

APPENDIX E

Sign Ordinance Spalding County, Georgia

5-7-96

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SPALDING COUNTY SIGN ORDINANCE

Article One: Purpose

Section 101. Title: This Ordinance shall be known and shall be referred to as the "Spalding County Sign Ordinance."

Section 102. Authority: This Ordinance is enacted pursuant to Spalding County's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, the authority granted to Spalding County by the General Assembly of the State of Georgia, including but not limited to that authority contained in O.C.G.A. § 36-70-3, as well as the general police powers of Spalding County and other authority provided by federal, state and local laws applicable hereto.

Section 103. Findings and Intent: Spalding County finds that the number, size, design characteristics, and locations of signs within Spalding County directly affect the public health, safety and general welfare of the citizens of Spalding County. The County finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and do not relate to the premises on which they are located. Further, such signs substantially detract from the beauty and appearance of Spalding County. The County finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of this Ordinance. The County states the following as a summary of the intent of this Ordinance:

1. To protect the health, safety and general welfare of the citizens of Spalding County, and to implement policies and objectives of this Ordinance as a comprehensive plan for the regulation of signs within Spalding County.
2. To regulate the erection and placement of signs within Spalding County in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distraction.
3. To preserve the value of property on which signs are located and from which signs may be viewed.
4. To maintain an aesthetically attractive County in which signs are compatible with the use patterns of established zoning districts.
5. To maintain for the citizens, residents, workers and visitors of Spalding County a safe and aesthetically attractive environment and to advance the aesthetic interests of the County.
6. To establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment within Spalding County.
7. To provide fair and reasonable opportunities for the identification of businesses located within Spalding County, and to provide for the identification of products, goods or services which are available on site to promote the economic vitality of businesses and industries which are located within the County.
8. To insure the protection of free speech rights under the Constitution of the State of Georgia and the United States Constitution within Spalding County.

9. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts.
10. To allow certain signs that are small, safe, unobtrusive or incidental to the principal use of the property on which they are located, subject to the substantive requirements of this Ordinance but without the requirement of a permit.
11. To provide fair and reasonable regulations governing signs such as billboards that do not identify products, goods or services provided on site and that are large and present significant safety and aesthetic concerns, by restricting such to specific traffic corridors and specific zoning districts suitable for the presentation of messages thereon to the traveling public, so as to protect the public's interest in safety, health and the general welfare.
12. To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and general welfare while protecting the constitutional rights of the owners of such nonconforming signs.
13. To recognize the unique nature of signs and their impact on the use of property by imposing strict limitation on alterations to these regulations through administrative variance procedures.
14. To prohibit all signs not expressly authorized by this Ordinance, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this Ordinance.

Article Two: Definitions

Section 201. Adjacent to a Street or Road, Arterial: Located within 400 feet of the nearest outermost right of way of a Street or Road, Arterial, as defined in the Spalding County Zoning Ordinance, Section 202(JJJ).

Section 202. Agricultural Sign: An on-premise sign located on the property on which an agricultural activity is occurring which identifies the owner or tenant and/or the agricultural activity occurring or agricultural product being developed.

Section 203. Animated Sign: Any sign with action or motion involving moving characters or sign elements or changing colors or containing an electronic or computerized message changer.

Section 204. Balloon Sign: Any inflated, floating object when used as a sign.

Section 205. Banner: A sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. For purposes of this Ordinance, a flag is not a banner.

Section 206. Beacon: A stationary or revolving light which flashes or projects single color or multi-colored illumination, in any manner which does or is intended to attract or divert attention, provided that this term shall not include any lighting device required by regulations prescribed by the Federal Aviation Administration or similar government agency.

Section 207. Bed and Breakfast Identification Sign: A freestanding or wall identification sign located on a lot containing a lawfully permitted Bed and Breakfast establishment.

Section 208. Buildable area of lot: The area of a lot located within the setback lines, as set forth in the Spalding County Zoning Ordinance, pertinent to each zoning district.

Section 209. Campaign Sign: A temporary sign expressing support for a candidate for public office or a position regarding a public figure or issue, but bearing no commercial message.

Section 210. Canopy Sign: A sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.

Section 211. Changeable Copy Sign: A sign that is capable of changing the position or format or word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods provided these changes are actuated by control mechanism or manually on the face of the sign.

Section 212. Church sign: A freestanding on premise sign which identifies the location of a church, as defined in Section 202(s) of the Spalding County Zoning Ordinance.

Section 213. Commercial message: Any sign, wording, logo, or other visual representation that directly or indirectly names, advertises, or directs attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity.

Section 214. Construction sign: A temporary sign located on the property where construction or development is currently taking place and which identifies the owner or tenant, contractor, engineer, architect and/or financial institution associated with the construction or development.

Section 215. Copy: The portion of a sign containing a message consisting of words, numbers, symbols, logos, or any other visual image, in either permanent or removable form.

Section 216. County: Spalding County

Section 217. Directional Sign: A sign directing movement of traffic onto or within a nonresidential premise, not exceeding four (4) square feet in area for each sign and containing no commercial message. Directional signs shall not exceed thirty (30) inches in height.

