

Subject Matter: Repeal of Chapter Six and adoption of Chapter Six of the Town's Code entitled: "Advertising & Signage" and related sections of the Town Code.

Date of Advertising Notice of Public Hearing in Coweta News:
September 19, 2002

Date First Presented at Council Public Meeting:
September 9, 2002

Date of Public Hearing Before Town Council:
October 7, 2002

Date of Second Reading and Adoption:
October 7, 2002

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 02 - 05

(as enacted)

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE

WHEREAS, the Town of Sharpsburg has previously adopted a comprehensive advertising and signage ordinance codified in the Town's Code of Ordinances; and

WHEREAS, recent judicial interpretations of Georgia municipal and county sign ordinances by federal and state courts require that the Town of Sharpsburg revise its Sign Ordinance; and

WHEREAS, it is the desire of the Town to regulate signs as to the size, number, and location without reference to their content, except for public safety signs; and

WHEREAS, it is the desire of the Town by the adoption of this ordinance to: repeal Chapter Ten of the Town's Code of Ordinances and by the adoption of this ordinance to restate the Town's sign ordinance by modifying certain definitions and by the inclusion of definitions, such as, entrance sign, monument sign, neon, obscene sign, out-parcel, stake sign, tenant directory sign, traffic instructional sign, unit, and to furthermore delete such definitions as political signs, promotional signs, real estate directional signs, real estate signs, now hiring signs, community event signs, construction signs; to expand and clarify the purpose of this ordinance; to require the written consent of the owner of the building or lot upon which the sign is to be erected; to require description of other signs located upon the property when permit is applied for; to provide Town Council action on sign permit applications not acted upon; to provide for denial of sign permits; to provide for the issuance of an authorization to erect a sign; to provide for application for a final sign permit and for an appeal from any denial; to eliminate most exempt signs except government signs, window signs, official government signs, and stake signs; to provide for signage authorization for each lot to

vary based upon the zoning classification and on whether or not the property has an occupied building; to require traffic constructional signs; to limit the ability of the Town to remove nonconforming signs; to provide for certain construction and maintenance requirements of all signs; and for other lawful purposes.

WHEREFORE, THE MAYOR AND THE COUNCIL OF THE TOWN OF SHARPSBURG HEREBY ADOPTS, AS ITS ADVERTISING AND SIGN ORDINANCE QUALIFIED AT CHAPTER SIX OF THE TOWN CODE OF ORDINANCES, AS FOLLOWS:

SECTION ONE

The Town's Advertising Sign Ordinance at Chapter Six of the Town's Code is hereby REPEALED and the Town of Sharpsburg Advertising Sign Ordinance is restated as Chapter Six of the Town's Code of Ordinance as follows:

CHAPTER 6: ADVERTISING AND SIGNS

Sec. 6-1. Short title.

This chapter shall hereafter be known and cited as the "sign ordinance".

Sec. 6-2. Definitions.

- (a) For purposes of this chapter, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular. The word "shall" is mandatory and not discretionary. The word "person" includes a firm, corporation, association, trust or partnership or other entity. The word town shall mean the Town of Sharpsburg, Georgia.
- (b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

Advertising device means any structure or device erected or intended for the purposes of displaying advertising or any object for attracting attention situated upon, above, or attached to real property.

Animated sign means any sign, or attention-getting device, with action, motion, changing colors, or having characteristics that require electrical or mechanical

energy, including wind-activated elements such as spinners and aerial devices. Animated signs are prohibited.

Area of sign. Only one face of a double-faced sign, as defined herein, bearing identical copy on each side shall be used in computing the area, otherwise both sides shall be used in computing area.

- (1) *Ground sign/Monument sign.* The area of a ground sign shall mean and shall be computed as the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, although one trademark, insignia, coat of arms, or other similar identifying mark may be affixed to the frame, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than one hundred (100) percent of the area of the sign displayed. A ground sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures; called monument signs. The area of monument signs shall be computed as provided for wall signs.
- (2) *Wall sign.* The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by thirty-six (36) inches or more shall be considered two (2) separate signs.

Awning and canopy sign means a sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. Awning and canopy signs are prohibited.

