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PUBLISHED 6-8-16
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PASSED 6-30-16

AN ORDINANCE NO. 071603

AN ORDINANCE TO AMEND THE SIGN ORDINANCE AND THE ZONING ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO DELETE IN ITS ENTIRETY THE SIGN ORDINANCE, AS AMENDED, AND TO PROVIDE FOR A NEW SIGN ORDINANCE AS PROVIDED BY THIS ORDINANCE; TO AMEND ARTICLE XXXX OF THE ZONING ORDINANCE BY DELETING SAID ARTICLE IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE XXXX THAT SHALL ALSO BE A PART OF THE SIGN ORDINANCE AS PROVIDED HEREIN AND ESTABLISHING A SCENIC CORRIDOR OVERLAY ZONE; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE PURPOSE OF THIS ORDINANCE, LOCATIONS OF SIGNS, AND GENERAL PROVISIONS REGULATING SIGNS; TO ESTABLISH SIGN TYPES AND STANDARDS; TO REGULATE BILLBOARDS WITHIN THE CITY OF BALDWIN, GEORGIA; TO REGULATE SIGNS WITHIN CERTAIN ZONING DISTRICTS; TO PROHIBIT CERTAIN SIGNS INCLUDING DANGEROUS OR DEFECTIVE SIGNS; TO ESTABLISH SIGN PERMIT REQUIREMENTS; TO PROVIDE FOR NONCONFORMING SIGNS; TO EXEMPT TEMPORARY SIGNS FROM THE PERMITTING REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by O.C.G.A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact zoning ordinances and regulations as to land use as to property within the City of Baldwin, Georgia; and

WHEREAS, the City Council of the City of Baldwin, Georgia desires to update its regulations and policies regarding the erection, alteration, construction, and reconstruction of signs within the City of Baldwin, Georgia;

WHEREAS, the City Council does hereby establish and promulgate the sign regulations, included as a part of the zoning regulations insofar as governance of signs is concerned, within the City of Baldwin, Georgia, and as provided by this ordinance:

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by the above-referenced authority, as follows:

SECTION I. ADOPTION OF SIGN ORDINANCE AND AMENDMENT TO ZONING ORDINANCE.

The City Council of the City of Baldwin, Georgia does hereby adopt this Sign Ordinance and amendment to the Zoning Ordinance, and the prior sign ordinance, being a part of the Zoning Ordinance of the City of Baldwin, Georgia is hereby deleted in its entirety and this ordinance is substituted in lieu thereof, and Article XXXX of the zoning ordinance is hereby deleted in its entirety, and Section 14, as provided herein this ordinance is substituted in lieu thereof and with said ordinance and ordinance amendment reading as follows:

SIGNS

SECTION 1. Title.

This ordinance shall be known and may be referred to as the "Sign Ordinance of the City of Baldwin."

SECTION 2. Authority.

This ordinance is enacted pursuant to the general police powers of the City and other authority provided by federal, state and local laws applicable hereto.

SECTION 3. Findings, purpose and intent.

The City finds that the number, size, design characteristics, and locations of signs in the City directly affect the public health, safety, welfare and property values. The City finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, may be confusing to the public, and substantially detract from the beauty and appearance of the City and associated property values. The City finds that there is a compelling and substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the City in enacting this ordinance are as follows:

- 3.1 To protect the health, safety and general welfare of the citizens of the City through the enactment of a comprehensive set of regulations governing signs in the City.
- 3.2 To regulate the erection and placement of signs within the City in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.
- 3.3 To preserve the value of property.

- 3.4 To maintain an aesthetically attractive City by maintaining for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City.
- 3.5 To provide all property owners opportunities for the identification of businesses and residential areas that are located within the City to facilitate emergency responses and to provide for the identification of the availability of products, goods or services to promote economic vitality.
- 3.6 To establish a permit system to allow signs in compliance with this ordinance in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located.
- 3.7 To exempt certain signs subject to the substantive requirements of this ordinance, but without a requirement for permits.
- 3.8 To provide for time restrictions as to temporary signs for one time events.
- 3.9 To place reasonable controls on nonconforming signs that are contrary to the terms of this ordinance and to the public health, safety and welfare while protecting the constitutional rights of the owners of pre-existing nonconforming signs.
- 3.10 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.

SECTION 4. General Provisions.

