COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, January 13, 2011	Type of Request:	Consent

Wording for the Agenda:

Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code.

Background/History/Details:

The Sign Ordinance is currently a stand-alone ordinance. The sole purpose of this request is for the Sign Ordinance to become part of the Fayette County Code, as recommended by the County Attorney, to be in compliance with State Law. There are no amendments proposed to the Sign Ordinance at this time.

The County is in the process of reviewing all its ordinance for updating, etc. During that process, if amendments to the Sign Ordinance are recommended, staff will discuss them with the Board of Commissioners and proceed along the normal amendment process if needed.

What action are you seeking from the Board of Commissioners?

Approval by the Board of Commissioners for the current Sign Ordinance, in its entirety, to become part of the Fayette County Code.

If this item requires funding, please describe:

Funds are not needed at this time, but will be part of an overall cost to update the Fayette County Code.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2011 - 01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA, TO ENACT A NEW CHAPTER 21 FAYETTE COUNTY SIGN ORDINANCE, IN ITS ENTIRETY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Code of Ordinances, as amended, is hereby further amended by enacting a new Chapter 21 Fayette County Sign Ordinance, to read as follows:

Chapter 21

FAYETTE COUNTY SIGN ORDINANCE

ARTICLE I. IN GENERAL

Sec. 1-1. Title.

This ordinance shall hereafter be known and cited as the "Fayette County Sign Ordinance".

Sec. 1-2. Purpose and intent.

The Board of Commissioners of Fayette County understands that signs are an integral part of the ability of every person to exercise their right to freedom of speech. It is however, important to understand that there is a fundamental need to protect Fayette County as a whole from the unchecked proliferation of unregulated signage. It is with this understanding in mind that the Board of Commissioners of Fayette County provides the following purposes for the regulation of signage:

1. To encourage the effective use of signs as a means of communication in the unincorporated county;
2. To maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth;
3. To improve pedestrian and traffic safety;

4. To minimize the possible adverse effect of signs on nearby public and private property;
5. And to enable the fair and consistent enforcement of these sign restrictions.

This Sign Ordinance is adopted under the zoning authority of the County in furtherance of the more general purposes set forth in the Zoning Ordinance.

Sec. 1-3. Definitions.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the county shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in Article IV. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Animated sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene. (Prohibited)

Awning/Canopy sign. Any 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. A marquee is not a canopy. (Prohibited)

Banner. Any sign of lightweight fabric or similar material that is intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. (Prohibited)

*Billboard***.** Any sign which exceeds 60 square feet in area.

Building Official. The person, officer or official whom the Board of Commissioners has so designated, or his or her designee.

Canopy/awning sign. See Awning/Canopy sign.

*Changeable Copy Signs***.** A sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this ordinance.

Decorative Wall. A freestanding wall sometimes used in association with landscaping.

*Dissolve***.** A mode of message transition accomplished by varying the light intensity or pattern where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

*Double-Face Sign***.** A sign where the message is displayed back to back. If the sign is constructed in the form of a "V", at no point can the backs of the sign faces be separated by a distance greater than two (2) feet. Only one (1) side of the sign face shall be measured in computing the sign area.

*Drive-thru/Drive-in Facility***.** Any location where products and/or services are distributed to, or business is transacted with, a person seated in a motor vehicle.

Fade. A mode of message transition accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flag. Any fabric or bunting containing colors, patterns, or symbols.

Flashing sign. 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. (Prohibited)

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Illuminated sign, External. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes, or alternates.

Illuminated sign, Internal. A sign illuminated by an internal light source.

Kiosk. A small, freestanding structure requiring a building permit which has more than two (2) surfaces. (Prohibited)

Lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Marquee, marquee sign. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. (Prohibited)

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts. (Prohibited)

Mural. See Wall Sign

Non-residential zoning district. The following are considered nonresidential zoning districts within this ordinance: O-I, C-C, C-H, M-1, M-2, and L-C.

Out-of-store marketing device. An out-of-store marketing device is any facility which is located outside of a primary building on a site zoned for non-residential uses. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant, streamer. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in

the wind. (Prohibited)

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as to not be easily or readily removed from the lot on which it has been erected.

Permit. A sign permit reviewed, approved, and issued by the Fayette County Planning and Zoning Department.

Person. Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign. Any sign which is capable of being transported, either by trailer or on its own wheels.

Principal building. The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Public Sign. Any sign erected by a governmental entity.

