

RESOLUTION AMENDING THE ZONING ORDINANCE  
OF MADISON COUNTY, GEORGIA

For the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Madison County and to further the purposes of the Madison County Zoning Ordinance as set forth therein, the Board of Commissioners of Madison County does hereby ordain and enact into law the following changes to the Zoning Ordinance.

1. Article X, the Sign Ordinance is hereby deleted in its entirety and the following substituted in its place:

## **ARTICLE X: SIGNS AND BILLBOARDS**

### **Article X: Sign and Billboard Regulations**

#### **Section 10.1: Purpose and Intent of Article X**

The following regulations in the chapter are designed to promote the public health, safety, order, aesthetics and general welfare of the community by: controlling the number, placement, height, size and traffic hazards; avoiding an environment that encourages visual blight; and encouraging a more attractive urban environment.

#### **Section 10.2: Signs and Billboards shall meet applicable codes.**

Signs, billboards, and other advertising structures shall be constructed and maintained in strict conformity with building electrical codes and all other applicable regulations, including county and state.

#### **Section 10.3: Signs are permitted accessory uses.**

Signs and other advertising structures are permitted as accessory uses, subject to all applicable limitations as specified in this chapter.

#### **Section 10.4: Permit required for signs and billboards**

Except as otherwise excepted by the provisions of this chapter, any sign 33 square feet in area or larger shall require a permit to be issued by the Planning and Zoning Department before installation, construction, or erection. It shall be unlawful for any person or erect, construct, enlarge, move or convert any sign, 33 square feet or larger, without first obtaining a permit from the Planning and Zoning Department, provided, however, that nothing in this section shall be constructed to require a permit for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure.

## **Section 10.5: Permit application.**

Applications for permits to erect, construct, enlarge, move or convert signs **or billboards** shall be made to the Planning and Zoning Department upon forms furnished by the department. The application for a permit shall include any such information such as, but not limited to, ownership information, location, construction cost, scaled site plans and elevation drawings, structural details or other information necessary to ensure compliance with the provisions of this chapter and all applicable codes.

The Building Inspector shall inspect each lot for which a permit for a new sign or for modification of an existing sign is issued on or before six months from the date of issuance of such permit. If the construction is not substantially complete with six months from the date of issuance, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance, other ordinances, and with the building and electrical codes, the jurisdiction shall finalize the permit.

If the construction is substantially complete, but not in full compliance with this ordinance, other ordinances, and applicable codes, the Building Inspector or Code Enforcement Officer shall give the applicant notice of the deficiencies and shall give the applicant notice of the deficiencies and shall allow an additional thirty days from the date of inspection for the deficiencies to be corrected. If the corrections are not made within the time frame and the permit lapse it becomes void and must be repermited.

## **Section 10.6: Permit fees.**

No permit shall be issued until the appropriate application has been filed and fees have been paid as established by the board of commissioners.

## **Section 10.7: Signs and sign devices prohibited.**

The following signs and sign devices shall be prohibited:

1. Animated signs involving motion or sound.
2. Flashing, blinking, or varying light intensity signs, except time, temperature, date and public service signs.
3. Projecting signs.
4. Roof signs.
5. Sandwich, sidewalk or curb type signs.
6. Signs erected on or over public property including public rights-of-way, other than signs erected by public authority for a public purpose.
7. Signs, except those designated "Posted property" or "no trespassing," which are erected or maintained upon trees or other natural features.
8. Signs attached to or painted onto a vehicle parked adjacent to and visible from a street for the sole purpose of advertising onto such street.

## **Section 10.8: Public signs and sign devices exempted.**

Any sign designed, erected or maintained for a public purpose by a public agency or authority, or by a private person for a public purpose, is exempt from the provision of the chapter. Public signs include, but are not limited to, the following: signs denoting routes to any city, town, village, historic place, shrine or hospital; signs directing or regulating traffic; notices of any railroad, bridge, or other transportation activity necessary for the direction or safety of the public; legal notices or other official instruments denoting time and place of civic meetings; signs denoting street names and street number, address or unit designations; flags of the United States, state, county, municipality or other public authority; flags, banners and other devices for celebrations, conventions, commemorations, events, festivals and other community activities authorized by the governing body; public memorial signs and tablets; and identification signs and bulletin boards for churches and places of worship.

## **Section 10.9: Signs permitted in A1, A2, RR, R1, R2 and R3.**

The following signs are permitted in the above zones.