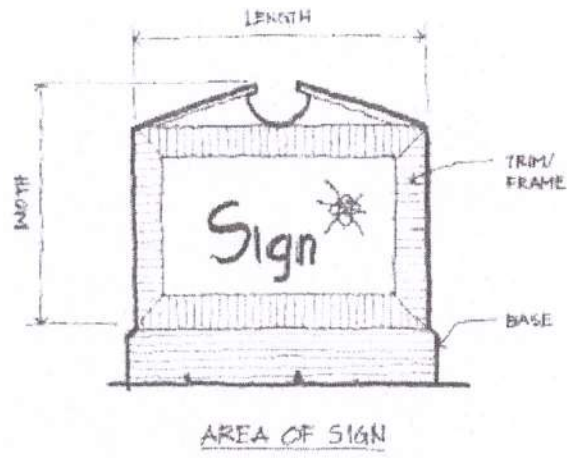
- 4.1 It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the City except in accordance with the provisions of this Ordinance.

SECTION 5. Definitions.

The following definitions shall apply to this chapter unless specifically stated otherwise. Any words or phrases not defined below shall be given their common ordinary meaning unless the context clearly indicates otherwise.

- 5.1 *Area Identification Sign.* A sign, free-standing or affixed to a wall which identifies a development, such as a shopping center, office or industrial park, or a residential subdivision or multiple-family project which provides identification and location information such as street numbers and which aids in response of emergency services.

5.2 *Area of Sign.* The area of the face of the sign within a perimeter which forms the outside shape including any decorative trim or frame which forms an integral part of the display, but excluding the base or necessary supports or uprights on which the sign may be placed.



5.3 *Banner.* A sign of lightweight fabric, plastic or similar material mounted at one (1) or more edges to a pole or other structure. Flags shall not be considered banners.

5.4 *Beacon.* Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

5.5 *Canopy (or marquee).* A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic, except gasoline canopy.

5.6 *Canopy, fuel.* A permanent roof-like shelter over fuel pumps constructed of durable material such as masonry, fabric, metal, glass and/or plastic. *Canopy Sign.* Any sign attached to or constructed in or on a canopy. For purposes of this chapter, this term includes marquee sign.

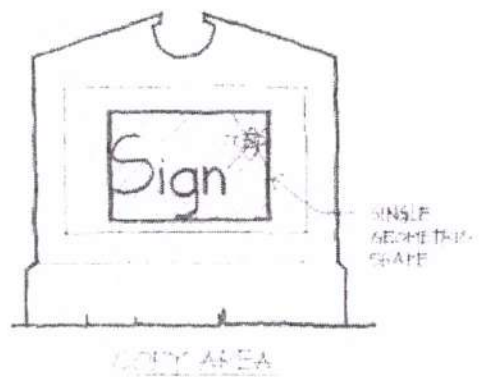
5.7 *Changeable Copy Board.* A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

5.8 *Copy.* The wording, designs and other advertising display on a sign surface.

5.9 *Copy Area.* The area in square feet of the smallest geometric figure that describes the total area enclosed by the actual copy of a sign. For wall or canopy signs, the copy area limits refer to the message, not to the illuminated background.

5.10 *Double-faced Sign.* A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

5.11 *Dilapidated or Neglected Signs.* A sign (including sign structure) will be dilapidated or neglected if



it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating features, or faded features.

- 5.12 *Facade.* The exterior front of a building or structure exposed to public view.
- 5.13 *Flags.* A sign of any fabric, plastic or similar material containing distinctive colors, patterns, or symbols.

- 5.14 *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.



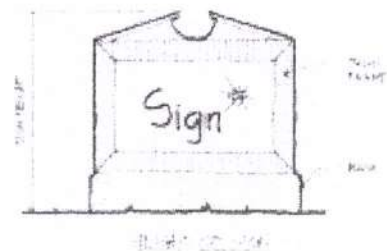
- 5.15 *Free-standing Sign.* A sign erected on a freestanding frame, mast or pole not attached to any building.

- 5.16 *Ground Level.* Street level.
- 5.17 *Ground Sign.* A free-standing sign connected, attached, secured or otherwise permanently affixed to the ground. This may include monument-style signs, pole signs, billboards, or similar signs affixed to the ground.

- 5.18 *Height of Sign.* The vertical distance measured from ground level to the highest point of a sign, including the sign structure.

- 5.19 *Illuminated Sign.* Any sign which is lighted from within (direct) or without (indirect).

- 5.20 *Individual Establishment.* A non-residential structure containing an office, business, store, shop, facility, institution, or groups thereof where the primary access point for the employees, tenants and customers is by a collective entryway instead of individual doorways to the outside. This includes buildings with multiple tenants provided the building's principal means of access is provided by common entry points.



- 5.21 *Industrial or Office Park.* An industrial or office development on one or more lots containing multiple buildings per lot around a network of private streets and drives and functioning as a single collective development. This term includes office-condominium and other like developments.

- 5.22 *Lot or Parcel.* A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law.