Residential zoning district. The following are considered residential zoning districts within this ordinance: A-R, EST, R-80, R-72, R-70, R-60, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, and C-S.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. (Prohibited)

Scroll. A mode of message transition where the message appears to move vertically across the display surface.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing, or to communicate information of any kind to the public.

Sign Face. The area or display surface of a sign which is used for the message.

Sign Structure. The above ground poles, beams, columns, posts, foundations, or framing providing structural support for the sign face.

Suspended sign. Any sign which is suspended from the eave or soffit of the building.

Temporary sign. Any sign that is not permanently mounted.

Travel. A mode of message transition where the message appears to move horizontally across the display surface.

Wall. The side of a building connecting floor to ceiling or foundation to roof.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six (6)

inches from any wall, building, or structure.

Window sign. Any sign that is placed inside a window or upon the window panes or glass either inside or outside the building, and is visible from the exterior of the structure.

Zoning Administrator. The person, officer or official whom the Board of Commissioners has so designated, or his or her designee.

Sec. 1-4. Powers and Duties of Personnel.

The Zoning Administrator is hereby authorized and directed to administer this ordinance. Unless otherwise specifically provided by resolution of the Fayette County Board of Commissioners, the enforcement of this ordinance shall be within the jurisdiction of the County Marshal.

Sec. 1-5. to 1-10. Reserved.

ARTICLE II. Permitting

Sec. 2-1. Permits Required.

All signage listed herein requiring a permit must meet the requirements of Section 2-1.,A. when applying for a permit.

A. Applications for Signage.

Applications for sign permits required by this ordinance shall be filed with the County Planning and Zoning Office during normal business hours and shall include the following to be considered by the Zoning Administrator:

1. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.
2. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.
3. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).
4. All applications for signage shall be on a form provided by the County Planning and Zoning.

B. Review and Notification.

Review of an application deemed to be complete by the County Planning and Zoning Department and notification to the applicant of either approval or denial shall in no case extend for a period of time exceeding 30 days from the date of the County Planning and Zoning Department's receipt of the completed application. Notification to the applicant can be made either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the County Marshal's Office on or before the thirtieth (30th) day after the County Planning and Zoning Department's receipt of the application. Should the process exceed 45 days, it shall be deemed that the application is approved and the Zoning Administrator shall issue a permit to the applicant. Issuance of a permit shall in no way prevent the County from later declaring the sign to be illegal if the structure fails to substantially comply with the specifications submitted in the application or some new information of illegality is discovered.

Sec. 2-2. Denial, Revocation, and Suspension.

A. The Zoning Administrator shall deny all applications for signs that do not comply with this ordinance. Written notification to the applicant listing the reasons for denial shall be provided as set forth in Section 2-1.,B.

B. Revocation of permits and certificates. The Zoning Administrator may revoke a sign permit or certificate of compliance in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit of approval was based.

C. Suspension of permits and certificates. The Zoning Administrator may suspend a sign permit or certificate of compliance where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

D. Appeals. Any individual whose application has been denied or revoked may appeal the decision of the Zoning Administrator to the Fayette County Zoning Board of Appeals within 30 days of notification of denial or revocation. Once an applicant has notified the County of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the Zoning Administrator. If a hearing cannot take place within the 90 day limit then the appeal is determined in favor of the applicant.

Sec. 2-3. Reserved

Sec. 2-4. Signs Which Require No Permit.

The following types of signs shall not count toward the total amount of signage allowed in Sections 5-22., 5-32., and 5-33.:

1. Numeral displayed for the purpose of identifying property location not to exceed 8" in height;
2. Flags; see Section 5-25. and 5-38.;
3. Window signs; see Sections 5-23. and 5-34.;
4. Doors signs not to exceed one (1) square foot in size and not more than one (1) sign per door; and,
5. Temporary signs in all districts.

Sec. 2-5. Prohibited Signs and Devices.

A. The following signs shall be prohibited under this ordinance. Such signs include, but are not limited to:

1. Animated or flashing signs;
2. Rotating signs, or any sign which requires either natural or artificial wind current for motion or gives the appearance of movement;
3. Portable signs when not attached to a motor vehicle including signs attached to or painted on vehicles which prevent the vehicle from being used for its intended purpose and that are legible from the public right-of-way are also considered portable signs;
4. Search lights, beacons, or similar devices;
5. Roof signs;
6. Pennants, streamers;
7. Attention-getting devices, including but not limited to balloons (including all

inflatable air signs and lights), shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;

8. Signs or other advertising structures that contain obscene or indecent material;
   A. Material is obscene if all of the following apply:
      (1) To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; and
      (2) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined in subparagraphs 1 through 5 of this paragraph: (1) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (2) acts of masturbation; (3)acts involving excretory functions or lewd exhibition of the genitals; (4) acts of bestiality or the fondling of sex organs of animals; or (5) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
   B. Material is indecent if the sign depicts the following portions of human anatomy: (1) Any portion of the female breast below the top of the areola; (2) Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
9. No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, or other similar devices;
10. Kiosks;
11. All signs attached to light poles, power poles or trees (when in the right of way)**;**
12. Any privately owned sign located within or partially within any public right-of-way;
13. Billboards; and,
14. Wall signs in residential districts.