Banner means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically hung or displayed on buildings or suspended in midair across streets, passageways, and other areas visible to the general public. See special event signs.

Bench sign means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing. Bench signs are prohibited.

Building face projection means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the front facade that the applicant occupies.

Building line means a line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

Changeable copy sign means a sign on which panels of copy may be changed manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed.

Designated agent means a person who is licensed as a real estate broker or sales person by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

Double-faced sign means a sign which has two display areas against each other where one face is designed to be seen from one direction and the other face from another direction, and where the two display areas are no more than nineteen (19) inches apart at any location on the displays.

Entrance Sign means any monument sign placed at the intersection of a public street and a private entryway into an apartment complex, or condominium complex.

Erect means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of wall sign or other graphics.

Exposed Neon means neon tubing left uncovered and exposed to view on exterior of structure or a building. Exposed neon is prohibited.

Flag sign means flag or flags on a pole. Flag signs are prohibited, except for official governmental flags.

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. Illuminated signs which indicate only the time, temperature, or date shall not be considered as flashing signs. Flashing signs are prohibited except for authorized public safety uses.

Governmental sign means signs posted or erected by a governmental body or agency which is required by law or is in furtherance of the governmental body's or agency's public purpose.

Ground sign means a permanently affixed sign, which is wholly independent of a building for support.

Height of a ground sign or monument sign means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Signs with a height of greater than six (6) feet are prohibited, except that the structure of the monument may extend to seven (7) feet above normal grade.

Illuminated sign, external means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

Illuminated sign, internal means a sign illuminated by an internal light source. Illuminated signs, internal are prohibited.

Lot means a parcel of land which meets all requirements of the Town, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

Mobile sign means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle, and the primary purpose of which is advertising. Mobile signs are prohibited.

Monument sign means a free standing sign mounted directly upon the ground and not raised by vertical supports.

Multiple frontage lots means those lots that have frontage on two or more public streets.

Neon means a lamp or tube filled with electrically charged gas thereby creating a light source.

Neon accents means neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings. Neon accents are prohibited.

Non-residential zoning means a lot zoned for commercial, office, retail, professional, industrial, institutional or government use, including RP zoning.

Nonconforming sign means signs, which, on August 20, 2001 the effective date of the original sign ordinance, and on October 7, 2002 the effective date of this ordinance amending the original sign ordinance, which were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of the original sign ordinance or this ordinance.

Obscene sign means a sign containing obscene material as defined by OCGA § 16-12-80 and as may be amended or superceded or judicially interpreted from time to time.

Official Government Flag means a flag of a national or state government.

Outparcel means a lot carved from a planned center which is in compliance with all Town requirements and ordinances for legal stand-alone lot on which a free standing building is constructed which building meets all Town set-back requirements.

Pennant and streamers mean several small flags connected to a single line. See spectacular signs.

Planned center, office, commercial, or industrial means a group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Portable sign means any sign which is not permanently affixed, including, but not limited to, signs mounted, painted or affixed on vehicles parked in such a manner as to serve the purpose of an advertising device, or not routinely parked at the immediate premises of the business or entity indicated, advertised or identified by said sign. Portable signs are prohibited, except for authorized public safety use.

Roof sign any sign, graphic, or advertising device erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline. Roof signs are prohibited.

Shopping center is a planned center.

Sidewalk, sandwich sign, or A-frame sign means a moveable sign not permanently secured or attached to the ground or surface upon which it is located. Sidewalk, sandwich and A-frame signs are prohibited.

Sign means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view. For the purpose of this chapter, the term “sign” shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term “sign” shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company’s business.

Sign face means the part of a sign that is or can be used for advertising purposes.

Special event sign means a temporary sign or banner for use during a special event per section 6-15 of this chapter.

Spectacular sign or device means animated signs, flags (except official government flags), streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices. Spectacular signs or devices are prohibited.

Stake sign means any temporary sign with supported by uprights which are placed into the ground, and not supported by or suspended from any building with Signable Area not greater than five (5) square feet. Stake sign may not be more than five (5) feet high to the top of the sign component, when placed and standing in ground. A stake sign may not be placed within the right-of-way.