5.23 *Monument-Style Sign.* A sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick or stone and with a frame within which advertising panels are contained.

5.24 *Neighborhood Marketing Sign.* Temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold within the neighborhood.

5.25 *Nonconforming Sign.* A sign erected or otherwise in use prior to the effective date of this chapter which fails in one (1) or more respects to comply with all provisions of this chapter.

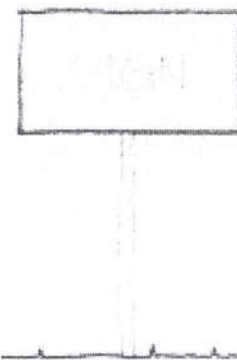


5.26 *Owner.* The sign owner and owner's agents and assignees.

5.27 *Outdoor Advertising Sign/Billboard*" shall mean those signs that advertise a building, profession, product, service, activity, entertainment or other advertisement including non-commercial messages. The term shall also include the term, "billboards" in accordance with said term's common dictionary definition, and include all permanent, freestanding signs typically of a standard, uniform, nationally recognized size having a copy area exceeding two hundred sixty (260) square feet. Outdoor advertising sign/billboard is only allowed on lots which are visible from or abut a Limited Access or Primary Highway System State Route except for certain scenic corridors.

5.28 *Planned Multi-Tenant Office, Institutional, Industrial or Shopping Center.* A planned concentration of multiple business establishments with shared parking and direct external entry points (doorways) for its employees, customers and tenants in lieu of collective entrances. Retail shopping centers are included in this definition.

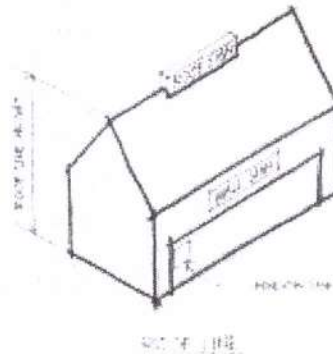
5.29 *Pole Sign.* A sign that is mounted on a freestanding pole, pylon or other support so that the bottom edge of the sign face is three feet or more above grade and is independent of any other structure.



5.30 *Portable Sign.* A sign that is designed to be transported, including but not limited to a sign mounted or painted on a vehicle which is parked in such a manner as to serve the purpose of an advertising device, and including a sign designed to be transported by trailer or its own wheels, even though such wheels may be removed and the remaining chassis is attached to the ground. Delivery or service vehicles that park onsite but spend at least 75% of a typical business day offsite shall not be considered a portable sign.

5.31 *Prohibited Sign.* Any sign, other than a nonconforming sign, which does not comply with this chapter or is specifically restricted herein.

- 5.32 *Public Notice.* Any sign or notice posted by the City, county, or other governmental entity on a temporary basis including but not limited to rezoning notices, condemnation notices, etc.
- 5.33 *Public Interest Signs.* Sign in the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.
- 5.34 *Road Frontage.* The distance of which a parcel of land adjoins a right-of-way dedicated or owned by a local, state or federal government, including prescriptive easements for public access.
- 5.35 *Real Estate for Sale, Lease or Rent.* For the purposes of this Ordinance, real estate is for sale, lease or rent when the real estate is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.
- 5.36 *Residential Identification Sign.* A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of a subdivision, or on a parcel containing buildings within a planned residential development and to facilitate emergency response.
- 5.37 *Roof Line.* The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.
- 5.38 *Roof Sign.* Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.
- 5.39 *Rotating Sign.* Any sign or portion of a sign that moves in a revolving or similar manner.
- 5.40 *Subdivision.* The total boundary of a tract of land that has been legally platted into five or more lots.
- 5.41 *Subdivision Identification Sign.* A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of the subdivision and to facilitate emergency response.
- 5.42 *Sidewalk or Sandwich Board Sign.* A movable sign not secured or attached to the ground or surface upon which it is located and is temporary in nature.
- 5.43 *Sign.* Any identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.



- 5.44 *Sign Structure.* Any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.
- 5.45 *Substandard Lot or Parcel.* A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of the City of Baldwin Zoning Ordinance.
- 5.46 *Temporary Advertising Device.* Banners, streamers, pennants, balloons, and similar advertising devices used on a temporary basis including during special one time events on private property.
- 5.47 *Under-canopy Sign.* A sign suspended below the ceiling or roof of a canopy or marquee. For the purposes of this chapter, this term includes under-marquee sign.
- 5.48 *Variable Message Board.* A programmable sign that provides changing information more often than once each one (1) hour period.
- 5.49 *Wall Sign.* A sign attached, erected or painted against a wall of a building, with the face parallel to the building wall and extending out not more than one (1) foot.
- 5.50 *Window Sign.* A sign installed inside a window for purposes of viewing from the outside of a building. This term does not include merchandise located in window.
- 5.51 *Zoning Administrator.* The City of Baldwin agent appointed by City Council and responsible for the administration of the Zoning Ordinance and/or other planning, development and building codes and ordinances. In the discretion of the City Council, the Mayor, City Manager or other employee or agent may be designated as the Zoning Administrator or perform the sign duties of the Zoning Administrator.