1. Directional signs, not exceeding 4 square feet in area, nonilluminated.
2. Flags, banners and flying paraphernalia.
3. Holiday lights and decorations.
4. Home business signs.
5. Identification signs, nonilluminated, at the entrance drive of individual residences, estates, farms, ranches and plantations which do not exceed 32 square feet of area, with a limit of two signs for each entrance drive
6. Identification signs and project identification monuments, nonilluminated, for residential subdivisions and complexes not exceeding 32 square feet of area.
7. Identification signs, nonilluminated, for fraternal organizations or other similar permitted institutional uses, located on site, limited to one sign per premises not exceeding 32 square feet of area.
8. Political signs, nonilluminated, not to exceed eight square feet of area.
9. Portable signs, nonilluminated, limited to one sign per individual business establishment.
10. Real estate signs, nonilluminated, located on site, pertaining to the rent, lease or sale of the premises, not exceeding eight square feet of area, limited to one sign per premise.
11. Signs, nonilluminated, for permitted sales, rental and leasing offices, and manager's residences that do not exceed eight square feet of area.

## **Section 10.10: Signs permitted in B1, B2, and I.**

The following signs are permitted in the above zones.

1. If the business has a standardized signage plan, the signs will be permitted upon presentation of the plan.

Business not meeting requirements in Section 10.10-1 the following will be required.

2. A business identification sign, either freestanding or attached, not exceeding 32 square feet in area, on which the name and nature of the business operated on the premises as the principal use are shown. Such business identification signs shall be permitted to be as large as 64 square feet if the owner of the property in question elects not to utilize his allowance for a portable sign.
3. A secondary business identification sign, either freestanding or attached, not exceeding eight square feet in area, on which the name and nature of a business operated on the premises area shown.
4. Attached signs, including marquee and canopy signs, with a total sign area not exceeding 25 percent of the area of the building wall, marquee or canopy to which the sign or signs are attached.
5. Window signs, not exceeding 25 percent of the total area of the window.

### **Section 10.11: Maximum sign height.**

No permitted sign, regardless of type, shall exceed the following height limitations:

1. Twenty feet as measured from road surface in A-1, A-2, and RR zones.
2. Eight feet as measured from road surface in R-1, R-2, and R-3 zones.
3. Forty feet as measured from road surface in the B1, B2, and I zones.

This height shall be measured from the grade at the right-of-way boundary line or the grade of the sign site if such grade is higher than the grade at the boundary line of the street right-of-way to the uppermost part of the sign face, base or structure. If the sign is located below the grade at the boundary line of the street right-of-way, sign height shall be measured from the edge of the right-of-way to the uppermost part of the sign face, base or structure.

### **Section 10.12: General requirements for signs.**

Signs, regardless of the district in which they are located, shall conform to the following requirements:

1. Signs, together with any supporting members, shall be kept in good repair and maintained so as to present a neat, clean appearance and be in a safe state of preservation. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
2. Signs shall be set back a minimum of 5 feet from any public street right-of-way.
3. No sign shall be erected where it will interfere with vision clearance along any street or obstruct the vision of either drivers or pedestrians.
4. Any illuminated sign shall be placed so that the rays and illumination there from shall not be cast upon neighboring dwellings, to the extent possible.

5. All permitted marquee or projecting signs shall be erected under the supervision of the building official.
6. Other attached signs shall be inspected for safety and compliance with this chapter at the discretion of the Planning and Zoning Department or other official designated by the board of commissioners.

### **Section 10.13: Variances permitted.**

- a. Recognizing that the strict application of the provisions of this chapter may, in limited instances involving unique or unusual physical conditions or other such unanticipated situations, pose an unnecessary hardship to the owner or user of a sign, the board of commissioners authorized to permit variances from the provisions of this chapter, including but not limited to the following:
  1. An increase in the height of a sign.
  2. Reduction of the required 5 foot setback for a sign.
  3. A sign of such type that is prohibited by section 10.7.
  4. An increase in the maximum area of a sign.
  5. Temporary signs and sign devices.
- b. Applications for any of the variances set out in subsection (a) of this section shall be filed and considered in accordance with the requirements and procedures for variances and in addition shall require the filing of an elevation drawing of the sign or signs proposed to be erected, constructed, modified or continued, along with written justification that unusual conditions warrant such consideration.

### **Section 10.14: Procedures for dangerous or unlawful signs.**

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the building inspector or the Planning and Zoning Department, the owner thereof, or the person or firm maintaining the sign, shall upon written notice from the building inspector or the Planning and Zoning Department, forthwith in the case of immediate danger, and in any case within 10 days, secure the sign in a manner to be approved by the building official or Planning and Zoning Department, in conformity with the applicable provisions of the building code of the county. If such order is not complied with in 10 days, the property owner shall receive a court citation to appear in court. In case any sign shall be installed, erected, or constructed in violation of any of the terms of this chapter the Planning and Zoning Department shall notify by certified mail, or written notice served personally, the owner to alter such sign, secure the necessary permit, make required alterations, or remove the sign. If such order is not completed within 24 hours from the time of notice being received, the property owner shall receive a court citation to appear in court.

