

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF THOMASTON, GEORGIA, TO ENACT NEW ARTICLE IX OF CHAPTER 98, CONSISTING OF CODE SECTIONS 98-193 THROUGH 98-220 ESTABLISHING SIGNAGE REGULATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR LIKE PURPOSES.

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BE IT HEREBY ORDAINED by the City Council of the City of Thomaston, Georgia, and it is hereby ordained by virtue of the authority thereof as follows, to-wit:

Section 1

The Code of Ordinances of the City of Thomaston is hereby amended, and there is hereby enacted new Article IX of Chapter 98, consisting of Code Sections 98-193 through - 98-220, to read as follows:

SECTION 98-193 Purpose.

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. Accordingly, it is the intention of the City to establish regulations governing the display of signs which will:

- (1) Promote and protect the public health, safety and general welfare.
- (2) Enhance the economy and the business and industry of the City by promoting the reasonable, orderly and effective display of signs.
- (3) Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision.

- (4) Promote signs which are compatible with their surroundings.
- (5) Ensure the fair and consistent enforcement of sign regulations.

Various and diverse businesses are located within the City of Thomaston. The need to advertise products and services must be balanced by the City's obligation to restrict clutter, maintain an aesthetically pleasing environment, protect property values, and enhance public safety.

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City without difficulty and confusion, to improve the general attractiveness of the community, to take advantage of the beauty of the community's natural environment, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the City in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies.

It is also the purpose of this ordinance to insure proper maintenance, for safety and structural soundness, as well as the appearance and attractiveness of signs.

SECTION 98-194 Definitions.

"Aggregate sign area" shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

"Animated sign" shall mean a sign with action, motion, or changing colors which requires electrical energy. This definition includes any signs that electronically change the sign face, whether by substitution of copy or scrolling. An electronic sign that maintains a steady sign face without change for no less than six (6) hours is not considered an animated sign. However, any deviation from the minimum six (6) hour change of unchanged copy results in the sign being considered an animated sign.

"Area of a sign/ Sign area" shall mean the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

"Awning sign" shall mean a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

"Billboard sign" shall mean any sign with a sign area exceeding 235 square feet.

"Double-faced sign" shall mean a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

"Flag" shall mean any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

"Freestanding sign" shall mean a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or stanchion signs.

"Illuminated sign" shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

"Monument sign" shall mean a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies.

"Non-conforming sign" shall mean any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection.

"Overlay Zoning" means any zoning requirements such as Gateway and Greenspace or historic districts which are in addition to the underlying zoning district.

"Parcel" shall mean a separate tax unit of real property on county real estate records.

"Roof sign" shall mean a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

"Sign" shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

"Stanchion sign" shall mean a freestanding sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles.

"Wall sign" shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

"Window sign" shall mean a sign installed flush with or on a window and intended to be viewed from the outside.

SECTION 98-195 Permits.

All signs allowed by this ordinance, except those exempted from obtaining a permit shall require a permit issued by the City prior to posting, displaying, substantially changing, or erecting a sign in the City.

- (a) Existing signs shall be grandfathered in and shall not be required to meet this Ordinance until the existing sign is replaced.
- (b) Apply for permit through the City's Building & Zoning Office.

SECTION 98-196 Application Information.

Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner's agent with the City's Building & Zoning Office. The application shall describe and set forth the following:

- (a) The street address of the property upon which the sign is to be located and a plat map of the property, drawn

to scale, showing all existing structures, including existing signage and which bears an indication of the proposed location of the sign.

- (b) The aggregate area for all signs on the parcel.
- (c) The name(s) and address(es) of all of the owner(s) of the real property upon which the subject sign is to be located.
- (d) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.
- (e) Name, address, phone number of the sign contractor and copy of valid occupational tax certificate (Business License).
- (f) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.
- (g) All information regarding distance, lot size, overlay district and other requirements set forth in Code Section 98-71.

SECTION 98-197 Time for Consideration.

The City shall process all sign permit applications within 30 business days of the City's actual receipt of a completed application and accompanying sign permit fee. The Building and Zoning Office shall give notice to the applicant of the decision of the City by hand delivery or by mailing a notice, by first class mail, to the address on the permit application on or before the 30th business day after the City's receipt of the completed application and fee. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the City fails to act within the 30 business day period, the permit shall be deemed to have been granted.

SECTION 98-198 Denial and Revocation.

- (a) *Procedure*
The City's Building and Zoning Office shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this Ordinance, are incomplete applications, or

applications containing any false material statements. Violation of any provision of this Ordinance 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 a permit has been erroneously issued in violation of this Ordinance, the building official shall revoke the permit. Should the City deny a permit, the reasons for the denial are to be stated in writing and mailed by first class mail or via hand delivery to the address on the permit application on or before the 30th business day 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 re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing false material statements.

(b) *Appeal.*

An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the Building Official to the Thomaston Zoning Board upon filing of written notice of an appeal with the Building Official within ten (10) business days of the Building Official's decision. Such appeal shall be considered by the Thomaston Zoning Board at a called meeting.

(c) In the event an individual's permit has been denied or revoked, he or she may petition for a hearing before the Mayor and Council of the City of Thomaston by initiating the same appeals process as for other zoning appeals.

SECTION 98-199 Permit Expiration.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due

to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

SECTION 98-200 Fees.

The cost of a permit shall be as set forth in Code Section 18-30.

SECTION 98-201 Prohibited Signs.

The following types of signs are prohibited throughout the City:

- (a) Animated signs, except the portions of the C-1 (Main Commercial District) zone outside the Historic Downtown District, the C-2 (General Commercial District) zone, the M-1 (Industrial District) zone and the M-2 (Light Industrial District) zone;
- (b) Signs on public rights of way other than publicly owned or maintained signs;
- (c) Window signs which exceed 30% of the window area;
- (d) Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80;
- (e) Signs which simulate an official traffic control or warning sign or hide from view any traffic or street sign, signal or public service sign;
- (f) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing;
- (g) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic; and
- (h) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curb, utility pole, or other structure except as set forth herein.

SECTION 98-202 Restrictions in Residential Zoning Districts.

The following shall apply in Residential Zoning Districts:

- (a) One professional or announcement sign per lot for customary home occupations. Such sign shall not exceed two (2) square feet in area exposed to view and must be located on the premises. No such signs shall be illuminated and if affixed to a building shall be placed flat with the wall.
- (b) No signs having more than six (6) square feet in area advertising the sale or rental of the property on which they are located are permitted.
- (c) Signs having a height of greater than five (5) feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located shall not be located in residential zoning districts.
- (d) Signs meeting the standards of this section are exempt from permitting requirements.

SECTION 98-203 Residential Subdivision Entrance Signs.

Platted residential subdivisions consisting of more than 2 parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of five (5) feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than twenty five (25) square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

SECTION 98-204 Height Requirements.

Subject to any Overlay Zoning requirements, the following height requirements shall be applicable to signs located in non-residential zoning districts:

- (a) No stanchion sign shall exceed thirty five (35) feet in height at the highest point on the sign - Except for C1 (Main Commercial District) or M1 (Industrial

District) zones - not to exceed fifty (50) ft. at its highest point.

- (b) Monument signs shall not exceed six (6) feet in height.
- (c) All sign heights shall be measured from the grade level of the center line of the adjacent street to which the property on which the sign is located has access. The level of the ground shall not be altered in such a way as to provide additional sign height.

SECTION 98-205 General Size and Location Requirements in Non-Residential Districts.

The following size and location requirements shall be applicable to signs located in non-residential zoning districts:

- (a) No freestanding sign may be located within twenty (20) feet of the intersection of street right-of-way lines extended.
- (b) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this Ordinance.
- (c) *Billboard signs.*
 - (1) Billboard signs shall not exceed six hundred and seventy two (672) square feet of sign area. Billboard signs shall not exceed fourteen (14) feet in height or forty eight (48) feet in length.
 - (2) Billboard signs shall only be located on parcels in M-1 (Industrial District) or M-2 (Light Industrial District).
 - (3) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.
 - (4) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

- (5) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.
 - (6) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within five hundred (500) feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the five hundred (500) foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.
 - (7) No billboard sign shall be erected to a height in excess of fifty (50) feet.
- (d) *Stanchion signs.*
- (1) Stanchion signs shall not exceed a sign area of one hundred eighty (180) square feet.
 - (2) Stanchion signs shall only be located on property in C-1 (Main Commercial District), C-2 (General Commercial District), C-3 (Neighborhood Commercial District), M-1 (Industrial District) or M-2 (Light Industrial District) and shall be limited to one such sign per parcel per street frontage.
- (e) *Monument signs.* Monument signs shall not exceed 60 square feet of total area, which shall include signage and structure, and shall be limited to one such sign per parcel per street frontage.
- (f) *Wall and Awning Signs.*
- (1) Wall and awning signs shall not project above the parapet wall.
 - (2) Wall signs shall not project beyond the building face. Awning signs shall not project beyond the building face by more than four feet.

- (3) Wall and awning signs shall not exceed a sign area of one hundred (100) square feet or ten percent of the wall face of the premises to which the sign relates, whichever is less, on each street facing wall.
 - (4) The maximum wall or awning sign height shall be ten (10) feet.
 - (5) Wall signs shall only be located on property in C-1 Main Commercial District, C-2 General Commercial District, C-3 Neighborhood Commercial District, M-1 Industrial District or M-2 Light Industrial District.
 - (6) Each building tenant shall be limited to one wall or awning sign on each street facing wall.
- (g) *Maximum aggregate sign area.*
Parcels may contain more than one freestanding sign, provided that:
- (1) Parcels exceeding three acres shall be allowed a maximum aggregate sign area of three hundred (300) square feet for the entire parcel.
 - (2) Parcels less than three acres shall be allowed a maximum aggregate sign area of one hundred eighty (180) square feet for the entire parcel.
 - (3) These limits shall not include the area of any wall signs, window signs or billboard signs located on the parcel.
 - (4) These limits shall include the area of all freestanding signs on the parcel.

SECTION 98-206 Construction Standards.

- (a) All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the City Building Codes set forth in Code Section 18-27.
- (b) Signs for which a permit is not required under this ordinance that are constructed of degradable material may be posted for a maximum of sixty (60) days unless

replaced with another sign of the same material. Any such replacement signs may be posted for a maximum of sixty (60) days.

SECTION 98-207 Nonconforming Signs.

Nonconforming signs, which met all legal requirements when erected, may stay in place. Non-conforming signs shall be permitted until one of the following conditions occurs:

- (1) The deterioration of the sign or damage to the sign makes it a hazard;
- (2) Deterioration of the sign or damage to the sign is greater than fifty (50)%;
- (3) Change of sign by existing owner;
- (4) Change of ownership of business; or
- (5) Change of business type.

SECTION 98-208 Variances.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this ordinance shall be limited to the following hardship situations:

- (a) Standards.
 - (1) Where visibility of a conforming sign from the public street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and
 - (2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.

- (b) Variance applications shall be submitted to the building official and shall be heard under the same time frames and rules governing appeals under this ordinance.

SECTION 98-209 Exemptions from Permit Requirements.

The following types of signs shall be exempt from the permit requirements of Section 98-195 of the Code of Ordinances and shall not count towards the maximum aggregate sign area limits provided in Code Section 98-202.

- (a) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the available window space.
- (b) Numerals displayed for purposes of identifying property location and not exceeding four (4) inches in height in residential districts and ten (10) inches in height in nonresidential districts.
- (c) Seasonal displays located outside of the public right of way that are erected for a maximum period of thirty days no more than twice a year.

SECTION 98-210 Illumination.

Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination shall be constant and shall not change, flash, scroll or stimulate movement.

SECTION 98-211 Enforcement and Penalties.

- (a) All signs shall be maintained in good condition as to present a neat and orderly appearance. The city may, after due notice, issue a citation to any permittee for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has not been properly maintained. The city shall give the permittee ten (10) days to rectify the condition or remove the dilapidated sign before issuing a citation.

- (b) The city may issue a citation for violation of this ordinance by any sign erected, altered, converted, or used in violation of this Ordinance.
- (c) Each day a sign is posted in violation of this Ordinance shall constitute a separate violation.
- (d) Any person violating any of the provisions of this Ordinance shall, upon conviction or entering a plea of guilty or nolo contendere, be punished as is provided by Code Section 1-11.

SECTION 98-212 Severability.

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The City Council declares that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

SECTION 98-213 - 98-220 Reserved.

Section 2

All ordinances or parts thereof in conflict with the terms and provisions of this Ordinance be, and the same hereby are, repealed.

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The foregoing Ordinance was adopted by the City Council of the City of Thomaston, Georgia, and transmitted by me to the Mayor, this 7th day of March, 2017.

ASSISTANT CITY CLERK, CITY OF
THOMASTON, GEORGIA

Approved by me and returned to said City Clerk as
"Approved", this 7th day of March, 2017.

MAYOR, CITY OF THOMASTON,
GEORGIA