Subdivision sign means a monument sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.

Swinging or projecting sign means a sign projecting perpendicularly more than 12 inches from the outside wall or walls of any building or supports upon which it is located.

Temporary sign means a sign of nonpermanent nature.

Tenant directory sign means a sign within a shopping center or planned center, and not designed or placed so as to be read from a public road. Each tenant is allowed up to 108 square inches of signage. Such signs shall be of a neutral color and shall be uniform as to graphic style, size and color.

Traffic instructional sign means a sign used to give direction or specific instruction to the public, such as, but not limited to: “enter,” “exit,” “no parking,” “drive through,” “restroom,” “handicap parking,” “fire lane,” “parcel pickup,” and so forth. Such sign shall contain only instructional information and shall not advertise the business name and/or services or products offered. The lettering on instructional signs may be no longer than eight inches at any dimension. Traffic instructional sign is a traffic control device under the jurisdiction of the Town’s police chief or county sheriff.

Trademark means a graphic of image used as representation of a business.

Trailer sign. See: Mobile sign. Trailer signs are prohibited.

Unit means a portion of a planned center which by Town ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by 360 degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.

Vehicle sign means any sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this Chapter; however, see Variances, Sec. 6-6.

Window sign means any type of sign located entirely within the interior of a building or structure, and placed near a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises.

Sec. 6-3. Purpose

The mayor and council find that:

- (1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
- (2) An improperly regulated sign environment imposes health and safety dangers 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 that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices.
- (4) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
- (5) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
- (6) Through proper regulation of signs, the attractiveness and economic well being of the Town of Sharpsburg will be enhanced as a place to live, work and conduct business.
- (7) a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the Town's public welfare. The Mayor and Council intend by enacting this Ordinance to:
 - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further, the objectives of the Town's comprehensive plan;
 - c. Protect the public health, safety, welfare, and aesthetics of the Town;
 - d. Reduce traffic and pedestrian hazards;
 - e. Maintain the historical image of the Town;

- f. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - g. Promote economic development; and
 - h. Ensure the fair and consistent enforcement of sign regulations.
- (8) Further, the Town has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the Town.
- (9) Accordingly, in consideration of the Town's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the Town hereby imposes the regulations contained in this chapter.

Sec. 6-4. Administration

The provisions of this chapter shall be administered by the Mayor of the Town of Sharpsburg, Georgia, or his designee.

Sec. 6-5. Enforcement.

Citations for violation of this chapter may be issued by the Mayor or his/her designee, or a police officer of the town. The citation shall be returnable to and tried before the municipal court of the town. Any person, firm, or corporation violating any provisions of this chapter shall, upon conviction, be fined in an amount, and/or imprisoned for such term as authorized by the Town's Charter. Each day said violation shall continue shall constitute a separate offense.

Sec. 6-6. Variances.

- (a) The Town council can authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when, due to special conditions, a literal

enforcement of the provisions of this chapter will, in an individual case result in extreme and unusual hardship, so the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of extreme and unusual hardship not self-imposed upon a finding by the Town council that the following conditions exist:

- (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
 - (2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties in the Town;
 - (3) Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the Town;
 - (4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
 - (5) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning districts involved;
 - (6) The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy.
 - (7) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of ground or wall signs authorized by this Chapter for the lot in question, so as to reasonably set-off for the additional signs.
- (b) All requests for such variances shall be in written form and filed for review by the Town council at its next regular meeting at least ten days prior to said meeting.
- (c) No change may be made in the location, shape, color, height, size, copy or text of any sign subject to a variance unless the sign is

brought into compliance with the provisions of this chapter and a sign permit is granted.

- (d) A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this chapter and a new sign permit granted.
- (e) A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.
- (f) When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established:

If the value of the sign as damaged is 50 percent or less of the value of the signs prior to the damage; or

If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition.

Value shall be established by the Mayor or his/her designee and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.

Sec. 6-7. Sign permit required.