SECTION 6. Permit Requirements.

Except as specifically exempted from the provisions of this chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign without a permit. A change in the copy only of a sign or advertising device shall not constitute a substantial change.

- 6.1 *Permit applications.* Applications for sign permits shall be filed by the sign owner or its agent to the City upon forms furnished by the City. Said application shall describe and set forth the following:
 - a. The street address of the property upon which the subject sign is to be located and the proposed location of the subject sign on the property. In the absence of a street address, a method of location of the sign shall be provided by the owner;
 - b. The aggregate area and square foot copy area per sign for all signs;

- c. The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located;
 - d. The written consent of the owner, or its agent granting permission for the placement and maintenance of the sign;
 - e. A sketch or print drawn to scale showing pertinent information such as dimensions, materials and location on the building or property;
 - f. The name, address, telephone number and business license number of the sign contractor;
 - g. The type of sign to be erected, the area and copy area, height shape and overall size of the sign; and
 - h. The size of the parcel on which the sign is to be placed.
 - i. The zoning district designation of the parcel where the sign is to be erected.
 - j. Other technical information needed as may be determined by the Zoning Administrator in performance of his or her duties regarding the sign construction.
- 6.2 *Permit fees.* No permit shall be issued until the appropriate and complete application has been filed with the Zoning Administrator, all relevant deposits and fees have been paid, and the application has been approved by the Zoning Administrator. Fees and any required deposits shall be established from time to time by resolution of the City Council. The current fee for a permanent sign is initially set at \$300.00. If required at time of application, no application shall be deemed to be accepted by the Zoning Administrator unless and until all fees and deposits are paid and all information required by this ordinance is provided by the applicant.
- 6.3 *Review Period.* A sign permit shall be issued or denied by the Zoning Administrator within ninety (90) days of the filing of a complete and conforming permit application, payment of the appropriate deposit and fee(s), and compliance with all requirements under this ordinance. If the City fails to act within the ninety (90) day period, the permit shall be deemed to have been granted. In the event a permit application is denied, the Zoning Administrator shall provide the applicant a written denial, including the reason(s) for denial. The applicant may appeal a denial to the City Council of the City of Baldwin, Georgia, by filing a notice of appeal with the Zoning Administrator with ten (10) days of written notice of the permit denial. The notice shall state the reasons for the appeal. The City Council shall take final action on the appeal within sixty (60) days of the notice. The City Council shall issue a written confirmation of its decision, including the reason(s) therefore, to the applicant. Appeal from the decision of the City Council is by Writ of Certiorari to the Superior Court in accordance with O.C.G.A. § 5-4-1, et seq. and must be within 30 days of the date of the City Council's decision.

- 6.4 *Permit time limitation.* A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within six (6) months after the date of issuance.

SECTION 7. Remedies.

- 7.1 The provisions of this Ordinance shall be administered and enforced by the City Council through the Zoning Administrator or other duly designated agent of the City. The Zoning Administrator, Mayor, or other duly designated agent, may issue a citation for violation of this Ordinance by any person, including, if applicable, the owner, manager or tenant of the lot on which the sign is located; for a sign erected, altered, maintained, converted or used in violation any applicable ordinance, including, but not limited to, this ordinance, zoning, building or electrical regulations or codes.
- 7.2 Any person violating this ordinance shall be guilty of an offense, and upon conviction by a court of competent jurisdiction, shall be subject to the maximum penalties allowed by the City Charter, and including the discontinuation of water and sewer services, or both, until such time as the violator comes into compliance with this Ordinance.
- 7.3 The City may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this or other City ordinances.
- 7.4 The City Council may order any sign or structure illegally placed upon a public right-of-way to be removed and disposed of. Such removal and disposal of illegally placed signs shall not preclude the prosecution of a person for illegally placing such signs in the public right-of-way.

SECTION 8. Severability.

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Section, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The City Council declares that it would have enacted the remaining parts of the Section if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

SECTION 9. General provisions.

Unless otherwise specifically stated herein, all signs and sign structures shall comply with minimum setback and height restrictions for structures as set forth in the City of Baldwin Zoning Ordinance. Except as otherwise provided in this Ordinance, the following general stipulations shall apply:

- 9.1 Maintenance and appearance of signs. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an un-maintained ground area, may be required to be repaired or removed as set forth below.