Section 218. Divided Highway: A highway divided into two (2) or more roadways by an intervening space, physical barrier or a clearly indicated dividing section constructed to as to impede cross roadway vehicular traffic.

Section 219. Entrance sign: A sign identifying the name and/or address of a residential, commercial or industrial subdivision or complex located within the median or right of way of a public street or road at the entry way into the subdivision or complex.

Section 220. Flag: A sign consisting of any fabric containing distinctive colors, patterns, logos, or symbols, used solely as a symbol of a government or any other entity or organization.

Section 221. Flashing sign: A sign the illumination of which is not kept constant in intensity at all times when in use, or which exhibits sudden or marked changes in lighting.

Section 222. Freestanding sign: A sign securely affixed to a substantial support structure which is attached to the ground and wholly independent of any building for support. Changeable copy, animated and/or illuminated signs may be used on a freestanding sign, provided that no more than 50% of the freestanding sign shall be composed of a changeable copy, animated or illuminated sign.

Section 223. Garage Sale sign: A temporary sign advertising the sale of personal property and not used in furtherance of an established commercial venture.

Section 224. General Advertising Sign: A sign which identifies, advertises, promotes or otherwise directs attention to a product, business, profession, service, person, place, activity, event, attraction, accommodation, or entertainment located or obtainable other than on the lot where the sign is located and not principally conducted, sold, offered, or located on the lot on which it is located.

Section 225. Home Occupation: An occupation conducted in a house or dwelling located in a residential zone as defined in Section 202(LL) of the Spalding County Zoning Ordinance which has been approved by the Spalding County Board of Zoning Appeals.

Section 226. Identification Sign: A sign indicating the name and/or address of the owner and/or premises.

Section 227. Illuminated Sign: A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including but not limited to neon and exposed lamp signs, or a sign illuminated by an external light directed primarily toward the sign.

Section 228. Incidental Sign: An information sign that has a purpose secondary to the use of the lot on which it is located. Incidental signs shall include: a sign that contains information or a directive such as "no parking," "entrance," "loading only," "telephone," but that contains no commercial message; a sign such as a menu-board that may contain a commercial message but that is not easily legible from the public right of way; outdoor table umbrellas; or signs incidental and integral to lawfully located and operated vending machines, newspaper racks, telephone booths, or similar devices.

Section 229. Integral Sign: Name of building, date of erection, monumental citation, commemorative tablet and the like when carved into stone or embossed on concrete or similar material and made and integral part of the structure.

Section 230. Nonconforming Sign: A lawfully erected sign which on the effective date of this section fails to comply with the requirements of this section.

Section 231. On-Premise Sign: A sign which identifies, advertises, promotes or otherwise draws attention to a product, business, profession, service, person, place, activity, event attraction, accommodation or entertainment conducted, sold, offered or located on the lot on which said sign is located.

Section 232. Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message, suspended or erected alone or in series, and designed to move in the wind.

Section 233. Planned Center: Two (2) or more, establishments which are developed or expanded as a unit including, but not limited to the following: wholesale, retail or service related businesses; office, institutional or professional uses; office or industrial parks; or any other such commercial or industrial use of property.

Section 234. Planned Center Sign: A sign identifying a Planned Center.

Section 235. Portable Sign: A mobile or temporary sign that is mounted on a trailer type frame, or otherwise designed to be transported, and not permanently attached to the ground.

Section 236. Projecting sign: Any sign attached to a wall which is an integral part of the building and derives all its support from the building. Such signs shall not project over or onto any public right of way

and shall have a minimum clearance over any private walkway of eight (8) feet and shall not extend above the roof.

Section 237. Promotional sign: A temporary, on-premise sign utilized in conjunction with and for the same time period as a business or civic promotional event being conducted at the location on which the sign is placed.

Section 238. Real Estate Directional Sign: A temporary sign which conveys directions to specific real property for sale, rent or lease.

Section 239. Real Estate Sign: A temporary sign advertising the sale, rent or lease of the property on which it is located.

Section 240. Residential District: Any of the following districts as defined in the Spalding County Zoning Ordinance: AR-1, AR-2, R-1, R-2, R-3, R-4 and R-5.

Section 241. Roof Sign: A sign, any part of which is placed above, supported or mounted on, or extends above the highest point of any building wall.

Section 242. Rotating Sign: A sign which is designed to revolve, or otherwise turn, in whole or in part, by means of electric or other power.

Section 243. School Sign: A freestanding on premise sign which identifies the location of a place or institution of learning. This definition shall include any school-elementary, middle, high, public or private or any day care center which has been approved by the Spalding County Board of Zoning Appeals as a special exception in any residential zoning classification, provided such day care center is not operated as a home occupation.

Section 244. Sign: Any device, fixture, placard, display, structure or copy visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify any product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. Sign shall include both sign face and sign structure.

Section 245. Sign Area: The total area within the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display together with the total area of any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the requirements of the Spalding County Code and is clearly incidental to the display itself.

Section 246. Sign Face: The portion of a sign on which the copy, message or other visual image to be communicated is placed or is intended or designed to be placed.

Section 247. Sign structure: The portion of a sign consisting of the total structural bracing system supporting the sign including the foundation.