### **Section 10.15: Election or Political Campaign Signs.**

Election or political campaign signs, notwithstanding anything herein to the contrary and in accordance with O.G.C.A. section 16-7-58 (a) (2), there is no restriction on the length of time a political campaign sign may be displayed on Private property for which Permission has been granted.

## **Section 10.16: Conformance to state law.**

The following applies to any sign **or billboard** located or to be located with 660 feet of the nearest edge of the right-of-way of an Interstate, U.S. or State-numbered highway (or any other road designated as a “primary highway” by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

- (1) Such sign **or billboard** shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G. A. 32-6-70 et seq.
- (2) Such sign **or billboard** shall comply with all requirements of this Article. Between the Georgia and Madison County regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

## **Section 10.17: Grandfathered Non-conforming Signs**

1. A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:
  - a. Shall not be replaced, except in conformity with the provisions of this ordinance;
  - b. Shall not be enlarged, altered or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
  - c. Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on non-conforming signs shall be permitted.

## **Section 10.18: Definitions Related to the Sign and Billboard Regulations.**

*Abandoned sign:* A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation, or does not have a current occupation.

*Advertising sign(billboard):* Any structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages, and having an area of 100 square feet or more. Any signboard carrying a message accepted in this definition that also carries extraneous advertising of 100 square feet or more shall be considered a billboard.

*Animated sign:* Signs that flash, blink, sparkle, rotate, revolve, or have moving parts or visible bulbs

*Awning:* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements.

*Awning sign:* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.

*Banner:* A sign other than an official or personal flag, made of paper, cloth, thin plastic, or similar lightweight material, and usually containing a message or logo.

*Building sign:* A sign that in any manner is fastened to, projected from, or is placed or painted upon the exterior wall, window, door, or roof of a building.

*Canopy:* A permanent roof-like structure projecting from at least one side of the building for the purpose of shielding a pedestrian walkway from the elements, or a free standing roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

*Illuminated Sign:* Any sign that is internally or externally illuminated by artificial light.

*Mansard:* A steeply sloped, roof-like façade architecturally similar to a building wall.

*Marquee:* A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of the building.

*Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.

*Non-conforming Sign:* A non-conforming sign is a sign that was lawfully erected and maintained prior to the adoption of this ordinance, and which by reason of such adoption fails to conform to all applicable regulations and restrictions of the ordinance.

*Off-premises sign:* A permanent advertising device that advertises goods, products, services or facilities or displays information not related to the site on which it is located or that directs persons to a different location from where the sign is located.

*On-premises sign:* An advertising device relating in its subject matter to the property on which it is located or to products, accommodations, services or activities on the property.

*Radial spacing:* A measurement with the sign forming the center of a circle and measurements taken in all directions from the sign.

*Projecting sign:* A sign affixed to a wall and extending more than 8 inches from the surface of such wall, usually perpendicular to the wall surface.

*Roof sign:* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.

*Sign:* Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

*Sign, freestanding:* A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

*Sign height:* The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

*Sign structure:* All elements of a sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

*Wall sign:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 8 inches.

*Window Sign:* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.



Table 1: Permitted Signs – By Land Use Category

	A-1, A-2, RR	R-1, R-2, R-3	B-1, B-2, I	
Max. Height	20'	5'	40'	
Canopy			25 % of area	
Directional	4 sq. ft.	4 sq. ft.		
Home Business	4 sq. ft.	4 sq. ft.		
Identification (2)	32 sq. ft	32 sq. ft.	1-32 sq. ft. & 1- portable or 1-64 sq. ft.	
Marquee			25 % of area	
Political	8 sq. ft.	8 sq. ft.		
Portable Sign Nonilluminated	Limit of one	Limit of one		
Real Estate	8 sq. ft.	8 sq. ft.		
Secondary Sign			8 sq. ft.	
Wall Sign			25 % of wall	
Window Sign			25 % of window	

## **Section 10.19: Billboards.**

- 10.19.1 This article shall apply to all outdoor advertising signs known as “billboards” on property that is abutting the state right-of-way or visible from State Highway 98 and any state road south of State Highway 98. No billboard is allowed north of State Highway 98. It must also be located in the following zones; A-1, A-2, B, and I.
- 10.19.2 No billboard shall be erected or maintained unless it is in compliance with the regulations of this article.
- 10.19.3 All billboards located on sites abutting or visible from the state right-of-way shall conform to all regulations of the state outdoor advertising code as amended and shall meet all federal and state requirements necessary to obtain a permit to install a sign along these state roads. In instances where this article is stricter, this article shall take precedence.
- 10.19.4 Any billboard which advertises an activity, business, product or service, which has ceased operation or production, shall be removed within one month of the discontinuance of such activity.
- 10.19.5 The height of a billboard cannot exceed 30 feet, as measured from the road bed to the floor plate of the sign, with a minimum height of a sign being ten feet as measured from the road bed.
- 10.19.6 Sign dimensions cannot exceed 600 square feet in area per face.
- 10.19.7 All billboards in A1 or A2 zones must be located no less than 200 feet from any residence.