- (a) *Required.* Except where specifically excluded by other provisions of this chapter, it shall be unlawful for any person, firm or corporation to post, display, substantially change, change or modify sign face, alter, or erect, reconstruct, replace or reset a sign or advertising device in the Town of Sharpsburg, Georgia without first having obtained an authorization to erect a sign and thereafter a permit in the manner prescribed herein.
- (b) *Application for permits.* Application for authorization to erect a sign shall be made upon forms provided by the Mayor, and shall contain or have attached thereto the following information:
 - (1) Name, address and telephone number of the property owner and applicant;
 - (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;

- (3) Position of the sign in relation to nearby buildings or structures and other signs. Setbacks from right-of-ways, property lines and easements.
 - (4) One accurate scale drawing of the sign plans, specifications, and method of construction and attachment to the building or ground for the sign as well as a scale drawing of the site showing driveways, structures, existing and proposed signs and any other limiting site features;
 - (5) Name of person, firm, corporation, or association erecting the sign;
 - (6) Name of business or activity at the address where the sign is to be erected if any;
 - (7) Complete calculations establishing the area of sign [section 6-2(b)].
 - (8) Such other information as the Mayor shall require to show full compliance with this and all other ordinances of the town.
 - (9) Written consent of the owner of the building or Lot upon which the sign is to be erected; and
 - (10) A written description of all other signs located on the lot indicating the sign type, size and placement.
- (c) *Fees.* Fees for authorizations and permits shall be as fixed from time to time by the Town Council.
- (d) *Notification.* The Town shall process all sign authorization and permit applications within 45 days of the Town's actual receipt of a completed application and a sign authorization and permit fee. The Town shall give notice to the applicant of the decision of the Town – by hand delivery, by mailing to the address on the authorization and permit application, or by fax as provided on the application – on or before the 45th day after the Town's actual receipt of the completed application. Notice shall be deemed to have been given by the Town upon the date of mailing (if mailed), date of faxing (if faxed), or date of hand delivery (if hand delivered). If the Town fails to act within the 45-day period, applicant shall notify the clerk of the Town in writing of the failure and the Town Council shall meet within ten (10) days of the Clerk's receipt of such notice and shall issue or deny the authorization to erect a sign. Upon failing to so act, the authorization to erect the sign shall automatically be granted; however, the final permit procedure must be followed by the applicant.

- (e) *Denial.* In the event the Mayor determines or learns at any time that the applicant has not properly completed the application for authorization to erect the proposed sign, he shall promptly notify the applicant of such fact and shall automatically deny the application. In the event the Mayor determines that all requirements for approval of the application for authorization have not been met, he shall then deny the application.
- (f) *Issuance of an authorization.* Upon the filing of an application for an authorization and a permit and the payment of all necessary fees as required by this section, the Mayor or his designee shall examine all plans and specifications submitted and the premises upon which the proposed sign is to be erected, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other ordinances and laws of the Town, and if a business, that the business has registered and paid any tax due pursuant to the Town's occupation tax chapter, he/she shall then issue an authorization to erect the sign pursuant to the application and any conditions placed upon the authorization by the Town. If the work authorized thereby is not been completed within one hundred eighty (180) days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit may be issued.
- (g) *Appeal procedure.* Any applicant who is dissatisfied by a decision of the Mayor may appeal such decision to the Town council. Such appeal shall be in writing and shall be filed with the Mayor within ten days of the decision being appealed. The Town council will schedule the matter for hearing within 45 days of the appeal being filed and at such meeting may continue the matter ten (10) days for further investigation affirm, reverse, or modify the determination of the Mayor. The Town Council shall make its final determination on the appeal within ten (10) days of the close of the hearing.
- (h) Within ten (10) days after completion of the erection of a sign pursuant to an approved application and an authorization to erect, and within one hundred eighty (180) days of the issuance of an authorization, the applicant shall deliver to the Mayor a written request for a final permit along with current and dated color photographs of each face of the sign (at least three inch by five inch in size) and a signed affidavit that the photographs are current and accurate photographs of the sign's faces as of the date on the photographs, that the sign was and is erected as described in the application as conditioned and authorized by the Town, including the size, location, building materials, height and lighting. Within ten (10) business days of the filing of a request for a final permit, the Mayor shall issue the final permit or deny the final permit because of the applicant's failure to properly and timely submit the written request for final permit,

failure to properly and timely document the request, or failure to properly and timely erect the sign as described in the application conditioned and authorized by the Town. Notification of a denial shall be effectuated pursuant to paragraph (d) above, and the applicant shall have the appeal rights as provided at paragraph (g). Failure of the Mayor to approve or deny the application for a final sign permit within said ten (10) business days of the applicant properly and timely filing with the Town a fully and properly documented application for final permit shall constitute an approval of the final permit.

- (i) An applicant who has failed to complete the erection of a sign within one hundred eighty (180) days of the issuance of an authorization or who fails to request a final permit within ten (10) days of erection of a sign pursuant to an authorization or who fails to apply for a final permit within one hundred eighty (180) days of the issuance of an authorization or who's request for a final permit is denied, shall remove the sign or parts of the sign within thirty (30) days of notice from the Mayor to remove the sign or parts of the sign. Failure to so remove the sign shall constitute a separate ordinance violation for each day that the sign or part of the sign is not removed from the proposed site and upon conviction, the applicant and/or owner or tenant of the sign site shall be guilty of an ordinance violation and shall be subject to fines or imprisonment as authorized by the Town's charter.
- (j) Furthermore, if the sign or part of the sign is not removed within said thirty (30) days, the Town may remove the sign or part of the sign and charge the applicant and/or owner of the site the cost of removal and disposal.

Sec. 6-8. Prohibited signs and advertising devices.

The following signs and advertising devices are prohibited in all zoning districts of the Town:

- (1) Animated signs;
- (2) Awning and canopy signs;
- (3) Banners unless permitted as special event signs;
- (4) Bench sign;
- (5) Sign which displays obscene text, copy, message, pictures, forms or structures.

- (6) Flashing, blinking, traveling signs or lights, except for authorized public safety;
- (7) Illuminated signs, internal;
- (8) Portable, mobile or trailer signs, except for authorized public safety;
- (9) Roof signs;
- (10) Sidewalk, sandwich signs, and A-frame signs;
- (11) Signs on a public right-of-way or on Town property except exempt governmental signs;
- (12) Signs which contain or are in imitation of an official traffic sign or signal or contain the words “stop,” “go,” “slow,” “danger,” “detour,” “speed limit,” “yield” or similar words intended to direct or regulate traffic;
- (13) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
- (14) Signs that advertise or promote illegal activities;
- (15) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door or emergency exit or fire escape;
- (16) Spectacular signs;
- (17) Swinging or projecting signs;
- (18) Signs which obstruct sight of motorist or pedestrians so as to create safety hazards for motorists or pedestrians;
- (19) Vehicle signs with a total sign area in excess of ten square feet, when the vehicle:
 - (a) Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any street right-of-way, and the vehicle is not being actively loaded or unloaded, and there are other available and accessible locations on or about the occupancy advertised where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such; and

- (b) Is visible from the street right-of-way that the vehicle is within 100 feet; and
 - (c) For more than three consecutive hours is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, and not for the purpose of providing transportation for owner, employees, inventory, merchandise, supplies or materials of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of business. Vehicle may not be used for off premises storage of inventory, merchandise, supplies, or materials.
- (20) All signs not specifically permitted or allowed by this chapter.

Sec. 6-9. Exempt signs.

The following signs and advertising devices are exempt from the permit requirements of this chapter but must in all respects otherwise comply with this chapter:

- (1) Governmental signs.
- (2) Window signs.
- (3) Official government flags
- (4) Two (2) stake signs per lot in residential zoning districts not placed within the right-of-way on lots; except not during the time a sign is displaced on the lot pursuant to Sec 6-10, paragraph (3) (n).
- (5) For a period of thirty (30) days immediately preceding a federal, state, Coweta County or Town of Sharpsburg election or referendum, any lot may, in addition to any other signs authorized by this ordinance, display four (4) stake signs, which signs will be removed one day after conclusion of the election period, which period shall include run-off elections.
- (6) Lots of less than five (5) acres, in non-residential zoning districts shall be entitled to one (1) stake sign, which may not be placed within a right-of-way.
- (7) All other signs must be permitted by the Town before displaying, or they are prohibited.

Sec. 6-10. General regulations.