Section 248. Sign height: The vertical distance in feet from the ground to the highest point of the sign measured in accordance with the requirements of this Ordinance.

Section 249. Special Event Sign: A temporary, on-premise sign utilized in conjunction with and for the same time period as a valid special event permit issued by Spalding County.

Section 249'. Vehicle Signs: Any sign affixed or painted permanently on any part of a vehicle, which exceeds ten (10) square feet in total sign area. (#A-03-15, 07/21/03)

Section 250. Wall Sign: A sign which is in any manner affixed to any exterior wall of a building or structure and has only one sign face and is substantially parallel to the structure to which it is attached and does not extend more than twenty-four (24) inches from the wall of the building.

Section 251. Window Sign: A sign that is placed inside a window or upon a window.

Article Three: Scope of Regulations

It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within Spalding County except in accordance with the provisions of this ordinance.

Article Four: Computations

Section 401. Measurements:

- A. **Distances:** Unless otherwise specified, all distances shall be measured in a straight line from the nearest portion of the sign and regardless of the existence of an intervening street or lot. All regulations involving distances from or between signs specified in this section shall be interpreted to refer to the closest part of the sign, including both the sign structure and the sign face.
- B. **Area of Multi-faced Signs:** Except as specified in for General Advertising Signs, the areas of all sign faces of a multi-faced sign shall be added together to compute the area of the sign.
- C. **Height of Sign:** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of
 1. existing grade prior to construction, or
 2. the newly established grade after construction, exclusive of any filling, boring, mounding or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Article Five: General Regulations

The following regulations shall apply to all signs located within the County.

Section 501. Generally: All signs shall be located on private property (except where otherwise specifically authorized), within the buildable area of lot, and shall be subject to the height, area, and other requirements of the Spalding County Zoning Ordinance.

Section 502. General Advertising: General advertising signs shall be permitted only in districts zoned C-1, C-1A, C-1B, C-1C, C-2, and C-3 shall be located adjacent to a street or road arterial only, and shall be subject to the following provisions:

- A. No general advertising sign shall be located within three hundred (300) feet of a dwelling, residential district, church, school, park or cemetery as measured in a straight line from the nearest property boundary line of said dwelling, residential district, church, school, park or cemetery to the nearest part of the sign.
- B. No general advertising sign shall be located within one thousand (1,000) feet of another general advertising sign on the same side of a four lane road or Georgia Highway 16, as measured along the outermost right of way on said side of the pavement from the points forming a 90 degree angle from the signs to the pavement and provided further that no general advertising sign shall be located closer than five hundred (500) feet to another general advertising sign in any direction measured in a straight line to the nearest portion of each sign.
- C. No general advertising sign shall be located within one thousand five hundred (1,500) feet of another general advertising sign on the same side of a two lane street or road, except Georgia Highway 16, as measured along the outermost right of way on said side of the pavement from the points forming a 90 degree angle from the signs to the pavement and provided further that no general advertising sign shall be located closer than five hundred (500) feet to another general advertising sign in any direction measured in a straight line to the nearest portion of each sign.
- D. General advertising signs shall be erected only in the buildable area of the lot; provided however, that no such sign shall be located nearer than thirty-five (35) feet to, nor more than two-hundred and fifty feet (250) from the nearest outer right of way of the street or road, arterial.
- E. All sign faces of general advertising signs shall be directed toward the street or road, arterial.
- F. The maximum size of general advertising signs shall be as follows: No single face of a general advertising sign shall exceed six hundred seventy-two (672) square feet nor exceed fourteen (14) feet in height or forty-eight (48) feet in width. A general advertising sign shall contain no more than one (1) sign face, except that two (2) sign faces shall be authorized when the faces of said sign face opposite directions and the interior angle formed by said double faced sign is 60 degrees or less, in which event only one display face shall be used in computing the sign area. The height of the entire sign including the sign structure shall not exceed forty-eight (48) feet.
- G. No general advertising sign shall be stacked on top of another general advertising sign.
- H. In addition to all requirements of this section, no general advertising sign shall be located or operated in a manner that violates any provision of state or federal law governing general outdoor advertising, including state and federal regulations.

Section 503. Freestanding Signs: Freestanding signs shall be on-premise located only in districts zoned C-1, C-1A, C-1B, C-1C, C-2, C-3 and O-I, and shall be included for purposes of computing the total

sign area allowed per establishment specified therein. Freestanding signs shall be subject to the following provisions.

- A. Freestanding signs shall be erected only in the buildable area of the lot; provided however, that no such sign shall be located nearer than ten (10) feet to the nearest outer right of way of the street or road.
- B. The maximum size of freestanding signs shall be as follows: No single face of a freestanding sign shall exceed eighty (80) square feet nor exceed twenty-four (24) feet in height. A freestanding sign shall contain no more than two (2) faces, which shall be authorized when and if such sign faces face in opposite directions on a parallel plane.

Section 504. Construction Signs: Construction signs shall be permitted in all districts subject to the following provisions. Construction signs shall not exceed sixteen (16) square feet in sign area in residential districts nor sixty-four (64) square feet in sign area in other zoning districts. Construction signs shall not exceed ten (10) feet in height and shall be limited to one (1) sign for each job or development. All such signs shall be removed from the site immediately upon completion of the project, provided that construction signs in residential subdivisions shall be authorized until completion of development of the infrastructure not to exceed two (2) years.

Section 505. Agricultural Signs: Agricultural signs shall be permitted in all districts subject to the following provisions. Agricultural signs shall not exceed twenty-four (24) square feet in sign area in residential districts nor forty-eight (48) square feet in sign area in other zoning districts. Agricultural signs shall not exceed ten (10) feet in height and shall be limited to one (1) sign for each premise.

Section 506. Integral Signs: Integral signs shall be permitted in all districts provided they do not exceed six (6) square feet in area.

Section 507. Noncommercial messages: Any sign permitted by this section may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, location, permitting and other requirements of this ordinance, and the Spalding County Code.

Section 508. Planned Center Signs:

- a. A planned center shall be permitted to identify the planned center establishments, products and services therein with a free-standing sign in lieu of the free-standing signs for each establishment within said planned center otherwise permitted in the district within which the planned center is located. Said planned center sign shall not exceed two hundred (200) square feet in sign area and thirty-five (35) feet in height. Said planned center is permitted one planned center sign for each separate road frontage provided that no such additional planned center sign shall be closer than three hundred (300) feet to another planned center sign.
- b. Individual establishments within a planned center shall not erect freestanding signs, but may erect projecting signs within the buildable area of the lot, provided they otherwise comply with this ordinance and the sign table. Wall signs and window signs may be erected by individual establishments within a planned center provided they otherwise comply with this ordinance and the sign table.

Section 509. Entrance Signs: Entrance signs shall be allowed only as authorized in the Spalding County Sign Ordinance, Appendix A, subject to the following provisions:

- a. Residential: Entrance signs shall be limited in height to five (5) feet and in area to thirty-five (35) square feet;
- b. Commercial/Industrial: Entrance signs shall be limited in height to six (6) feet and in area to sixty (60) square feet.

Section 510. Illumination: Illuminated signs shall be permitted as a component of a freestanding sign. Illuminated signs shall not be erected or maintained except in conformity with the following provisions.

- A. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness will not glow or glare on adjacent properties and roadways and no direct light shall be cast on adjacent properties and roadways.
- B. No sign shall give off light that glares, blinds, or has any other such adverse effect on traffic.
- C. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds seventy-five (75) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- D. Signs containing neon lighting shall be authorized only in the C-1, C-1B and C-1C zoning districts and shall be used only as window signs.

Section 511. Real Estate Signs:

- A. In AR-1, AR-2, R-1, R-4 and R-5 zoning districts, one (1) real estate sign placed on the property for sale or lease, per single-family residential lot or per property frontage not exceeding six (6) square feet in total sign area is permitted. Said sign shall be removed within ten (10) days of the closing of an agreement for the sale, rental or lease of the property advertised.
- B. In R-2, R-3, O-I, C-1, C-1A, C-1B, C-1C, C-2, C-3 zoning districts, real estate signs placed on the property for sale or lease, not located adjacent to a street or road arterial, shall be permitted not exceeding sixteen (16) square feet in sign area. If multi-faced, the total area of all sign faces shall not exceed (16) feet in sign area. Said signs shall be limited to two (2) signs per project, or one (1) such sign per property frontage.
- C. In R-2, R-3, O-I, C-1, C-1A, C-1B, C-1C, C-2, C-3 zoning districts, real estate signs placed on the property for sale or lease, shall be authorized on property adjacent to a street or road, arterial not to exceed sixty-four (64) square feet in total sign area including multi-faces and shall be limited to one (1) such sign per property frontage.

Section 512. Real Estate Directional Signs: Real estate directional signs are permitted subject to the following requirements:

- A. are allowed in all zoning districts.
- B. shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- C. shall not exceed a maximum size of four (4) square feet, and shall not exceed thirty (30) inches in height.
- D. shall not be illuminated.

- E. shall not exceed more than four (4) signs providing directions to any one property for sale or lease.
- F. shall only be erected on supports provided specifically for that purpose.

Section 513. Window Signs: Window signs shall be permitted only in the C-1, C-1A, C-1B, C-1C, C-2, C-3 and O-I Districts. Said window signs shall not exceed fifty (50) percent of the area of the window glass upon which said sign(s) is placed. Window signs shall not be counted for purposes of computing the total sign area allowed in this ordinance and the Sign table.

Section 514. Wall Signs: Illuminated signs shall be permitted as a component of a freestanding signs and wall signs. Wall signs shall not exceed thirty-two (32) square feet or twenty-five (25) percent of the area of the wall upon which said sign(s) is placed, whichever is greater. Wall signs shall be counted for purposes of computing the total sign area allowed in this ordinance and the Sign Table. (#A-02-01, 03-18-02)

Section 515. Canopy Signs: Canopy signs shall be permitted only in the C-1, C-1A, C-1B, C-1C, C-2, and C-3 districts. Canopy signs shall be limited to the name of the establishment or product painted, screened or affixed onto the canopy or awning; provided that no part of the sign extends beyond the canopy or awning in any direction.

Section 516. Campaign Signs: Campaign signs shall be permitted in all districts for a period of six (6) weeks before an authorized campaign date and shall be removed within one (1) week after the campaign. Campaign signs shall not exceed six (6) square feet in sign area and shall be located off the public right-of-way. Campaign signs shall not exceed two (2) per lot.

Section 517. On-Premise Signs: The definition of on-premise sign is intended, among other things, to prohibit the temporary use of premises solely for the purpose of securing advertising permission that would otherwise be disallowed. The County may refuse to issue or revoke any permit for an on-premise sign when the entity using or proposing use of such sign is not a bona fide business actually operating within the space located on the premises.

Section 518. Flags: Flags bearing a commercial or non-commercial message shall be authorized as specified in this ordinance and shall require a permit if located in a commercial zoning district. The square footage of any commercial flag shall be counted for purposes of computing the total sign area allowed per establishment specified therein. Flags shall be authorized as follows:

- A. In R-1, R-2, R-3, R-4 and R-5 residential zoning districts, up to three flags per lot not exceeding fifteen (15) square feet per flag shall be authorized. The height of the flag pole shall not be higher than fifteen (15) feet. No permit shall be required in the specified zoning districts.
- B. In AR-1 and AR-2 zoning districts, up to three flags per lot, not exceeding forty (40) square feet per flag, shall be authorized without counting toward the total sign area allowed per establishment. The height of the flag pole shall not be higher than thirty-five (35) feet. No permit shall be required in the specified zoning districts.
- C. In all other districts, up to three flags per lot, not exceeding forty (40) square feet per flag shall be authorized and the size of any commercial flag shall count toward the total sign area allowed per establishment. The height of the flag pole shall not be higher than thirty-five (35) feet. Permit shall be required under this section.

Section 519. Identification Signs: Identification signs bearing a non-commercial message shall be authorized in any zoning district. For all zoning residential districts, identification signs shall not exceed two

(2) square feet in sign area. For all non-residential zoning districts, identification signs shall not exceed four (4) square feet in sign area.

Section 520. Special Events Signs: The following types of Special Events signs shall be allowed on a temporary basis only. Signs shall be authorized only on premises that have received a special event permit. Said signs shall be authorized only for a period of time not to exceed fifteen (15) consecutive days. A sign permit shall be required.

- a. Banners. Banners displaying commercial advertisement shall not be permitted in residential districts. Banners shall not exceed twenty-four (24) square feet in sign area. No more than two (2) banners shall be authorized per forty (40) feet of road frontage per lot.
- b. Pennants or streamers.
- c. Flags.
- d. Balloons.
- e. Beacons.

Section 521. Promotional Signs: The following types of Promotional Events signs shall be allowed on a temporary basis only. Signs shall be authorized only on premises on which the promotional event is occurring, provided that such premise is not located in a residential district. Promotional signs shall be authorized only for a period of time, as specified below. A sign permit shall be required for all promotional signs.

- A. Banners. A Banner shall not exceed twenty-four (24) square feet in sign area. No more than two (2) banners shall be authorized per forty (40) feet of road frontage per lot. A Banner shall not be authorized as a promotional sign for a period exceeding thirty (30) days, and any such application must be accompanied by a site plan showing the location and placement of such banner.
- B. Pennants or streamers. Pennants or streamers shall not be authorized as a promotional sign for a period exceeding ten (10) days, and any such application must be accompanied by a site plan showing the location and placement of any pennant or streamer.
- C. Flags. Flags shall not be authorized as a promotional sign for a period exceeding ten (10) days, and any such application must be accompanied by a site plan showing the location and placement of any flags.
- D. Balloons. Balloons shall not be authorized as a promotional sign for a period exceeding ten (10) days, and any such application must be accompanied by a site plan showing the location and placement of any promotional balloons.
- E. Beacons. Beacons shall not be authorized as a promotional sign for a period exceeding three (3) days, and any such application must be accompanied by a site plan showing the location and placement of any promotional beacon.

Section 522. Church signs: Church signs shall be allowed in all districts. Church signs shall be on premise only. Church signs shall be a form of freestanding sign and subject to regulation as a freestanding sign. Church signs shall require a permit.

Section 523. School signs: School signs shall be allowed in all districts. School signs shall be on premise only. School signs shall be a form of freestanding sign and subject to regulation as a freestanding sign. School signs shall require a permit.

Section 524: Portable signs: Portable signs shall be allowed in C-1, C-1A, C-1B, C-1C, C-2 and C-3 districts on premise, provided that no portable sign presently existing or permitted after the passage of this Ordinance shall be authorized after December 31, 1998. After December 31, 1998, all portable signs shall be prohibited and those existing must be removed from the premises. Portable signs shall be included in the total sign area allowed per establishment.

Article Six: General Prohibitions

Section 601. No sign shall be erected or maintained, as follows:

- A. No sign shall obstruct any fire escape, or means of egress or ventilation, nor shall prevent free passage from one part of a roof to any other part thereof, nor be attached in any form, shape or manner to a fire escape.
- B. No sign shall interfere with road, highway, or sidewalk visibility or obstruct or otherwise interfere with the safe and orderly movement of vehicular or pedestrian traffic.
- C. No sign shall be erected, painted or drawn on any tree, rock, or other natural feature.
- D. No sign shall be located on any building, fence or other property belonging to another person without the consent of that person.
- E. No sign shall advertise an activity, service or product prohibited by the laws or regulations of the United States or the State of Georgia or by the ordinances or resolutions of the Board of Commissioners of Spalding County, Georgia.
- F. All signs shall be erected and maintained so as to be and remain structurally safe, clean and in good repair.
- G. No sign shall emit or utilize in any manner any sound capable of being detected on any traveled road, highway, or right-of-way by a person with normal hearing.
- H. No sign shall be located on utility poles.
- I. No sign shall contain, imitate or simulate an official traffic control sign or warning or signal.
- J. No sign may swing or otherwise noticeably move as a result of wind pressure except as specifically otherwise authorized by this ordinance.
- K. No sign attached to or placed upon a motor vehicle shall extend beyond the manufacturer's standard outline of said vehicle, except that signs affixed to the roofs of vehicles shall be authorized provided they are safely mounted and secured directly to the vehicle, do not project more than six (6) inches beyond the sides of said vehicle, and do not project above the roof of the vehicle more than a distance equal to the height of the cab measured from the floor or bed of the vehicle to the roof.

- L. No sign shall portray less than completely and opaquely covered (1) human genitals, pubic regions, (2) buttock and (3) female breast, or any of the same in silhouette; or the human genitals in a discernible turgid state, even if completely and opaquely covered.
- M. No sign shall display acts of human masturbation, sexual intercourse, sodomy or bestiality; fondling or other erotic touching of human genitals, pubic region, buttock or breast of either male or female; or human genitals in a state of sexual stimulation or arousal.
- N. No sign may be erected in any zoning district other than as specifically authorized by this ordinance.
- O. No sign shall be erected on the public right of way of any street or road.
- P. No sign shall, other than general advertising signs, exceed a height of thirty-five (35) feet.

Article Seven: Prohibited Signs

Section 701. All signs not expressly authorized by this section are prohibited. Such signs include but are not limited to:

- A. Animated signs, except as otherwise authorized as a part of a freestanding sign.
- B. Balloons, except as otherwise authorized by this ordinance, as a special event sign.
- C. Beacons, except as otherwise authorized by this ordinance as a special event sign.
- D. Canopy signs, except as otherwise provided by this ordinance.
- E. Flashing signs.
- F. Illuminated signs, except as authorized by this ordinance.
- G. Pennants and Banners, except as authorized by this ordinance (for any period of time exceeding 120 days in any calendar year).
- H. Portable signs, except as authorized by this ordinance.
- I. Projecting signs, except as authorized by this ordinance.
- J. Roof signs.
- K. Rotating signs.
- L. Home Occupation signs.
- M. Vehicle signs on premise when: (#A-03-15, 07/21/03)
 - 1. such vehicle which is used primarily for advertising and not for the purpose of providing transportation for the owner, employees, inventory, merchandise, supplies or materials of the on premise business advertised on the vehicle; or
 - 2. such vehicle (or any part thereof) is parked for more than twelve (12) consecutive hours within 100 feet of any street right of way and the vehicle is not being actively loaded or unloaded, and other available and accessible locations are on or about the

premises where such vehicle can be parked and which are not within 100 feet of a street right of way.

Article Eight: Signs not requiring a permit

Section 801. The following signs shall not require a permit:

- A. Signs not containing a commercial message erected by or on behalf of a public body in the performance of its public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and signs of historical interest.
- B. Directional signs.
- C. In all residential districts, one sign per residential lot not bearing a commercial message nor exceeding two (2) square feet in sign area, provided it is set back at least ten (10) feet from the street right of way, stationary, and not illuminated. If freestanding, said sign shall not exceed three (3) feet in height from ground level. If not freestanding, said sign shall be attached flat against a building or window.
- D. Real estate directional signs.
- E. Construction signs.
- F. Seasonal or holiday decorations bearing no commercial message.
- G. Real estate signs.
- H. Campaign signs.
- I. Garage sale signs, which shall provide a street address and sale dates, shall be put up no earlier than two (2) days before sale, and shall be removed within one (1) day following the sale. Failure to remove said signs shall constitute a litter violation enforceable under the Spalding County Code.
- K. Flags bearing no commercial message.
- L. Signs inside a building or an enclosed or semi-enclosed structure that are not easily legible to and are not intended to be viewed by the general public from outside said building or structure.
- M. Identification signs bearing no commercial message.
- N. Incidental signs not located in a residential district and not exceeding 20 square feet in sign area.
- O. Agricultural signs.
- P. Window Signs, limited to window identification signs only.

Article Nine: Sign Table

Signs shall be authorized as provided in the following Sign Table. Signs not listed in the Sign Table shall be prohibited except where otherwise specifically authorized in this ordinance. For all zoning districts other than residential districts, total sign area shall not exceed 200 square feet of signage per establishment, subject to the following requirements.

SIGN TABLE

TYPE OF SIGN	ZONING	SETBACK FROM R/W	MAX. SIZE (SQ. FT.)	MAX. HEIGHT	# OF SIGNS	Permit Required
General Advertising	C-1 C-1A C-1B C-1C C-2 C-3	Refer to text	Refer to text	Refer to text	Refer to text	Yes
Freestanding	C-1 C-1A C-1B C-1C C-2 C-3 O-I	10 feet	80 square feet	24 feet	1 per lot	Yes
Planned Center	C-1 C-1A C-1B C-1C C-2 C-3 O-I	20 feet	200 square feet	35 feet	1 per road frontage; but not closer than 300 feet from other planned center sign	Yes
Window Sign	C-1 C-1A C-1B C-1C C-2 C-3 O-I	same as building	not more than 50% of window	height of window	total must not exceed 50% of window	Yes

TYPE OF SIGN	ZONING	SETBACK FROM R/W	MAX. SIZE (SQ. FT.)	MAX. HEIGHT	# OF SIGNS	Permit Required
Wall Sign	C-1 C-1A C-1B C-1C C-2 C-3 O-I	same as building	32 square feet	same as building	2 per wall	Yes
Canopy Sign	C-1 C-1A C-1B C-1C C-2 C-3 O-I	Refer to text	Refer to text	Refer to text	Refer to text	Yes
Flags	C-1 C-1A C-1B C-1C C-2 C-3 O-I	20 feet	40 square feet per flag	35 feet	3 per lot	Yes
Flags	AR-1 AR-2	20 feet	40 square feet per flag			No
Flags	R-1 R-2 R-3 R-4 R-5	20 feet	15 square feet per flag	15 feet	3 per lot	No

TYPE OF SIGN	ZONING	SETBACK FROM R/W	MAX. SIZE (SQ. FT.)	MAX. HEIGHT	# OF SIGNS	Permit Required
Integral	All	same as building	6 square feet	same as building	1 per building	No
Construction	R-1 R-2 R-3 R-4 R-5	20 feet	16 square feet	10 feet	1 per lot	No
Construction	C-1 C-1A C-1B C-1C C-2 C-3 O-1	20 feet	64 square feet	10 feet	1 per lot	No
Agricultural	AR-1 AR-2 R-1 R-2 R-3 R-4 R-5	20 feet	24 square feet	10 feet	1 per lot	No
Agricultural	C-1 C-1A C-1B C-1C C-2 C-3	20 feet	48 square feet	10 feet	1 per lot	No

TYPE OF SIGN	ZONING	SETBACK FROM R/W	MAX. SIZE (SQ. FT.)	MAX. HEIGHT	# OF SIGNS	Permit Required
Real Estate Signs	AR-1 AR-2 R-1 R-4 R-5	10 feet	6 square feet		1 per lot per road frontage	No
Real Estate Signs	C-1 C-1A C-1B C-1C C-2 C-3 O-1 R-2 R-3 not adjacent to street or road arterial	10 feet	16 square feet		1 per lot per road frontage	No
Real Estate Signs	C-1 C-1A C-1B C-1C C-2 C-3 O-1 R-2 R-3 adjacent to street or road arterial	10 feet	64 square feet		1 per lot per road frontage	No
Real Estate Directional Signs	All	10 feet	4 square feet	30 inches	4 total per property	No

TYPE OF SIGN	ZONING	SETBACK FROM R/W	MAX. SIZE (SQ. FT.)	MAX. HEIGHT	# OF SIGNS	Permit Required
Campaign Signs	All	refer to text	refer to text	refer to text	refer to text	No
Identification Signs	All	20 feet or building	2 square feet		1 per lot	No
Special Events	All, on premises with special event permit	refer to text	refer to text	refer to text	refer to text	Yes
Promotional	C-1 C-1A C-1B C-1C C-2 C-3	refer to text	refer to text	refer to text	refer to text	Yes
Portable	C-1 C-1A C-1B C-1C C-2 C-3	refer to text	refer to text	refer to text	refer to text	Yes
Bed and Breakfast	R-1 R-2 R-4 R-5 AR-1 AR-2 C-1 C-1A C-1B C-1C C-2	10'	5 square feet	6"	1	No

Article Ten: Nonconforming Signs

Section 1001. Nonconforming sign regulations:

- A. A nonconforming sign may remain in use subject to the following requirements, as well as any other applicable requirements of the Spalding County Code. Signs shall be considered uses of property for purposes of regulation under this ordinance and the Spalding County Code.
- B. Any nonconforming sign which is not used, leased, or permitted with a decal, for a continuous period of one (1) year shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this ordinance.
- C. Change of copy or message or the substitution of panels or faces on nonconforming signs such as repainting, re-facing or re-postering said nonconforming signs shall be allowed.
- D. Repairs and maintenance of nonconforming signs shall be permitted. However, no change in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this section.

Article Eleven: Administration and Enforcement

Section 1101. Enforcement: The provisions of this section shall be administered and enforced by the Spalding County Zoning Administrator. The Administrator's duties shall include inspecting signs and issuing permits required by this section for signs that meet the requirements of this section and are otherwise lawful.

Section 1102. Inspections: The Zoning Administrator may inspect signs regulated by this section at any time necessary to ensure that such signs conform to this section.

Section 1103. Permits: Every sign, except those expressly authorized under Article 8 must be issued a permit prior to its erection under this section. Existing signs must be issued a permit prior to any repair of the sign. The application must contain all information required for a building permit, shall contain all other requirements specified in this section, shall be made to the Zoning Administrator, and shall be accompanied by the appropriate fee authorized by the Board and representing the costs associated with processing and enforcement under this section.

Section 1104. Plans and specifications: Plans, specifications and structural details of the construction and attachment of a proposed sign to a building or to the ground shall be submitted to the Zoning Administrator at the time of application. For signs under twelve feet in height, plans specifications and structural details as generated and submitted by the applicant shall fulfill the requirements of this Section. For signs in excess of twelve feet in height, formal structural and site drawings must be submitted. These formal structural and site drawings must be sealed by a registered professional engineer.

All signs permitted shall conform to setback requirements as established in Article Nine of this Ordinance (Sign Table). All signs must conform to the standards of the Standard Building Code and all other codes of the County that are applicable. Permits shall be issued conditional on compliance with all applicable provisions of the Building and Electrical codes, as well as all other applicable provisions of the Spalding County Code of Ordinances. (#A-01-21, 02/04/02)

Section 1105. Violations: If any sign is erected, constructed or maintained in violation of any of the provisions of this section, or is found by to be unsafe, the Zoning Administrator shall give the owner thereof

written notice of the violation. The notice shall include a brief citation of the particulars of the violation(s). If a sign has not been permitted and the owner is not known, the affixing of a copy of the notice to the sign structure or building for a period of ten (10) days shall be sufficient notice. If a violation is not remedied within ten (10) days following notice, the owner shall remove the sign immediately. If the sign is not removed by the owner, the Zoning Administrator shall have the authority to remove such sign at the expense of the owner and/or take further enforcement action as otherwise provided by law in Chapter 3 of Part 6 of the Code of Ordinances of Spalding County (Zoning) and/or the Zoning ordinance of Spalding County. The Zoning Administrator also shall have the authority to immediately cause to be removed any sign which the Zoning Administrator finds presents an immediate peril to life or property.

Section 1106. Abandoned signs: Except for lawful general advertising signs, a sign shall be removed by the owner or lessee of the premises on which it advertises is no longer conducted, sold, or offered on the premises. Where a successor to a defunct business agrees in writing to maintain a sign in compliance with this ordinance, the removal requirements of this subsection shall not apply.

Section 1107. Permit identification tag: A permit identification tag shall be attached to the sign support nearest to the main-traveled way on all permitted signs including general advertising signs in a form acceptable to the Zoning Administrator. Ownership, property parcel information and address shall be supplied prior to permitting and shall be updated when any change occurs.

Article Twelve: Public Liability Insurance

It shall be unlawful for any person or entity to engage in the business of erecting or maintaining signs within the County unless and until such person or entity shall obtain a county business license and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the person or entity has in effect public liability and property damage insurance in the sum of two hundred and fifty thousand dollars (\$250,000.00) for property damage for any one (1) claim and public liability insurance in the amount not less than one million dollars (\$1,000,000.00) to any one (1) person including accidental death for injuries to one (1) person. The certificate of insurance shall state that the insurance carrier will notify the county thirty (30) days in advance of any termination and/or restrictions to coverage.

Article Thirteen: Variances and Appeals

Section 1301. Limited Variance Authority: No administrative variance to this Ordinance shall be authorized, except as provided in Section 1302. Variances and appeals to this Ordinance shall proceed as provided for in the Spalding County Zoning Ordinance to the Spalding County Board of Zoning Appeals, provided that neither the Spalding County Board of Commissioners, the Spalding County Board of Zoning Appeals nor any administrative body or person shall have the power or authority to vary the express terms of this Ordinance as to: the number of signs, the total area of general advertising signs; the distance and spacing requirements; or the removal of illegal signs or non-authorized signs. Further, no board, administrative body, or person shall have the power to permit within any zoning district a sign not expressly authorized by this ordinance.

Section 1302. Permitted Variances and Standards: Application may be made for a variance of the total area of signs permitted on a lot. Such variance shall be a permit issued by the Spalding County Board of Zoning Appeals. Such variance may be granted only in an individual case where a hardship would result if the total area of signs permitted on a lot were enforced stringently against the lot. The provisions of this Ordinance for the total area of signs permitted on a lot shall have a presumption of reasonableness. The applicant shall bear the burden of proof to establish and prove the existence of hardship. The following factors shall be relevant to the determination of the existence of a hardship:

- A. size of the structure or business location;
- B. distance of the location of the business or sign from the road right of way;
- C. preservation of natural areas, location and preservation of trees or forests, or integration of the signage in the context of an overall landscaping plan;
- D. any adverse public health, safety and welfare impact resulting from compliance with this Ordinance as to signage area;
- E. location and ability to view signage in relation to the location of other existing structures or signs.

For purpose of this Section, the size and location of the signage of business competitors of the Applicant shall not be relevant to prove the existence of a hardship.

Article Fourteen: Conflicts

If any conflicts occur between the terms of this ordinance and the terms of any other section or ordinance of the County code, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this section shall prevail.

Article Fifteen: Severability

Should any provision of this section be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this section as a whole or any provision thereof other than the provision specifically declared to be invalid. The Board hereby declares that it would have passed this Ordinance and each subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one (1) or more subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.