The Mayor, Zoning Administrator, or other duly designated agent of the City, upon finding any of the above conditions, will give the owner a minimum of ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Zoning Administrator, Mayor, or other duly designated agent may issue a citation under the enforcement provisions of this Ordinance.

- 9.2 Illumination of signs. The light from any illuminated sign shall not be of an intensity or brightness that interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent or nearby properties. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color. No colored lights shall be used at any location or in any manner to be confused with or construed as traffic control devices or emergency or police vehicle lights. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles. This Section shall not apply to LED signs which shall be governed by the LED provision provided herein.

- 9.3 Temporary Signs. For public safety purposes, to prevent litter and blight, and to avoid depreciating effects on private property, the City of Baldwin recognizes the need for the occasional use of signage for temporary purposes, whereby the signage is not permanent, but has a limited life related to the timing of a special event, cause, or purpose. This temporary signage is authorized without a permit and permit fee with the expectation that the purposes of this signage will be accomplished in a specific time period, then timely removed from the City of Baldwin, thus enhancing the purposes stated above.

In all cases in all zone districts, such temporary signage shall be placed only on private property with the permission of the property owner. The maximum size of temporary freestanding signage shall be 32 square feet; the setback shall be ten (10) feet from the right-of-way; and the maximum height shall be eight (8) feet. Temporary signs may also include animated signs, pendants and streamers and balloons.

- 1) Special Event Signs. Temporary special event signs are allowed to be erected in the City of Baldwin whereby the public will be informed about an upcoming event or directed to the location of a temporary event. Temporary signs for special events may be posted up to ninety (90) days prior to the special event. Removal of the signage is expected within seven (7) days after the event. Such special event signs, for the same event, are only allowed one (1) time per calendar year.

- 2) Other Temporary signs. Other temporary signs may be erected for any purpose (i.e. business, residence, religion, cause, belief, opinion, or purpose) in the City of Baldwin. Said temporary sign may be erected for a period of ninety (90) days. Such signs must be removed within seven (7) days after the expiration of the ninety (90) day period. Such signs may only be erected one (1) time per calendar year. Political signs may be erected in accordance with Georgia statutory law.

SECTION 10. Nonconforming signs.

It is the policy of the City to encourage compliance of all signs within the City with the terms and requirements of this Ordinance.

- 10.1 The City finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the City and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
- 10.2 Any legally permitted and constructed sign shall be allowed to continue as a legal non-conforming use under this Ordinance except that it shall not be:
 - a. 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
 - b. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction, except in conformity with this Ordinance.
- 10.3 The owner(s) or other permittee of each nonconforming sign located within the City shall register said nonconforming sign with the Zoning Administrator no later than ninety (90) days after the effective date of this Ordinance. Failure to register such sign will place upon the owner or other permittee and the lessee the entire burden of proof that such use lawfully existed on the effective date of this Ordinance.

SECTION 11. Exempt Signs.

- 11.1 Public Interest Signs. Signs in the public interest, erected by, or on the order of the City Council or a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques and located within the right of way or public property of the City or as allowed by appropriate authority on private property (zoning notices; condemnation notices; etc.), and the like are exempt from the requirements of this ordinance.
- 11.2 The following types of signs must comply with the provisions of this Ordinance, however they are exempt from the permit requirements of this

Ordinance. These signs are in addition to allowed permitted signs and may be provided without formal permit approval.

- a. Non-illuminated free-standing or wall signs having an aggregate sign area per lot of ten (10) square feet, provided that no sign shall exceed three (3) feet in height (except when used as a wall sign), have an area greater than two and one-half (2.5) square feet or be set back less than three (3) feet from the public right-of-way.
- b. Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- c. Flags provided that the height of a flag pole shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or sixty (60) feet whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flag pole. Each lot shall be allowed a maximum of one (1) flag pole except when additional flag poles are allowed by an approved variance request.
- d. Signs six (6) square feet or less in size in residential areas and thirty two (32) square feet or less in commercial or industrial areas, when located on a lot or building that is for a temporary one-time event of sale, lease, rent or being constructed and are limited to one (1) sign per street frontage. Such signs shall be removed within thirty (30) days after the subject lot or building is leased, sold, or construction is completed.
- e. Non-governmental traffic control signs less than three (3) square feet in area and three (3) square feet in height located in or adjacent to parking areas and driveways.
- f. Window signs that do not exceed twenty-five (25) percent of the available window space.
- g. Any sign not visible from public thoroughfares or any sign within a business, office, mall, or totally enclosed area except window signs.