Sec. 2-6. to 2-10. Reserved.

ARTICLE III. ENFORCEMENT

Sec. 3-1. Violations, Penalties.

A. No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this ordinance.

B. No person shall maintain or permit to be maintained on any premises owned or controlled by him/her any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this ordinance.

C. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions herein.

D. Any violation of this ordinance is hereby declared to be a public nuisance.

E. In case any sign or other device covered by this ordinance is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this ordinance, the County Marshal shall issue a citation. Additionally, the County may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Any violation of this ordinance shall be a misdemeanor and the violator will be subject to a fine of up to $1,000.00 or imprisonment for up to 60 days.

Sec. 3-2. Nonconforming Signs.

A. Nonconforming existing signs. A freestanding or wall sign for which a sign permit was issued which was in existence on November 10, 2005, or which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this ordinance, shall be considered a nonconforming sign. Such a sign shall be allowed to remain in place and be maintained (provided that no action is taken which increases the degree or extent of the nonconformity) until there is a change of business name (single business), a change of complex name (multi-business), or the sign and/or supporting structure is totally destroyed as a result of natural causes, Acts of God, vandalism or any other cause. In the case of a change of ownership where the business name and existing signage (face and structure) remain the same, said sign shall be allowed to remain in place.

B. Lapse of nonconforming sign permit. A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

Sec. 3-3. Removal of Unlawful or Dangerous Signs.

A. **Removal**. The county may order the removal of any sign in violation of this ordinance by written notice to the property owner. If a permit has been issued, such notice shall operate to revoke the permit.

B. **Procedure Following Removal Order**. If the sign is not removed within 14 days after the order of removal (or 14 days after the date any appeal becomes final), the county shall remove or cause to be removed the sign and to collect the costs thereof as provided below.

C. **Removal Without Notice**. The county shall remove any sign in violation of this ordinance, without giving notice to any party, if:

1. Said sign is upon the public right-of-way or upon other public property; or
2. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. **Reclamation/fees.** Following such removal or repair, the county may collect the costs as set by the Fayette County Board of Commissioners for any reclaimed signs. Signs not claimed will be destroyed after 14 days.

Sec. 3-4. - 3-10. Reserved.

ARTICLE IV. MEASUREMENT; CONSTRUCTION AND MAINTENANCE STANDARDS.

Sec. 4-1. Sign Location.

A. **Obstructions to doors, windows, or fire escapes**. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

B. **Signs not to constitute traffic hazard**. No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.

Sec. 4-2. Measurement of Sign Face Area.

Freestanding Sign. The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open space(s) or color(s), forming an integral part of the display or used to differentiate such.

Sec. 4-3. Measurement of Sign Height.

The height of a sign shall be computed as to 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, berming, 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 zone lot, whichever is greater. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

Sec. 4-4. Construction Standards.

A. All signs permitted under this code shall be constructed and maintained in accordance with the applicable County building codes. The county may remove after due notice per Section 3-3., any sign which shows neglect or becomes dilapidated.

B. **Face of sign shall be smooth.** No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding there from.

C. **Illumination of signs**. Signs, when illumination is permitted, may be illuminated internally or externally. Neon tubing may be used to spell the business name on a wall sign only, and shall be entirely encased within a sign cabinet.

D. Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs.

Sec. 4-5. to 4-10. Reserved.

ARTICLE V. RESTRICTIONS BASED ON LOCATION

DIVISION I. GENERALLY

Sec. 5-1. Zoning Districts.

A. Sign standards by district apply to all zoning districts in Fayette County. The districts are defined herein as being either residential or non-residential.

B. Residential zoning districts allows for both residential and non-residential uses and as such will be governed by the respective articles of this ordinance based on the approved use. For all unimproved residential property the residential sign regulations shall apply. For all non-residential uses permitted in residential zoning districts, the signage allowances for those uses shall be determined to be under Article V, Division III of this ordinance.

