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Planning Commission Agenda  
Monday, July 10, 2023 – 6:00pm

Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from June 12, 2023, and work session June 26, 2023
5. Announcements
  - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
  - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - Please place cell phones in silent mode.
6. Citizens with Input
7. Old Business

**TEXT-0024-2023.** Revise Section 6-9, sign regulations. The applicant is the City of Perry.  
*(Tabled from June 12, 2023, meeting- Scheduled for public hearing before City Council on August 1, 2023)*
8. New Business – None
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission  
Minutes - June 12, 2023

1. Call to Order: Vice Chairman Moody called the meeting to order at 6:00pm.
2. Roll Call: Vice Chairman Moody; Commissioners Butler, Jefferson, Guidry, Mehserle and Ross were present. Chairman Edwards was absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, and Christine Sewell – Recording Clerk.

Guests: Colby Carkoski, Wilnis Louis, Rosston Smith, Winston Creath, Andy Acosta, and Mike Baker.

3. Invocation- was given by Commissioner Mehserle
4. Approval of Minutes from May 8, 2023, and work session May 22, 2023  
Commissioner Butler motioned to approve as submitted; Commissioner Ross seconded; all in favor and was unanimously approved.
5. Announcements – Vice Chairman Moody referred to the notices as listed.
  - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
  - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - Please place cell phones in silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business – None
  - A. Public Hearing (Planning Commission decision)
  - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 18, 2023)
    - **RZNE- 0070-2023**. Rezone property at 120 Sparrow Street from R-AG, Residential Agricultural to R-1, Single Family Residential. The applicant is Colby Carkoski.

Ms. Carson read the applicants' request which was to rezone from R-AG, Residential Agricultural to R-1, Single Family Residential, along with staff responses. Ms. Carson noted the property is a vacant parcel in the Birdsong Acres subdivision, totaling 7.68 acres and the applicant is re-platting 1.8 acres upon approval of the R-1 rezoning process and in doing so creates a parcel for a new dwelling while maintaining the five acres required per dwelling in the R-AG zone.

Vice Chairman Moody opened the informational hearing at 6:07pm and called for anyone in favor or opposed to the request; there being none; the informational hearing was closed at 6:08pm. The Vice Chairman called for the applicant who was in attendance but had nothing further to add.

Commissioner Butler motioned to recommend approval to Mayor & Council of the application as presented; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

- **RZNE- 0075-2023.** Rezone property at 101 Big Indian Creek Drive from R-3, Single Family Residential to RM-1, Multi-Family Residential. The applicant is Wilnis Louis.

Ms. Carson read the applicants' request, which was to rezone from R-3, Single Family Residential to RM-1, Multi-Family Residential, along with staff responses. Ms. Carson further advised the applicant purchased the property from its previous owners in hopes of building a duplex. However, unbeknownst to him, the city had a code violation case open on the parcel requiring the structure be torn down. This application stops the nuisance abatement process and allows the new owner to begin development of a rehabilitated multi-family structure on the site.

Vice Chairman Moody opened the informational hearing at 6:12pm and called for anyone in favor or opposed to the request; there being none; the informational hearing was closed at 6:13pm. The Vice Chairman called for the applicant who was in attendance but had nothing further to add.

Commissioner Ross motioned to recommend approval to Mayor & Council of the application as presented; Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

- **TEXT-0076-2023.** Establish short-term rental permit procedures and standards, delete provisions for bed and breakfast inns, add provisions for interpretation by administrator and appeal of decision of the administrator.

Mr. Wood advised with Council's establishment of a moratorium in April and the concerns that had been raised, particularly the proximity to other short-term rentals and the impact of the character of neighborhoods, staff has researched in-state and other states for established procedures and is presenting the proposed amendment.

Mr. Wood reviewed highlights of the ordinance which included Establish Annual Short-term Rental Permit, Initial permit requires special exception in residential districts, Renewal permit issued by staff, inspection of property required for compliance with life safety codes, permit is not transferrable to another owner or property, permit can be administratively revoked for violation of requirements, revocation may be appealed to Planning Commission, One-year waiting period if revoked, existing STRs must obtain renewal permit and comply with standards by December 29, 2023, 1,000-foot separation between STRs; one STR per parcel, occupants limited to 2 per bedroom + 2; not to exceed 10, Minimum 24-hour stay, parking restrictions, curfew and no amplified sound between 10:00 pm and 9:00 am, posted "House Rules" required, local responsible party required, cannot be used for events, permit must be posted and used in all advertisements, proof of insurance required, Perry occupational tax certificate required, Payment of hotel occupancy tax required and City may require documentation to verify compliance.

Mr. Wood also advised the amendment deleted all references and standards for “Bed and breakfast inn” and added procedures for interpretations by the administrator. As well as update to Article 10, Enforcement, with consistent section numbering and list of permit types to remove “Conditional use permit” and add “Short-term rental permit.

Vice Chairman Moody opened the informational hearing at 6:20pm and called for anyone in favor of the request. There being none; Vice Chairman Moody called for anyone opposed.

Mr. Rosston Smith of 110 Kevin Drive, Warner Robins and owner of 700 Martin Luther King Jr., Drive, Perry felt the ordinance had good intentions but with the highlights as mentioned by Mr. Wood is restricting homeowners’ rights. Would like to know how the 1000 feet was determined as there is no evidence for it and it’s not required for long-term rentals and doesn’t affect the quality of guests or stays as that is determined by the quality of management. Voiced concern the ordinance infringes on property owners’ rights, and they should be allowed to use their property as they see fit and unnecessarily restricts a homeowner to make money. Again, voiced concern for the distancing requirements and questioned a duplex not being allowed to have both units available for short term rentals. Mr. Smith advised owners buy and rehab properties as an investment and they create value for the city and rentals bring income into the city.