SECTION 12. Prohibited Signs.

Except as otherwise provided, the following types of signs or advertising devices are prohibited in the City:

- 12.1 Roof signs.
- 12.2 Rotating signs except not including fixed changeable copy signs allowed by this ordinance.
- 12.3 Except as provided herein, due to the propensity to distract operators of motor vehicles, animated changing signs, being signs that use movement or change of lighting to depict action or create a special effect or scene, including but not limited to a sign that is capable of changing the visible display of words, numbers, symbols, graphics and/or position or format of word messages or other displays when such changes are actuated by any

type of remote control or automatic mechanism rather than manually. Animated changing signs shall include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electric lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, backlighting, or any other light source that is electronically charged. An animated changing sign shall also include but not be limited to a large screen video display sign, signs composed of monochromatic light emitting diodes, electronic message centers, and sometimes referenced to as LED or EMC signs. Any animated changing sign that includes both mechanical and electronic elements shall be regulated as an animated changing sign. An animated changing sign shall be allowed if it complies with the provisions of subsections 13.3.f. and 13.3.g. of this ordinance.

- 12.4 Signs which are painted on or attached to any courtesy bench, trash can, or similar object on which advertising is displayed.
- 12.5 Search lights or beacons.
- 12.6 Window signs that exceed twenty-five (25) percent of the window area.
- 12.7 A-frame signs, sandwich boards, sidewalk or curb signs except when placed within ten (10) feet of the front door of the tenant's business and which do not totally obstruct the sidewalk.
- 12.8 Signs occupying a parking space required under the minimum parking requirements of this chapter, other than signs designating the space as reserved for handicapped or other use.
- 12.9 Signs which by reason of their size, location and manner of illumination cast light directly on streets and roads so as to adversely affect traffic movement and safety.
- 12.10 Signs which emit audible sound, odor or visible matter.
- 12.11 Portable signs.
- 12.12 Pylon or pole signs between 6 square feet and 192 square feet in sign or copy area, except signs which are in a non-residential area within a PRD zoned development and the NC, HB, I-1 and I-2 zoning districts as to property which adjoins the right-of-way of Georgia State Highway 365 (a/k/a Georgia State Highway 13).
- 12.13 Dilapidated or neglected signs.
- 12.14 Any sign exceeding two hundred sixty (260) square feet in copy area, except for outdoor advertising signs/billboards, where permitted, which may have a copy area of up to 300 square feet, permitted in non-residential areas within a PRD zoned development and the NC, HB, I-1 and I-2 zoning districts on property which adjoins the right-of-way of Georgia State Highway 365 (a/k/a Georgia State Highway 13) and which may have a total copy area (including one or more signs) facing in one direction (and the total copy area would be allowed for each direction for a two-sided sign) of up to 300 square feet.

- 12.15 Any ground sign in excess of twenty (20) feet in height except outdoor advertising signs/billboards, where permitted by this ordinance, in non-residential areas within a PRD zoned development and the NC, HB, I-1 and I-2 zoning districts on property which adjoins the right-of-way of Georgia State Highway 365 (a/k/a Georgia State Highway 13) and which can be a maximum of sixty (60) feet in height.
- 12.16 Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles; signs using words, slogans, dimensional shape or size, or colors of governmental traffic signs in such a manner as to be confused with official traffic signs.
- 12.17 Beacons, flashing, blinking, or fluctuating signs; other than permitted by this ordinance.
- 12.18 Signs painted on or attached to trees, rocks or other natural objects within the public right-of-way, or affixed to utility poles or utility boxes within the right-of-way.
- 12.19 Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.
- 12.20 Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
- 12.21 Signs displaying any statement, word, character or illustration of an obscene nature, as defined by O.C.G.A. § 16-12-80.

SECTION 13. Sign Standards.

References herein to zoning districts refer to districts established pursuant to the City of Baldwin Zoning Ordinance. This section does not create zones or districts. Unless otherwise provided in this section, any sign not specifically permitted in a zoning district as provided in this chapter shall be prohibited in that zoning district.

- 13.1 Single-Family Residential Areas. Within the R-1, R-2, Single Family tracts of a PDD development and MHD districts, the following types of signs shall be permitted as follows:
 - a. Each lot located in a single-family residential area is permitted an aggregate sign area of no greater than ten (10) square feet as outlined in the Exempt Signs Section of this Ordinance and subject to exemptions and allowances contained elsewhere. No single sign shall exceed three (3) feet in height (except when used as a wall sign), two and one-half (2.5) square feet in area, and set back less than three (3) feet from the edge of the right-of-way.
 - b. Subdivision Identification Signs. A maximum of two (2) permanent subdivision or residential entrance signs per entrance into any residential

real estate development is permitted in order to facilitate emergency responders. Such signs shall not be included in the calculation of aggregate sign area for any lot.