(1) In non-residential zoning districts signs shall be permitted in the following combination of wall and ground signs subject to the provisions hereinafter stated:

(a) Lot with one building, which building is currently occupied pursuant to a current and valid Town certificate of occupancy.

(i) Combination of one wall and one ground sign equal to five percent of the building face projection (subject to ground sign and wall sign size limitations per section 6-2.

(ii) Single building on double frontage lots are allowed a total of 7.5 % of the building façade, and may have one additional wall sign, and one additional ground sign. When calculating their allowed square footage, buildings on double frontage lots shall base their calculations on the façade with the primary entrance and/or architectural features of the building. Otherwise, the façade used shall be that façade which faces the public road of the greatest capacity. The classification of streets per Article 3, Sec. 3.3 of the Zoning Ordinance shall be the basis for determining street capacity.

(b) Lots of less than five (5) acres, in non-residential zoning districts shall be entitled to one (1) stake sign, which may not be placed within a right-of-way.

(2) Planned Centers.

(a) A planned center shall be entitled to one monument entrance sign on each street right-of-way fronted. These permitted signs shall be limited to 45 square feet with a maximum height of six feet from grade. No portion of the sign shall include an area for changeable letters.

(b) A planned center shall be entitled to one tenant directory sign per entrance. Directory signs shall not be designed or placed so as to be read from a public road. Each tenant shall be allowed up to one hundred eight (108) square inches of signage. Each panel on a directory sign shall be of the same size, color, and font.

- (c) Each building or unit located in a planned center shall be permitted one wall sign with a maximum area of five percent of the building façade which it is mounted upon (see the definition of “building façade”), but not to exceed one hundred fifty (150) square feet. Additional wall signs per Section 6-10(1) are not allowed for multiple façade frontages.
 - (d) No permits shall be issued for buildings or units in a planned center unless and until a Master Signage Plan for the planned center has been submitted and approved by the Mayor or his representative. The Master Signage Plan shall indicate how all signage will be consistent in:
 - (i) Lighting.
 - (ii) Colors.
 - (iii) Fonts.
 - (iv) Building materials.
 - (v) Location in relation to the primary building.
 - (vi) Proportions.
- (3) Other allowable signs
- (a) Changeable copy shall be limited to ground signs, but cannot be used on entrance or subdivision signs.
 - (b) Notwithstanding any other provision of this sign chapter, no sign, whether permitted as a regulated sign or an exempt sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the Town council of the Town of Sharpsburg. Considering such application, the council shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.
 - (c) Any sign authorized by this chapter is allowed to contain noncommercial copy or commercial copy, except for traffic instructional signs.
 - (d) Subdivisions shall be permitted one (1) double-sided ground subdivision sign, each side of which shall not exceed thirty-five (35) square feet signage area, per Section 6-2, or two (2) one-sided signs, each sign not to exceed

thirty-five (35) square feet signage area, per Section 6-2. The height of the sign shall not exceed six (6) feet. All subdivision signs shall be placed on private property and may not be placed within ten (10) feet of a right-of-way.

- (e) Traffic instructional signs shall be placed by the owner at such locations and for such purposes as required by the Mayor. A Traffic Instructional sign plan shall be submitted to the Town for approval with the Master Signage Plan for planned centers.
- (f) Apartment complex, condominium complex, a non-subdivided industrial or commercial complex or other building with multiple residential dwelling units or multiple commercial units shall be permitted one (1) double sided entrance sign, each side of which shall not exceed thirty-five (35) square feet signage area, per Section 6-2, or two (2) one-sided signs, each sign not to exceed thirty-five (35) square feet signage area, per Section 6-2. The height of the sign shall not exceed six (6) feet.
- (g) Two (2) stake signs per lot in residential zoning districts not placed within the right-of-ways; except not during the time a sign is displayed on the lot pursuant to Sec 6-10, paragraph (3) (n).
- (h) For a period of thirty (30) days immediately preceding a federal, state, Coweta County or Town of Sharpsburg election or referendum, any lot may, in addition to any other signs authorized by this ordinance, display four (4) stake signs, which signs will be removed one day after conclusion of the election period, which period shall include run-off elections.
- (i) Governmental signs.
- (j) Window signs.
- (k) Official government flags.
- (l) The owner or the owner's designated agent (but not both at the same time) of a planned center may obtain a permit, effective for up to one (1) year, to display within the planned center one (1) temporary double-sided ground sign with no more than sixteen (16) square feet of sign face per

side. The sign may not be placed within ten (10) feet of a right-of-way.