Mr. Winston Creath – 364 Lee Paul Road, Haynesville was opposed as short term rentals provide an opportunity for his retirement with investment property and the proposal limits the rights and privileges of citizens. Mr. Creath would like to have more short-term rental properties available for the visitors to the fairgrounds who will spend money in the city and these types of rentals are available when local hotels are not and if there are no rental properties people will go elsewhere. Mr. Creath felt it was good to keep an open and welcoming attitude with regard to short-term rentals and felt more discussion should be had before making a decision.

Mr. Andy Acosta – 2006 Carl Drive #1806 Warner Robins, advised he echoes Mr. Smith’s comments, but he can also see neighbors’ concerns and they are factored in the proposal and the appreciates the city looking for a middle ground with the amendment, but it caters to the fears of those opposed. Mr. Acosta felt the 1000ft. separation was not practical as each neighborhood was different and that should be the factor in deciding. Also, not all short-term rentals are the same, some rent full time during the year, while others only parttime and others not the entire house but a room. Mr. Acosta voiced concern that an environment was going to be created where the market becomes distorted and monopolized with the proposed standards and could lead to hosts overcharging due to lack of competition; there needs to be healthy competition and the distance requirements should be removed and focus on population density. Furthermore, felt the limitation of occupants and parking does not consider the property size and its features; it limits the capacity for use of the property and restricts large travel groups, which Perry attracts. With respect to parties and guests, Airbnb and VRBO do a good job of keeping up with this as it’s part of their standards.

Mr. Mike Baker – 1306 Swift Street, Perry as a resident and board member of the tourism board supports the amendments and short-term rentals are commercial businesses and if he wanted to do, he would have to go through a special exception process and if the market becomes

oversaturated with these rentals it will hurt the local hotels. Mr. Baker agreed to allowing in commercial areas, but not residential areas.

Mr. Wilnis Louis – 309 Bowen Drive, Warner Robins – was just in Navarre, Florida where he had stayed in a short term rental and there are no separation issues, and they are well kept because the owners want people to come back. The maximum number of people is restrictive as he works on base and there is a need. Appreciates regulations but if implemented too early will be restrictive.

There being no further comment Vice Chairman Moody closed the informational hearing at 6:50pm.

Commissioner Guidry advised he had recently attended training and this issue was brought up and those in attendance from cities throughout the state were grappling with this same issue. Commissioner Guidry understands property rights are important until it affects the neighbors, then it becomes cause for concern.

Commissioner Mehserle noted as we look to the future and why we have regulations or not it is the Commission's responsibility to be fair and have understandable and enforceable ordinances and recognize both sides. Commissioner Mehserle further noted that the opponents who spoke against the proposed amendment were all based on capitalism with no concern about the neighborhoods.

Commissioner Jefferson commended staff for their time and efforts in drafting the ordinance and appreciates that it represents the best interests of the community. Vice Chairman Moody echoed the statement.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the application as submitted; Commissioner Butler seconded; all in favor with Commissioner Ross opposed; resulting vote was 5 to 1 for recommendation of approval.

- **TEXT-0024-2023.** Revise Section 6-9, sign regulations. The applicant is the City of Perry.

Mr. Wood advised the amendment has been worked on for a number of months and presented and overview of the changes, which included: Ensure content neutrality, Place standards in table format for ease of use, Establish standards for signs in all districts, including residential districts, Monument and monopole signs with up to 100 square feet of sign face for commercial properties over 3 acres in size, Monument and monopole signs with up to 75 square feet of sign face for commercial properties less than 3 acres in size, Reduce maximum height of ground signs in Downtown from 20 feet to 15 feet, Limit area of multiple message sign face, Establish time periods for display of additional ground signs, Establish the administrator as the authorized individual to accept service of an appeal of a Planning Commission decision, Establish the City Manager as the authorized individual to accept service of an appeal of a City Council decision, and as required by changes in State statute.

Per the City Attorneys' request Mr. Wood read the following statement:



It is the purpose of these regulations to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of these regulations to encourage an aesthetically attractive environment, allowing sufficient opportunities for communications to serve business, interest groups and the public, while complying with the federal and state constitutions and laws.

In consideration of these sign regulations, we especially recognize the vast number of court decisions, coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and that such intents and purposes are valid and lawful governmental interests, which include the following:

Granite State Outdoor Advertising, Inc. v. Cobb County, Ga., [193 Fed.Appx. 900] (finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the county's aesthetic qualities are substantial government interests); Gregory v. Clive, [2007 WL 2914515 (Ga. S.Ct. 2007)](recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community); H & H Operations, Inc. v. City of Peachtree City, Ga., [248 Ga. 500 (1981)](holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction); Harnish v. Manatee County, Florida, [783 F.2d 1535 (C.A. 11<sup>th</sup> 1986)](finding that aesthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection); Lamar Advertising Company v. City of Douglasville, Ga., [254 F.Supp.2d 1321 (N.D.Ga. 2003)](finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech); Metromedia, Inc. v. City of San Diego, [453 U.S. 490 (1981)](holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest); St. Louis Poster Advertising Co. v. City of St. Louis, [249 U.S. 269 (1919)](finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community); Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent, [466 U.S. 789 (1984)](finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction); City of Doraville v. Turner Communications, Corp., [236 Ga. 385 (1976)](finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction); Spratlin Outdoor Media, Inc. v. City of Douglasville, [2006 WL 826077 (N.D.Ga. 2006)](upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

Vice Chairman Moody opened the informational hearing at 7:10pm and called for anyone in favor of the request; there being no he called for anyone opposed; there being none the public hearing was closed at 7:12pm.