1. Maximum Height: 0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 8 feet high.
 2. Setback from Right of Way: See above.
 3. Maximum Size per Sign Allowed: 32 square feet of Copy Area.
 4. Number and Type Permitted: One per lot.
 5. Two total signs per entrance.
- c. Temporary Real Estate Signs in excess of 6 square feet as to the (one-time) event of sale of property. Sign(s) located on tract of land that is for sale or lease and is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.
1. Maximum Height: 8 feet.
 2. Minimum Setback from Right of Way: 5 feet.
 3. Maximum Size per Sign Allowed: 32 square feet of Sign/Copy Area.
 4. Number and Type Permitted: One sign per road frontage.
 5. The sign is to be removed within 30 days after the closing of the sale.
- d. Temporary Neighborhood Marketing Sign as to the (one-time) event of sale of property. Temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold.
1. Maximum Height: 0-5 foot setback maximum 4 feet
 2. high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 8 feet high.
 3. Maximum Size per Sign Allowed: 32 square feet of Sign/Copy Area.
 4. Number and Type Permitted: One sign per entrance.
 5. The sign is to be removed with 30 days after the closing date of the sale.
- e. Large Building Sign. Each lot that contains a single building greater than 5,000 (five thousand) gross square feet is permitted one permanent ground sign per public road frontage.
1. Maximum Height: 0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 8 feet high.

2. Maximum Size per Sign Allowed: 32 square feet of Copy Area; 64 square feet of Sign Area.
3. Number and Type Permitted: One sign per road frontage.

13.2 Multi-Family Residential Areas. Within the R-3 and multi-family designated areas within PDD zoned tracts the following types of signs shall be permitted as follows:

- a. In apartment, condominium or townhouse developments, the permitted aggregate sign area is no greater than four (4) square feet per unit. No single sign shall exceed three (3) feet in height (except when used as a wall sign), two and one-half (2.5) square feet in area, and set back less than ten (10) feet from the edge of the right-of-way.
- b. Residential Identification Signs. In order to facilitate the response of emergency responders, a maximum of two (2) permanent entrance signs per entrance into a residential development is permitted. Such signs shall not be included in the calculation of aggregate sign area for any lot.
 1. Maximum Height: 0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 8 feet high.
 2. Setback from Right of Way: See above.
 3. Maximum Size per Sign Allowed: 32 square feet of Copy Area.
 4. Number and Type Permitted: Two signs per entrance.
- c. Temporary real estate signs in excess of 6 square feet as to the (one-time) event of the sale of property. Signs located on tract of land that is for sale or lease and is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.
 1. Maximum Height: 8 feet.
 2. Minimum Setback from Right of Way: 5 feet.
 3. Maximum Size per Sign Allowed: 32 square feet of Sign/Copy Area.
 4. Number and Type Permitted: One sign per road frontage.
 5. The sign to be removed within 30 days after the closing date of the sale.
- d. Temporary Construction signs exceeding 32 square feet as to the (one-time) event of construction on the property. One sign exceeding 32 square feet per project shall be permitted. Such signs shall be erected no more than fifteen (15) days prior to the beginning of construction for which a valid permit has been issued and shall be removed within thirty (30) days following the opening of the project.
 1. Maximum Height: 8 feet.
 2. Minimum Setback: 5 feet from right-of-way.

3. Maximum Size per Sign Allowed: 48 square feet.
4. Number and Type Permitted: One per lot.

13.3 Non-Residential Signs. The following signs are permitted in non-residential areas within a PDD zoned development, and the NC, HB and I-1 and I-2 Zoning Districts as follows:

a. General Signs.

1. Temporary real estate signs exceeding 6 square feet as to (one-time) event of sale of property. Signs located on tract of land that is for sale or lease and is being openly and actively marketed by the owner or a duly licensed real estate agent or broker. These signs are allowed in all non-residential zoning districts subject to the following standards:
 - a) Maximum Height: 8 feet.
 - b) Minimum Setback: 10 feet from right-of-way.
 - c) Maximum Size per Sign Allowed: 32 square feet.
 - d) Number and Type Permitted: One sign per road frontage.
 - e) The sign is to be removed within 30 days after the closing date of the sale.
2. Temporary construction signs exceeding 32 square feet as to the (one time) event of construction on the property. One sign exceeding 32 square feet per project shall be permitted. Such signs shall be erected no more than fifteen (15) days prior to the beginning of construction for which a valid permit has been issued and shall be removed within thirty (30) days following the opening of the development or business. These signs are allowed in all nonresidential zoning districts subject to the following standards:
 - a) Maximum Height: 8 feet.
 - b) Minimum Setback: 10 feet from right-of-way.
 - c) Maximum Size per Sign Allowed: 48 square feet.
 - d) Number and Type Permitted: One per lot.
3. Subdivision identification signs. In order to facilitate the response of emergency respondents, a maximum of two (2) permanent subdivision or residential entrance signs per entrance into a platted commercial or industrial subdivision development is allowed. Such signs shall not be included in the calculation of aggregate sign area for any lot.
 - a) Maximum Height: 0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 8 feet high.