- (m) The owner or the owner's designated agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision lots may obtain a permit, effective for up to one (1) year, to display within the subdivision under development one (1) temporary double-sided ground sign with no more than sixteen (16) square feet of sign face per side. A planned center with one out-parcel is not a subdivision for purpose of this paragraph . The sign may not be placed within ten (10) feet of a right-of-way.
- (n) A lot zoned residential (excluding R-P zoning) which is not within a subdivision platted pursuant to the Town's subdivision regulations, and which is five (5) acres or more in size, may display a permitted temporary, double-sided ground sign, with a sign face not more than thirty two (32) square feet per side. The required permit may be issued for no longer than one (1) year. The sign may not be placed within ten (10) feet of a right-of-way.
- (o) A lot zoned non-residential, which is five (5) acres or more in size, may display a permitted temporary, double-sided ground sign, with a sign face not more than thirty two (32) square feet per side. The required permit may be issued for no longer than one (1) year. The sign may not be placed within ten (10) feet of a right-of-way.

Sec. 6-11. Regulated signs.

- (a) All signs or advertising devices not specifically permitted in a zoning district as an exempt sign (Sec. 6-9) shall be regulated signs, which are prohibited except as provide for under this chapter_ and upon issuance of a permit by the Town. The Mayor or his designee is authorized to issue sign permits for any sign that meets the standards and limitations set forth herein.
- (b) Ground signs as defined in section 6-2(b) which are permanent shall be permitted in non-residential zoning districts. No ground sign shall have a height greater than six (6) feet above normal grade, or an area greater than thirty-five (35) square feet for lots with a single building and forty-five (45) square feet for planned centers. A ground sign shall not be located within ten feet of a street right-of-way or within fifty (50) feet of any other sign, structure or building. Changeable copy shall not exceed twenty (20%) percent of the area of the sign

face. Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid Town certificate of occupancy.

Wall signs as defined in section 6-2(b) shall be permitted in non-residential zoning districts. Permitted area of wall signs shall not exceed 150 square feet. Except for double frontage lots per Sec. 6-10(1), no single building or unit shall be permitted more than one wall sign. Wall signs are allowed only upon a building which is currently occupied pursuant to a current and valid Town certificate of occupancy.

Sec. 6-12. Nonconforming signs.

Non-conforming signs may continue in existence subject to the following restrictions:

- (1) No change may be made in the location, shape, height, size, or design of any nonconforming sign, except to bring the sign into compliance with the provisions of this chapter, and a sign permit granted.
- (2) A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.
- (3) Any sign erected in violation of this chapter may be removed from any public right-of-way by duly authorized employees of the Town, and the responsible party may be cited for such violation.
- (4) No additional sign or advertising devise shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this chapter.
- (5) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this chapter, an illegal sign, an unpermitted sign, a damaged sign, a sign in need of repair or painting, or a sign in violation of section 6-13 of this chapter.
- (6) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (7) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

Sec. 6-13.

Removal of certain signs.

- (a) Any sign which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any sign which has been erected in a manner which fails to meet the requirements of this chapter as a legal or a recognized nonconforming sign may be removed by the Mayor provided some reasonable attempt has been made to have such sign removed by the owner thereof, and provided further that such removal can be made without damage to any property or sign, except for the cutting or severing of supports for the sign at or near the ground or its attachment to any wall or structure. Any sign removed under the foregoing provision shall be stored by the Town at the expense of the sign owner or landowner upon which the sign is located.
- (b) In the case of a sign which cannot be removed without risk of property damage and in the case of signs removed and stored as provided herein, the Mayor shall cause notice of the same to be mailed to the owner of the sign if the same may be determined or to the owner of the property upon which said sign be located of the impending action pertaining to said sign. Owners shall be given thirty (30) days from the date of receipt of such notice to take appropriate remedial action.
- (c) If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within thirty (30) days after such notice, the permit for such sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in Section 6-5 of this chapter.
- (d) After notification as herein prescribed, the Mayor shall cause such signs to be removed and disposed of in the manner provided by law for the disposition of abandoned personal property.
- (e) No sign removed after the provisions hereof shall be returned to the owner until all expenses incurred in the removal and storage of the same has been paid.