Commissioner Mehserle inquired about electronic signs in the overlay districts; Mr. Wood advised they were still prohibited, with the exception of gasoline signs. Commissioner Mehserle also asked if the amendment increases allowable signage and size; Mr. Wood reviewed the table for the various districts.

Commissioner Butler motioned to recommend approval to Mayor & Council of the application as submitted; Commissioner Mehserle seconded. There was no call for a vote, as Commissioner Jefferson and Guidry felt additional time was needed for review. Commissioner Butler withdrew his motion to recommend approval.

Commissioner Jefferson motioned to table until July 10, 2023, meeting for further review; Commissioner Ross seconded; all in favor and was unanimously approved to table.

9. Other Business – None

10. Commission questions or comments- None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:30pm.

DRAFT

Planning Commission Work Session Agenda  
Minutes - June 26, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 5:30pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Moody, Mehserle, Ross, and Guidry were present. Commissioner Jefferson was absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner and Christine Sewell – Recording Clerk.

3. Invocation was given by Commissioner Moody.
4. Citizens with Input – None
5. New Business

- Review of Text Amendment for Section 6-9 Sign Regulations

Mr. Wood in follow up to previous discussion provided and reviewed with the Commission a comparison of the proposed and existing sign regulations. The review included the standards for all districts, the allowable sizes, and various types of signage.

Commissioner Ross asked what was permissible for food trucks as he had been asked. Mr. Wood advised their trucks were the advertisement and no additional signage was permitted. In discussion, Commissioner Ross asked about feather flag signs or A-frame signs; Mr. Wood advised feather flag signs are prohibited; but he would review with city attorney to possibly allow A-frame signs. Chairman Edwards said that of all the possible types of signs A-frame signs are the least objectionable.

Commissioner Mehserle asked about color. Wood stated that color is not reviewed, except by the Main Street Advisory Board in the Downtown Development Overlay District.

Commissioner Morrison asked about existing signs and procedures. He did not want someone to install a sign that has to be removed. Wood indicated that existing signs are allowed to be maintained until they are changed or damaged. He stated that most sign contractors inquire about the City's regulations before applying for a permit.

Mr. Wood advised that Code Compliance had also provided input and felt the amendment was easier to understand and enforce.

6. Other Business - None
7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:40pm.





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### **STAFF REPORT**

From the Department of Community Development

June 8, 2023 – updated July 5, 2023

**CASE NUMBER:** TEXT-0024-2023

**APPLICANT:** The City of Perry

**REQUEST:** Amend the LMO as to sign regulations including Delete certain definitions in Sec. 1-13, Definitions; Replace Sec. 2-3.9, Sign permit (procedures) in its entirety; Replace Section 6-9, Sign standards, in its entirety; Delete Section 9-5, Nonconforming signs. Additionally, amend Sec. 2-1.5, Duties and powers of the administrator, and add Sec. 2-1.6, Duties and powers of the city manager, to designate persons authorized to accept service of an appeal on behalf of the Planning Commission and City Council.

**STAFF ANALYSIS:** The sign regulations in the Land Management Ordinance were reviewed and are revised to ensure content neutrality – signs will not be regulated based on the content of the sign. Signs are to be regulated only as to time (when they can be displayed), place (location), and manner (size, height, materials, illumination, etc.).

Sign standards are also simplified and placed in table format; standards are modified to encourage monument signs rather than pole signs; sign face area is reduced in most commercial areas; more extensive standards for lighting are included; and signs not provided for in the article are prohibited. Definitions relating to sign regulations, and provisions for nonconforming signs are moved to Section 6-9. Procedures for obtaining a sign permit are updated.

Following the June Planning Commission work session two inquiries caused staff to modify the proposal to increase the allowable sign face square footage for nonresidential uses in residential districts from 24 to 32, and to include a statement that a sign face must be maintained at all times.

In addition to sign regulations, this amendment designates the staff persons authorized to accept service of an appeal of a zoning decision on behalf of either the planning commission or the city council. This is to be consistent with requirements of State law.

### **STANDARDS FOR GRANTING A TEXT AMENDMENT:**

- (1) Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.  
This amendment is not inconsistent with these plans.
- (2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.  
The proposed amendment is consistent with the format of the Land Management Ordinance.
- (3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.  
The amendment addresses recent court decisions regarding content-based sign standards.
- (4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.  
The amendment is consistent with the needs of the community.

- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The Purpose and Intent of the LMO includes:

- Facilitate the creation of a convenient, attractive, and harmonious community.
- Ensure appropriate commercial development patterns along corridors.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

- (6) Whether, and the extent to which the proposed amendment will result in logical and orderly development pattern.

The amendment provides appropriate sign standards for all properties, based on the base zoning district and/or overlay zoning district in which a property is located.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

- (8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed text amendment.

## Sec. 1-13. Definitions

Delete the following definitions:

*Cluster development:* A residential subdivision within which individual lot sizes have been reduced to permit the creation of common open space for the residents of the subdivision. All cluster developments must satisfy the requirements specified in section 119.

*Portable sign:* Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a code vehicle, and the primary purpose of which is advertising.

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

*Sign area:* The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

*Sign, outdoor advertising:* A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

*Sign, owner,* means a person who either owns the real property upon which a sign is located; or a person who owns the sign itself; or a person whose products, services or cause is promoted by the sign; or a combination of those persons.

*Sign structure:* A structure composed of a single pole or multiple poles which is located on the ground on top of another structure and which supports no more than two (2) signs.

*Sign structure facing:* The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

## Replace Sec. 2-1.5 and Add Sec. 2-1.6 as follows:

**2-1.5. Duties and powers of the administrator.** The administrator shall have the responsibility of interpreting, administering, and enforcing the provisions of the Ordinance unless specifically provided otherwise. In particular, the administrator shall have the following powers and duties under the Ordinance:

- A. *Authorization.* The administrator is authorized to review and make final decisions regarding permits and other development requests as authorized in the Ordinance. The administrator is further authorized to approve or issue any form or certificate necessary to perfect a petition described in Title 5 of the Georgia Code for the planning commission and historic preservation commission and to accept service of such petition on behalf of these commissions during normal business hours at the community development department office.
- B. *Duty.* It shall be the duty of the administrator to administer and enforce the provisions of the Ordinance.
- C. *Records.* The administrator shall keep records of actions on Comprehensive Plan amendments, official zoning map or text amendments, variances, special exceptions, appeals, preliminary and final plats, permits, licenses, certificates of appropriateness, and certificates of occupancy along with notation of all special conditions involved. The administrator shall file and safely keep these records along with copies of all related applications, reviews, opinions, public hearings, sketches, and plans submitted and other related documents that are to be made a part of the public record.
- D. *Review.* All applications and plans for which action by the administrator is authorized shall be reviewed and acted upon within 30 days of receipt of a complete application, except where another time limit is specified for the type of action under review.

**2-1.6. Duties and powers of the city manager.** In addition to other duties and powers authorized by other provisions of the city code, the city manager shall have the authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be perfected on behalf of the city council during normal business hours at the city manager's office.

**Replace Sec. 2-3.9 in its entirety as follows:**

**2-3.9. Sign Permit.**

- (A) Purpose. The purpose of this subsection is to provide a mechanism for reviewing applications for sign permits to ensure all signs within the City comply with the standards of section 6-9. Signs.
- (B) Applicability. No sign, except those exempted pursuant to subsection 6-9.11, shall be erected, installed, displayed, structurally altered, or otherwise changed without the sign installer/owner having first obtained a sign permit from the administrator pursuant to this section and the standards of section 6-9. Signs.
- (C) Procedure.
  - (1) Application for sign permit shall be submitted in the form established by the administrator.
  - (2) The administrator shall review and act on an application for sign permit consistent with the procedures and requirements of subsection 2-1.5, duties and powers of the administrator.
- (D) Standards. A sign permit shall be approved upon a finding that the application complies with the standards of section 6-9. Signs.
- (E) Conditions. In approving a sign permit, the administrator may impose conditions on the permit as may be necessary to ensure compliance with the standards of section 6-9. Signs.
- (F) Appeal. An applicant may appeal the decision of the administrator with respect to the issuance of a sign permit pursuant to the provisions of subsection 2-2.1.
- (G) Inspection. Upon completion of the sign authorized by the permit, the applicant shall contact the administrator to inspect and verify compliance with the provisions of this chapter and the conditions of the permit.
- (H) Expiration. If the activity authorized by a sign permit has not begun within six months from the date of issuance, the sign permit shall automatically and immediately be rendered invalid.
- (I) Amendments. A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.

**Replace Sec. 6-9 in its entirety as follows:**

**Sec. 6-9. Sign standards.**

**Sec. 6-9.1. Purposes.**

- (A) It is the purpose of the mayor and city council in enacting these regulations to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this article to encourage an aesthetically attractive environment, allowing sufficient opportunities for communications to serve business, interest groups and the public, while complying with the federal and state constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction, and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In seeking to comply with federal and state law, the city has determined the following: large signs are, as the U.S. Supreme Court has recognized, an aesthetic harm; the state supreme court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the 11th Circuit has recognized portable signs are visual clutter and a potential traffic hazard. These holdings show that the city's ordinance is within the law and constitutional, which is a goal of the city. The goal of this article is to avoid being an impermissible content-based regulation, and instead to be a permissible time, place, and manner restriction.
- (B) Many signs can also be a hazard and negatively impact traffic safety by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this article to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

**Sec. 6-9.2. Jurisdiction and applicability of code requirements.**

- (A) This article shall apply to all properties within the incorporated areas of the city. This article shall not relate to the copy or message on signs within the city.
- (B) All signs and sign structures shall be constructed and maintained in conformance with the state minimum standard codes.
- (C) If any provisions or requirements of this article are in conflict with any other provision or requirement of this article or any other applicable governmental law, ordinance, resolution, rule, or other governmental regulation of any kind, the more restrictive rule or standard takes precedence.

**Sec. 6-9.3. General provisions and definitions.**

- (A) No sign shall be placed or maintained within the city except in conformity with this article.
- (B) Notwithstanding any other restrictions in this article, any sign, display, or device allowed under this article may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3.
- (C) Height limitations in this article control over the general height limitations of this article and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this article, rather than general height limitations.
- (D) Definitions. The general definitions and interpretative rules of this chapter shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*A-frame sign* means a sign which is normally in the shape of an "A" or some variation, which is usually two-sided.

*Abandoned sign* means a sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, product, or service.

*Animated sign* means any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any lights (or lighting devices) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically.

*Area of sign (copy area)* means the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, or material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

*Banner* means a sign hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. This definition expressly excludes flags.

*Canopy* means any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*Canopy sign* means any sign attached to, or made a part of, the front, side, or top of a canopy. These signs are regulated as wall signs.



*COA* means a certificate of appropriateness issued by the Historic Preservation Commission or the administrator upon recommendation of the Main Street Advisory Board.

*Copy* means the wording or graphics on a sign surface in either permanent or removable form.

*Erect* means to build, construct, attach, hang, place, suspend, paint or affix.

*Establishment* means a commercial, industrial, institutional, educational, office, business, or financial entity.

*Flag* means any fabric sign, regardless of the message conveyed, mounted to a flagpole on one side only.

*Freestanding sign* means any sign which is independent from any building or other structure and is entirely supported by a single or multiple pedestals that are permanently attached at or below ground level. These signs are regulated as ground signs.

*Frontage, building*, means the length of an outside building wall facing a street, or portion thereof.

*Frontage, street*, means the length of the property line of any one parcel along a street on which it borders.

*Ground sign* means a sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

*Illuminated sign* means a sign which contains an internal source of light, or which is designed or arranged to reflect light from an artificial source.

*Mansard roof sign* means any sign attached to or erected within 12 inches of an actual or simulated mansard roof of a building, with the sign face parallel to and within the limits of the building, but not exceeding the roofline, and not deemed to be a roof sign. These signs are regulated as wall signs.

*Manual reader board* means a portion of a ground sign on which copy is changed manually.

*Monopole sign* means a freestanding sign that is erected on a single pedestal attached to the ground for the display of messages irrespective of the number of faces or the configuration of the faces. These signs are regulated as ground signs.

*Monument sign* means a permanent sign with little or no open space between the ground and the sign face and constructed of brick, stone, concrete, masonry, stucco, or equal architectural material. These signs are regulated as ground signs.

*Multiple-message sign* means a sign or portion of a sign which changes the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slats, or by changing electronic display on the sign face more than once per day.

*Painted wall sign* means any sign that is applied with paint or similar substance on the face of a wall.

*Permanent sign* means a sign permanently affixed to a building or the ground.

*Person* means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

*Planned center* means a nonresidential development with multiple establishments that are separately owned and operated.

*Portable sign* means any sign supported by its own frame or trailer, with or without wheels, that is designed to move from one place to another. Portable sign does not include A-frame signs.

*Post and arm sign* means a permanent sign supported by a single upright post with a horizontal arm from which a sign is suspended. These signs are regulated as ground signs.

*Projecting sign* means any sign affixed to a building or wall, which horizontally extends more than 12 inches beyond the surface of a building or wall.

*Roof sign* means any sign erected, constructed, and maintained upon or over the roof of any building or projects above the roofline.

*Roof sign (integral)* means any sign erected or constructed as an integral part of a normal roof structure of any design. No part of the sign can extend vertically above the highest portion of the roof, and no part of the sign can be separated from the rest of the roof by a space of more than six inches.

*Setback* means the distance from the property line to the nearest part of the applicable sign or sign structure, measured perpendicularly to the property line.

*Sign* means any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows, and similar devices.

*Sign face* means the actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures, or other communicative elements of the sign, including the background color.

*Sign structure* means and includes all the elements of the sign, including its supporting structure, sign face, base, lights, and every portion of the sign.

*Street* means any public or private right-of-way for automobile use. This excludes alleyways, parking lots and driveways.

*Under canopy sign* means a sign that is suspended from the underside of a canopy, is perpendicular to the wall surface of a building, and whose copy is not clearly visible from the public right-of-way.

*Wall face* means a measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

*Wall sign* means a sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building and does not project more than 12 inches from the building face.

*Window sign* means a sign having its message visible from the exterior of a building that is either located within a building so as to be visible through a window or affixed directly to the window either inside or outside the building.

#### **Sec. 6-9.4. Permitted signs.**

- (A) *Standard permitted signs.* The following signs are permitted in the following zoning districts. If not otherwise stated, any sign not specifically authorized under this article shall be prohibited. These regulations apply to signs located on any lot or development.
- (B) *Address required on ground signs.* All ground signs except signs exempt from permit under Sec. 6-9.11 shall include the address of the parcel on which the sign is located. When a sign is oriented to a street other than the street to which the address is assigned, the address shall include the street name of the assigned address.

**Sec. 6-9.5. Residential district sign standards.**

*Signs in residential districts.* Signs permitted in the residential base zoning districts (R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR) shall comply with the provisions in Table 6-9-1. Signs on one- and two-family lots are exempt from obtaining a sign permit.

Table 6-9-1. Standards for Signs in Residential Zoning Districts						
Zoning District	Use	Sign Type	Maximum Square Feet per Sign Face	Maximum Number per Lot	Maximum Height	Illumination Allowed
R-Ag R-1 R-2 R-2A R-3 R-TH RM-1 RM-2 R-MH FBR	One- and Two-family Dwelling	Ground	4	2	4	Not Allowed
			1	4	2	
		Window	1	2	n/a	
		Wall-mounted Flag	15	1	n/a	
	Subdivision Development	Monument	24 total per pole	1 flagpole	20	External Only
			32	2 single sided or 1 double sided per entrance	8	
	Multi-family and Nonresidential	Monument; Post & Arm	32	1	8	External Only
			15	1 per tenant	n/a	
			40 total per pole	1 flagpole	30	

All ground signs and flags shall be set back at least 10 feet from the property lines

**Sec. 6-9.6. Nonresidential district sign standards.**

(A) *Ground signs in nonresidential districts.* Ground signs permitted in the nonresidential base zoning districts, and the PC, DD, and NC overlay districts shall comply with the provisions in Table 6-9-2.