C. Non-Residential zoning districts allows for both non-residential and residential uses and as such will be governed by the respective articles of this ordinance based on the approved use. For all unimproved non-residential property the single business sign regulations shall apply (see Section 5-32.). For all residential uses permitted in the non-residential zoning district,

the signage allowances for those uses shall be determined to be under Article V, Division II of this ordinance.

Sec. 5-2. - 5-10. Reserved.

DIVISION II. RESIDENTIAL DISTRICTS.

Sec. 5-21. Signs Allowed within Residential Zoning Districts.

The following signs shall be allowed in all residential zoning districts:

1. Freestanding signs; see Section 5-22.;
2. Window signs; see Section 5-23.;
3. Signage during construction; see Section 5-24.; and
4. Flags; see Section 5-25.

Sec. 5-22. Residential Freestanding Signs.

A. Unless otherwise provided for herein, lots located in a residential zoning district shall be allowed no more than three (3) freestanding signs and not more than one such sign can be permanent. The sign face shall not exceed six (6) square feet in area or four (4) feet in height. Sign structures shall not exceed five (5) feet in height. Banners shall be exempt from this section. All permanent signs shall require a permit. If the sign or sign structure is attached to a Decorative Wall or fence, it shall be considered to be permanent and said Decorative Wall or fence must meet the requirements of Article V, Section 5-17. of the Fayette County Zoning Ordinance. Permanent signs shall not be internally illuminated. Temporary signs shall not be illuminated.

B. Unless otherwise provided for herein, no more than two (2) freestanding signs shall be allowed to be placed at each entrance of a residential subdivision. These signs must be placed on common property under the ownership of the Home Owners Association (HOA) and shall not be allowed to be on private property. The sign face shall not exceed 35 square feet in area or five (5) feet in height. Sign structures shall not exceed six (6) feet in height. If the sign or sign structure are attached to a Decorative Wall or fence, the Decorative Wall or fence shall not exceed four (4) feet in height. The post and/or columns of the Decorative Wall or fence shall not exceed six (6) feet in height. Such signs shall not be internally illuminated. A permit shall be required. Said permit shall not be issued until after the Final Plat has been recorded.

C. Banners shall not be more than 24 square feet in size to be displayed not more than 30 days in a calendar year. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than four (4) feet above grade when mounted on the ground. A permit shall be required.

D. Unless otherwise provided for herein, for any multi-family residential property, the number of allowable temporary freestanding signs shall not exceed six (6) signs. The sign face shall not exceed six (6) square feet in area or four (4) feet in height. Sign structures shall not exceed five (5) feet in height. Temporary signs shall not be illuminated. Multi-family developments shall also be entitled to two (2) permanent signs at the entrance to the development as regulated per the dimensional requirements in Section 5-22.,B. and these signs shall require a permit. The property owner shall be responsible for all signage posted on the property.

Sec. 5-23. Window Signs.

Not more than three (3) window signs shall be allowed in all residential districts and shall not be larger than six (6) square feet or cover more than twenty-five (25) percent of the area of each window in which a sign is placed whichever is less.

Sec. 5-24. Signage During Construction.

A. One (1) additional sign shall be allowed during construction. Said sign shall not be internally illuminated. A permit shall be required.
   1. **Duration**. Said sign shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
   2. **Size.** Said sign shall not exceed 12 square feet in area nor five (5) feet in height.

B. This sign is in addition to the number of signs allowed in Section 5-22.

Sec. 5-25. Flags.

Every parcel may display no more than one (1) flag and/or flagpole. The flagpole shall not exceed 35 feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than 50 of the vertical height of the flagpole.

Sec. 5-26. to 5-29. Reserved.

DIVISION III. NON-RESIDENTIAL DISTRICTS

Sec. 5-31. Signs Allowed within Non-residential Zoning Districts.

The following signs shall be allowed in all non-residential zoning districts:

1. Freestanding signs; see Section 5-32.;
2. Wall signs; see Section 5-33.;

A. Window signs; see Section 5-34.;
B. Banners; see Section 5-35.;
C. Signage During Construction; see Section 5-36.;
D. Out-of-Store Marketing Device; see Section 5-37.; and,
E. Flags; see Section 5-38.

Sec. 5-32. **Freestanding Signs.**

A. Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single-business shall be allowed no more than one (1) freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six (6) feet in height. Sign structures shall not exceed seven (7) feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

B. Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one (1) permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven (7) feet in height. Sign structure shall not exceed eight (8) feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

C. Signs as part of a drive-thru or drive-in facility, not legible by the traveling public, shall not exceed six (6) feet in height. Such signs may be internally or externally illuminated.