Sec. 6-14.

Construction and maintenance requirements.

- (a) No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exists from any sidewalk or building or any windows, doors, fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks and wire.

- (b) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- (c) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- (d) No wall sign or its supports shall protrude more than 15 inches from the wall on which it is mounted.
- (e) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.
- (f) No wood, metal or any other type of supports for ground signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
- (g) Wood signs shall be framed on the two sides attached to the supports. Supports can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.
- (h) UL, FM or similar approval is required where applicable.
- (i) All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the Town.
- (j) Internally illuminated signs shall not be permitted.
- (k) Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians as to create a hazardous or dangerous condition.
- (l) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (m) All Special Event signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the Town's current building code or electrical code.
- (n) All Entrance signs shall be placed on private property and may not be placed within ten (10) feet of a right-of-way.
- (o) All lots, buildings, structures or property owned or operated by the Town shall be exempt from all requirements of this Chapter.

- (p) All signs must be placed upon a lot, as defined in the Town's Zoning Ordinance and the subdivision regulations. No sign may be placed on any lot, which lot does not meet the minimum lot requirements of the Zoning Ordinance and subdivision requirements.
- (q) No message or advertisement may be displayed on any portion of the structural supports of any sign.
- (r) All signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.
- (s) No sign shall be illuminated in any residential district zone, except that entrance signs and subdivision signs may be externally illuminated from dusk until dawn.
- (t) All Temporary signs are prohibited on lots zoned for residential use, except for Stake signs as provided at Section 6-9.

Sec. 6-15. Special event signs.

Special use or event, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, plays, presentations, speeches, concerts, public events, seminars, political events, social events, religious events, rallies, parades, public gatherings and give-away or free promotions, but only under the following conditions and requirements:

- (1) Prior to use of such special event signs, and the erection and placement of any such temporary signs, an application for a permit shall be filed with the Town manager or his authorized representative. Such signs shall be specifically described as to their construction and/or composition.
- (2) The maximum size allowance for all such signs used for an event shall be a total of 50 square feet.
- (3) All such signs may be attached to the exterior wall or walls of a building or beneath a canopy or attached to the ground, but shall not be placed within ten feet of the street right-of-way or in any other way as to obstruct the view of motorists or pedestrians.

- (4) A lot or unit shall be allowed a maximum of two special event sign permits per year, each of which shall be valid for 30 consecutive days, starting from the date of issue.
- (5) All special event signs shall comply with all other applicable regulations and conditions as set forth in this chapter.
- (6) Air and gas filled devices with a filled volume of greater than eight (8) cubic feet or in greater number than twelve (12) are prohibited.

SECTION TWO

Sec. 7.5-8 of Chapter 94 of the Town Code of Ordinances and the ordinance adopting and enacting the same, to wit: "There shall be no exterior indication of the home occupation or variation from the residential character of the principal use", is hereby repealed and deleted from the Town's Code of Ordinances, and there is hereby inserted within the Code in lieu thereof the word "Reserved" in the Code.

SECTION THREE

This ordinance is adopted pursuant to the Georgia Zoning Procedures Law (O.C.G.A. §§ 36-66-1 through 36-66-5).

SECTION FOUR

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

SECTION FIVE

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

SECTION SIX

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION SEVEN

Chapter Six of the Town's Code of Ordinances is hereby repealed and all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION EIGHT

This Ordinance is hereby codified as the new Chapter Six in the Town of Sharpsburg's Code of Ordinances.

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the 7th day of October 2002, by the following voting for adoption:

Clay Cole, Council Member

Larry Hyde, Council Member

David Mullins, Council Member

Watson Mills, Council Member

Attest:

Alvin Arrowood, Mayor

Robin Spradlin, Town Clerk