Table 6-9-2. Standards for Ground Signs in Nonresidential Zoning and Overlay Districts							
Zoning and Overlay District	Sign Type	Maximum Square Feet per Sign Face			Maximum Number per Lot	Maximum Height (feet)	Illumination Allowed
		Not based on lot size	Lot size > 3 acres	Lot size 3 acres or less			
C-1, C-2 M-1, M-2 IMU, MUC, GU	Monument; Monopole	n/a	100	75	2	20	Internal or External
	Ground-mounted Flag	48 total per pole	n/a	n/a	3 flagpoles	35	External only
Parkway Corridor Overlay (PC)	Monument	n/a	100	75	1 per street front	20	Internal or External
	Ground-mounted Flag	Same as base zoning district					
LC, OI, NMU, Neighborhood Commercial Corridor Overlay (NC)	Monument; Post & Arm	32	n/a	n/a	1 per street front	15	External only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	
C-3, Downtown Development Overlay (DD), Downtown Historic Preservation Overlay (HP)	Monument; Post & Arm	32 for Monument; 12 for Post & Arm	n/a	n/a	1 per street front	10	External; Internal by COA only
	A-frame*	6	n/a	n/a	1 per tenant	4	Not Allowed
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	External only
All ground signs and flags shall be set back at least 10 feet from the property lines							
*A-frame signs shall be located so an accessible pedestrian path is maintained on a sidewalk and shall be displayed only during the sign owner's business hours.							

(B) *Wall, canopy, projecting and under canopy signs in nonresidential districts.* Wall, canopy, projecting and under canopy signs in the nonresidential base zoning districts and PC, DD, NC overlay districts shall comply with the provisions of Table 6-9-3.

Table 6-9-3. Standards for Wall, Canopy, Projecting, Under Canopy, and Window Signs in Nonresidential Zoning and Overlay Districts					
Zoning District	Sign Type	Maximum Number (multi-tenant building)	Maximum Number (single-tenant building)	Maximum Square Feet per Sign Face	Illumination Allowed
C-1, C-2 M-1, M-2 IMU, MUC, GU	Wall or Canopy	1 per tenant's exterior wall	1 per exterior wall	300 or 10% of each wall face, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
LC, OI, NMU, Neighborhood Commercial Corridor Overlay (NC)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	100 or 10% of each wall face, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
C-3, Downtown Development Overlay (DD), Downtown Historic Preservation Overlay (HP)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	1 for each linear foot of tenant's building frontage	External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
All Districts	Wall-mounted Flag	1 per tenant	1	24	External Only
	Window	n/a	n/a	20% of aggregate window area per tenant	Internal or External
Parkway Corridor Overlay (PC)	Same as base zoning district				
*Projecting signs and under canopy signs require 78" clearance from finished grade. Projecting signs shall not extend more than three feet from the building and shall not project into a vehicular use area.					

(C) Additional standards for signs in the C-3 zoning district, and the DD overlay district.

- (1) Wall signs in a planned center shall be composed of individual letters not exceeding 18 inches in height.
- (2) All signs require a Certificate of Appropriateness unless the administrator determines that a sign complies with the provisions of this section.
- (3) Prohibited signs in C-3 and DD districts:



- (a) Multiple message signs, except as authorized in sec. 6-9.9.
- (b) Neon tube signs, including neon and rope light building or window/door outlining.
- (c) Signs incorporating reflective and luminescent materials.

**Sec. 6-9.7. Additional Ground Signs.**

In addition to ground signs permitted in sections 6-9.5 and 6-9.6, additional ground signs are authorized during certain periods of time as described in Table 6-9-4. Such signs are exempt from obtaining a sign permit. Property address is not required on such signs.

Table 6-9-4. Standards and Time for Additional Ground Signs								
Zoning District		R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR					C-1, C-2, C-3, M-1, M-2, LC, OI, GU, IMU, MUC, NMU	
Use		Maximum	One- and two-family dwelling	One- and two-family dwelling subdivision	Multi-family	Nonresidential	Multi-family	Nonresidential
Time Period When Allowed	120 Days Prior to, through 14 days after, a Primary, General Election, Runoff, or Referendum	Number per lot	4	n/a	4	4	4	4
		Size (square feet)	4	n/a	4	4	4	4
		Height (feet)	4	n/a	4	4	4	4
	During the period when a property or tenant space is for sale, lease, or rent	Number per lot	*	n/a	*	*	*	*
		Size (square feet)	6	n/a	6	6	6	24
		Height (feet)	4	n/a	6	6	6	8
	Upon the Issuance of a permit for development through the Issuance of the final Certificate of Occupancy	Number per lot	2	1 per subdivision	1	1	1	1
		Size (square feet)	4	32	32	32	32	32
		Height (feet)	4	10	10	10	10	10
*1 per 500 feet of street frontage per street front Ground signs shall be set back at least 10 feet from the property lines and are not allowed in public rights-of-way								

**Sec. 6-9.8. Banners.**

Banners are permitted for any use except one-and two-family dwellings, subject to the following standards:

- (1) A banner shall be permitted for up to 30 consecutive days, and not more than 90 days per calendar year.
- (2) A banner shall not exceed 16 square feet in area.
- (3) One banner shall be permitted per tenant.
- (4) The banner shall be attached to a flat wall or to a rigid ground-mounted frame in a manner such that the banner does not become an animated sign.
- (5) A sign permit shall be required for each 30-day display.

**Sec. 6-9.9. Multiple message signs.**

- (A) Multiple message signs may be incorporated as part of the ground sign(s) otherwise permitted in each nonresidential zoning or overlay district, per the provisions of Table 6-9-5.

Zoning and Overlay District	Maximum Portion of Sign Face Allowed to be Multiple Message
C-1, C-2, M-1, M-2, IMU, MUC, GU, and Parkway Corridor Overlay (PC)	32 square feet or 50 percent of allowable sign face, whichever is less
Interstate Corridor Overlay District (IC)	100 percent of allowable sign face only when sign is located within 20 feet of I-75 right-of-way
LC, OI, NMU, C-3, Downtown Development Overlay (DD), Downtown Historic Preservation Overlay (HP), and Neighborhood Commercial Corridor Overlay District (NC)	Six square feet provided message does not change more than once per day

- (B) When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every ten seconds.
- (C) When any multiple-message sign is located within 150 feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
- (D) Multiple message signs shall incorporate a photocell or similar technology that adjusts the brightness of the sign relative to the outdoor ambient light.

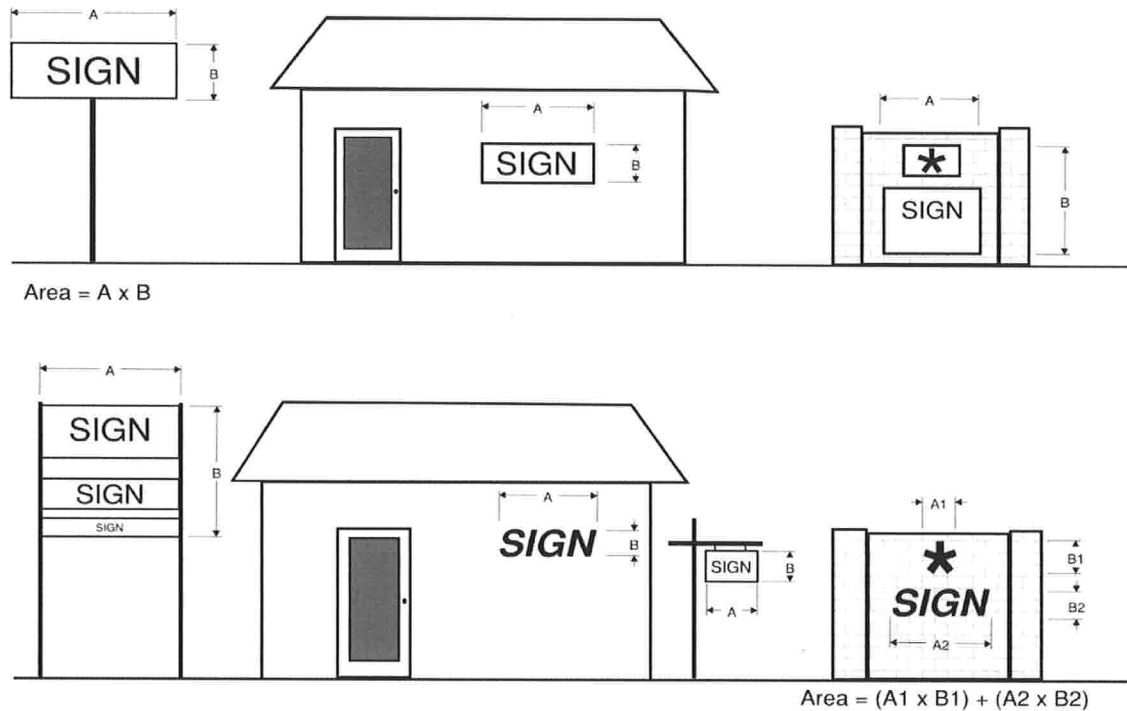
**Sec. 6-9.8. Regulations for signs.**

- (A) *Location, height, and setback.*

- (1) The property owner must give permission for all sign placement on the owner's property, through the issuance of a letter signed by the owner.
- (2) All signs must comply with all side and rear setbacks of this chapter.

- (3) Signs can be located in front setback areas, but all signs and sign structures must be set back at least ten feet from the public right-of-way. No portion of a sign or sign structure shall encroach on or overhang the public right-of-way, except for projecting and under-canopy signs as allowed in the Downtown Development Overlay District, or any other person's property. Furthermore, for safety reasons, no sign shall be located closer than ten feet from the back of the curb of a public roadway, or if there is no curb, from the edge of the pavement.
  - (4) Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the property line(s).
  - (5) The height requirements of a sign shall be computed as the length of a straight vertical line from normal grade to the height of the highest attached component of the sign or sign structure. Normal grade shall be considered the lower of:
    - a. Existing grade of the site of the sign prior to construction of the sign; or
    - b. The newly established grade at the base of the sign after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign.
- (B) *Number.* For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. A double-sided (double-faced) sign is counted as one sign.
- (C) *Illumination.*
- (1) Ground signs shall not be internally illuminated except where expressly permitted by this article. All signs, except those located on one-and two-family residential lots, may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source does not shine directly into the path of motorists on a public right-of-way or into the windows of adjacent dwellings or businesses without the permission of the owner and occupant thereof.
  - (2) No sign shall give off light which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. This shall be determined by measuring the footcandles that fall on adjacent properties or the public right-of-way. No sign shall exceed 0.5 footcandle at any adjacent property line in a residential district or two footcandles at any public right-of-way.
  - (3) Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
  - (4) All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
  - (5) All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
  - (6) All illuminated signs over ten feet in height shall either be internally illuminated, when authorized, or illuminated by external lighting fixtures not visible to passing motorists.
- (D) *Calculation of area.* The area of a sign is calculated by determining the area of the smallest rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples:

### Examples of Sign Face Area Measurements



- (E) *Unusual-shaped signs.* Unusual-shaped signs are signs that are any shape other than a rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is determined by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face.