D. Temporary signage. Unless otherwise provided herein, each parcel containing a single business shall be allowed not more than two (2) temporary signs. Unless otherwise provided

herein, each parcel containing multiple businesses shall be allowed not more than four (4) temporary signs. Signs shall not exceed 12 square feet in area. Signs shall not exceed four (4) feet in height. Sign structures shall not exceed five (5) feet in height. For all lots containing multiple businesses, the property owner shall be responsible for all signage placed on the property, regardless of who erects the sign. Such signs shall not be illuminated.

E. Unless otherwise provided herein, no more than two (2) signs shall be allowed to be placed at each entrance of a non-residential subdivision. These signs must be placed on common property under the ownership of the Property Owners Association (POA) and shall not be allowed to be on private property. The sign face shall not exceed 35 square feet in area or five (5) feet in height. Sign structures shall not exceed six (6) feet in height. If the sign or sign structure is attached to a Decorate Wall or fence, the Decorate Wall or fence shall not exceed four (4) feet in height. The post and/or columns of the Decorative Wall or fence shall not exceed six (6) feet in height. A permit shall be required. Said permit shall not be issued until after the Final Plat has been recorded. Such signs may be internally or externally illuminated.

Sec. 5-33. Wall Signs.

A. Wall signs shall be placed on the principal structure only, and may be internally and externally illuminated. A permit shall be required.

1. **Number.** Each parcel containing a single business shall be allowed not more than one (1) wall sign. On parcels containing multiple businesses, each business shall be allowed a wall sign.
2. **Location.** No wall sign shall be placed on any roof or on top of any structure. In addition, no part of a wall sign shall be at an elevation higher than 25 feet above the average ground level elevation along the side of the building on which the wall sign is installed. If a building has two (2) or more stories, no signs shall be installed at a level above the bottom of the second floor windows, unless the building is a multi-tenant office or multi-tenant commercial structure wherein tenants have primary, direct access from their space to the outside. This access must include outside walkways and stairways properly designed for public use.
3. **Erection.** All wall signs shall be safely and securely attached to the building wall, subject to the approval of the Building Official.
4. **Size/calculation**. The allowable front wall sign area for each building shall not exceed two (2) square feet per linear foot of the front length of the building or portion thereof occupied. If the sign is a panel or box, the total area including background is included. If a sign consists of individual letters, each attached directly to a building or structure, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters.

B. Mural graphics shall be permitted. Such signs may not be internally illuminated. Murals are allowed in lieu of wall signage but cannot cover more area than would be allowed in Section 5-33.,4. A permit shall be required.

Sec. 5-34. Window Signs.

Any visible sign inside a building within 10 feet of a window is considered a window sign. No more than 50 percent or 35 square feet, whichever is less, of the total available advertising space (glass area) shall be used to display window signs. Such signs may not be illuminated. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside. This access must include

outside walkways and stairways properly designed for public use. In no case shall any window signs be installed above the level of the second floor windows. No permit shall be required.

Sec. 5-35. Banners.

Banners shall be allowed for a period not exceeding 14 days with not more than three (3) such 14 day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business will get a Banner.

A. Banners shall not be more than 32 square feet. A permit shall be required.

B. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

Sec. 5-36. Signage During Construction.

A. One (1) additional sign shall be allowed during construction. Said sign shall not be internally illuminated. A permit shall be required.
   1. Duration. Said sign shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
   2. Size. Said sign shall not exceed 20 square feet in area nor five (5) feet in height.

B. This sign is in addition to the number of signs allowed in Section 5-32.

Sec. 5-37. Out-of-Store Marketing Device.

One (1) sign shall be allowed on an out-of-store marketing device. Said sign shall not exceed two (2) square feet. The height of the sign shall not be more than two (2) feet above the device. Said sign shall not be illuminated except for illumination intrinsic to the device. No permit shall be required.

Sec. 5-38. Flags.

Every parcel may display no more than three (3) flags and or flagpoles. Flagpoles shall not exceed 70 feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than 50 percent of the vertical height of the flagpole**.**

Sec. 5-39. Suspended Signs.

In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. A permit shall be required. Suspended signs shall adhere to the following:

1. Does not exceed three (3) square feet in area;
2. Is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building;
3. Is suspended from the eave or soffit of the building; and,
4. Maintains a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.

ARTICLE VI. SEVERABILITY

Sec. 6-1. Severability.

Should any article, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the Board of Commissioners of Fayette County that each article, clause and provision hereof be severable.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 13th day of January, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT E. FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK