunctive relief or other appropriate action or proceeding to prevent such unlawfully erection, construction, alteration, conversion or use or to correct or abate such violation.

**Section 22-332                      Administrative adjustments.**

(a) No adjustment shall be allowed from any dimensional, material, structural, or durational requirement of this article, except that the zoning administrator may grant an administrative adjustment of up to 10 percent from the dimensional standards of this article, provided the resulting signage is consistent with the purpose of this article, and the proposed adjustment will account for decreased effectiveness clearly resulting from:

- (1) Natural conditions;
- (2) Lot configuration;
- (3) The presence of easements or rights-of-way; or
- (4) A threat to public safety.

(c) No adjustment under this section shall be allowed where the hardship is the result of the owner's or applicant's actions.

**Section 22-333                      Severability.**

In the event a court of competent jurisdiction finds that any section, sentence, clause or phrase of this article is void, such invalidity shall not affect the remaining sections, sentences, clauses or phrases of this article. The offending provisions shall be severed from the article and the remainder of the article shall continue in full force and effect.

**Sections 22-334— 22-354 reserve**

EXHIBIT 1:

# Urban Center Area