#### Sec. 6-9.9. Safety and construction standards.

- (A) *Engineering approval.* All signs in excess of 15 feet in height shall be constructed according to plans approved by a state registered professional engineer. The sign owner shall produce such approved plans at the request of the administrator.
- (B) *Official confusion.* Signs which contain or are in imitation of an official traffic sign or signal are prohibited.
- (C) *Fire safety.* No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- (D) *Corner visibility.* No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- (E) *Traffic visibility.* No sign shall obstruct the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road).
- (F) *Good repair.* All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Sign face shall be maintained at all times. Any structure formerly used as a sign, but not in use for any other purpose, must be removed by the owner of the property within ten days after written notification from the administrator or 30 days after its use as a valid sign has ceased, after which time, the city may cause the removal of the sign at the owner's expense.

- (G) *Removal of unsafe signs and safety hazards.* The city may remove a sign in violation of this chapter, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property, or said sign poses an immediate safety threat to the life or health of any members of the public.

**Sec. 6-9.10. Prohibited signs.**

The following types of signs are prohibited:

- (A) Roof signs and roof signs (integral).
- (B) Signs with more than two sides.
- (C) Animated signs, except where expressly permitted.
- (D) A-frame signs, except in DD overlay district.
- (E) Portable signs.
- (F) Signs which contain or are in imitation of an official traffic sign or signal.
- (G) Any sign not authorized by this article.

**Sec. 6-9.11. Signs not required to obtain a sign permit.**

The following types of signs do not require a sign permit, provided they comply with the provisions of this article:

- (A) Signs located on one- and two-family dwelling lots.
- (B) Window signs.
- (C) Flags.
- (D) Signs installed on a public right-of-way by the City of Perry, Houston County, Peach County, the State of Georgia, or their authorized agent.
- (E) Signs authorized in Sec. 6-9.7.
- (F) Signs located at drive-through ordering stations.
- (G) Signs up to three square feet in area, up to 30 inches in height, and located within five feet of the vehicular access points of a lot.
- (H) Signs integral to, or attached to fuel pumps, electric charging devices, or vending machines other than self-service vending units.

**Sec. 6-9.12. Procedures; permits.**

- (A) Except as specifically exempted from the provisions of this article, a person or firm may not legally maintain, post, display, enlarge, erect, move, or substantially change a sign that is taller than 48 inches without first obtaining a permit from the Administrator. Signs using electrical wiring and connections (i.e., illuminated signs), as well as larger signs, may require additional permits under the city building code.
- (B) All parties are advised to consult with the Administrator to avoid erecting signs that violate this article. No person shall obtain a vested right to maintain a sign that does not comply with this article at the time it is erected. Signs erected in violation of this article shall be removed or reconstructed in compliance with this article.
- (C) See Sec. 2-3.9 for application requirements and procedures.

**Sec. 6-9.13. Nonconforming signs.**

Signs existing legally at the time of the adoption or amendment of the ordinance from which this article is derived, but which do not conform to newly adopted or amended provisions of this article solely because of a change in this article, and not because of a change to the sign, may remain as legal nonconforming signs, subject to the following provisions:

- (A) There must be existing property rights in the sign;
- (B) The right to continue a nonconforming sign is confined to the sign owner or his transferee;



- (C) A nonconforming sign may be restored to its original condition, provided that not more than 50 percent of the sign is destroyed. The 50 percent is to be determined by 50 percent of the value of the materials of the sign, inclusive of poles and other structural members, immediately prior to damage;
- (D) A nonconforming sign when relocated or moved shall no longer be considered a nonconforming sign and thereafter shall be subject to all the provisions of law and of these rules;
- (E) The sign must remain substantially the same as it was on the effective date of the adoption of the ordinance from which this article is derived which rendered the sign nonconforming. Extension, enlargement, replacement, rebuilding, adding lights to a non-illuminated sign, re-erection of the sign, or replacing a manual reader board with a multiple message sign will be considered a change in the existing sign. The maintenance will be limited to:
  - (1) Replacement of nuts and bolts, and light bulbs;
  - (2) Additional nailing, riveting, or welding;
  - (3) Cleaning and painting;
  - (4) Manipulating to level or plumb the device, but not to the extent of adding guys or struts for stabilization of the sign structure;
  - (5) A change of the message, including changing faces, as long as similar materials are used, and the sign face is not enlarged or modified in shape. Sign face shall be maintained at all times;
- (F) At no time may changes be made in a nonconforming sign which would increase the value of the sign;
- (G) A nonconforming sign may continue as long as it is not abandoned, destroyed, discontinued, or purchased by any governmental agency. Any sign suffering damage in excess of normal wear cannot be repaired without:
  - (1) Notifying the Administrator in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the value of the sign materials and the cost of the repair; and
  - (2) Receiving written notice from the Administrator authorizing the repair work as described above. If said repair is authorized by the terms of this article, the Administrator shall mail such notice to the applicant within 30 days of receipt of the information described in subsection (7)(a) of this section.
- (H) A nonconforming sign with a sign face exceeding 200 square feet in area which is destroyed or damaged by more than 50 percent of its replacement value and is authorized to be reestablished under a permit issued by the Georgia Department of Transportation, shall only be reestablished as a monopole sign. Such reestablished sign shall not exceed the sign face area and height of the sign prior to damage or destruction.
- (I) Notwithstanding the foregoing, any removal of a nonconforming sign shall be in accordance with O.C.G.A. §32-6-83.

**Delete Section 9-5. Nonconforming Signs, in its entirety and replace with “Sec.9-5. Reserved.”**