## **Section 10.20 Prohibited Billboard Signs.**

- 10.20.1 Billboard signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words, slogans, dimensional shape and size, or colors of the governmental traffic signs.
- 10.20.2 No billboard sign, except traffic signs and informational signs erected by a public agency are permitted within any road right-of-way.

- 10.20.3 Billboard signs painted on or attached to natural features such as trees or rocks, telephone poles, utility poles, or fence posts are prohibited.
- 10.20.4 Fluttering ribbons and banners are prohibited.
- 10.20.6 Billboard signs within 1,500 feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument, is prohibited.

### **Section 10.21 Specific requirements.**

- 10.21.1 *Required zone.* Must be located in zones; A-1, A-2, B, and I.
- 10.21.1 *Uniform size.* The outside dimensions of all billboard signs shall not exceed 12 feet in height and 50 feet in length, with or without trim.
- 10.21.2 *Illumination.* All illuminated billboard signs shall use base mounted fluorescent, mercury vapor or led lights and shall be activated by photoelectric cells. Fully electronic billboards are permitted. Additional lighting, including but not limited to neon, animation and running lights, is prohibited.
- 10.21.3 *Height above road grade.* All billboard signs shall be a minimum of ten feet and a maximum of 30 feet above state highway pavement measuring from the lower portion of the sign face (floor plate). Two billboard signs in the same location either back-to-back-or V formation shall be the same height above the road surface.
- 10.21.4 *Extrusions prohibited.* Extrusions beyond the face of the sign, excluding aprons, are prohibited.
- 10.21.5 *Number of billboard signs per location.* Only one billboard sign shall be allowed to face the same direction per location. This allows back-to-back or V formation but prohibits two signs (side by side) facing the same direction.
- 10.21.6 *Spacing.* Billboard sign structures shall be no less than 1000 feet apart measuring from the two closest points.

- 10.21.7     *Setbacks.* Billboard sign structures shall be no less than 15 feet in A1 and A2 zones and 5 feet in B and I zones from any property line other than right-of-way. For set back from right-of-way is to be determined by the state.
- 10.21.8     *Marshland and historic area locations prohibited.* No billboard sign shall be placed in or obstruct the view of a marshland or an area of designated historic interest.
- 10.21.9     *Advertisement limitations.* Outdoor advertising shall be limited to the following:
- (a) Travel service facilities including lodgings, fuel, food, camping and business establishments.
  - (b) Areas of scenic beauty.
  - (c) Public attractions including historic, natural, scientific or recreational amenities.
  - (d) Any combination of the facilities listed in subsections (j)(1) through (3) of this section. Further, the content of all advertising shall be directional in nature.
- 10.21.10    On-premises signs located within 100 feet of a regularly used part of the activity being advertised and located on the same property and for sale or for lease signs located on the property being advertised would not be prohibited.
- 10.21.11    Any legally erected sign which would become nonconforming as a result of this article would be allowed to remain until modified, changed or damaged beyond minor repairs or maintenance, provided the sign structure met all state and federal guidelines and laws at the time of installation.

## **Section 10.22 Variance**

A variance may be granted upon application if an individual case of unnecessary hardship is placed upon the applicant, when such variance will not be contrary to the public interest or the purposes of this ordinance. The request for a variance must meet all of the following conditions:

1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the area.

2. Granting the variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties.
3. The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or to the general welfare.
4. The special circumstances are not the result of the actions of the applicant.
5. The variance is not a request to permit a type of sign which otherwise is prohibited by this Ordinance.
6. The mere existence of a non-conforming sign or advertising device shall not constitute a valid reason to grant a variance.
7. The billboard cannot meet the required setbacks or desired height.

For State of Georgia Outdoor Advertising information see O.C.G.A 32-6-70 thru 32-6-76.

2. The provisions of this resolution shall be effective upon approval by the Madison County Board of Commissioners.

Approved by the Madison County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

BOARD OF COMMISSIONERS, MADISON COUNTY, GEORGIA

By: \_\_\_\_\_  
 Anthony Dove, Chairman

ATTEST:

\_\_\_\_\_  
 Rhonda Wooten, County Clerk