- b) Setback from Right of Way: See above.
 - c) Maximum Size per Sign Allowed: 32 square feet of sign/copy Area;
 - d) Number and Type Permitted: One per lot;
 - e) Two total signs per entrance.
4. Window signs. These signs are allowed in all non-residential zoning districts subject to the following standards:
- The total copy area of such signs, however, shall not exceed a maximum of twenty-five (25) percent of the total window area.
- Neon window signs are permitted for each tenant provided that such sign does not exceed a maximum of fifteen (15) percent of the total window area. Any such neon window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of a character to obscure vision into the premises from the outside.
5. Outdoor Advertising Signs/Billboards. Outdoor advertising signs/billboards visible or abutting from a State Route that is part of the Primary Highway System, except as provided herein, shall be permitted but must meet the following requirements:
- a) *Location*. Outdoor advertising signs/billboards must be located on or visible from a Limited Access State Route and/or a Primary Highway System State Route. Outdoor advertising signs/billboards are not allowed within the US 441 Scenic Corridor Overlay District (SCOD), as presented in Section 14 of the *City of Baldwin Sign Ordinance*.
 - b) *Zoning*. Parcels of land proposed to contain an outdoor advertising signs/billboards must be zoned HB, I-1 or I-2. The parcel must meet all other minimum area, width and frontage requirements of lots in the HB, I-1 or I-2 districts with the exception that the parcel must be two (2) acres or more in extent.
 - c) *Proximity to commercial or industrial activities*. Outdoor advertising signs/billboards shall be located within six hundred (600) feet of an ongoing commercial or industrial establishment which must be located on the same side of the roadway that the sign is to be located.
 - d) *Size*. The outside measurements of all such signs shall not exceed twelve (12) feet in height and twenty-five (25) feet in length, with or without trim, or ten (10') feet in height and thirty (30') in length, with or without trim.

- e) *Illumination.* All illuminated signs shall use base mounted lights and shall be activated by photo-electric cells.
 - f) *Height above Road Grade.* All signs shall be a minimum of ten (10) feet above adjacent pavement measuring from the lowest portion of the sign face. Signs shall not exceed fifty (50) feet in height. Two signs in the same location (back to back) or "V" formation shall be the same height above the road's service.
 - g) *Extrusions prohibited.* Extrusions beyond the face of the sign, excluding aprons, are prohibited.
 - h) *Number of signs per location.* Only one sign shall be allowed to face the same direction per location. This allows back to back or "V" formation signs but prohibits two signs (side by side) or stacked facing the same direction.
 - i) *Spacing.* Site locations shall be no less than two thousand feet apart measuring from the two closest points, on the same side of the roadway that the sign is to be located.
 - j) *Proximity to rights-of-way.* Sign structures shall be no closer than ten (10) feet from any property or rights-of-way line.
 - k) *Marsh or other specific area locations prohibited.* No sign shall be placed that obstructs the view of a marshland or an area of designated historic interest or a designated scenic corridor.
 - l) *Conformance with State Requirements.* All outdoor advertising signs/billboards abutting or visible from a Limited Access Highway or a Primary Highway System right-of-way shall conform to O.C.G.A. §32-6-70, et. seq. (The Georgia Outdoor Advertising Code) and shall meet all federal and state requirements to obtain a permit under said code. In instances where the sign controls of this Ordinance are more strict, these regulations shall apply.
6. Temporary Advertising Device. See General Provisions.
7. Exempt Signs. See Exempt Signs.
- b. Individual establishment on an individual lot.
- 1. Free Standing Signs. Each lot containing a building is allowed free standing signs as follows:
 - a) Number and Type Permitted: One (1) sign per road frontage.
 - b) Setback from Right-of-Way: See below.

c) Size Standards:

Gross Building Space (s.f.)	Maximum Sign Size (s.f.)
0-10,000	40' Copy Area; 64' Sign Area
10,001-50,000	48' Copy Area; 80' Sign Area
50,001-100,000	64' Copy Area; 104' Sign Area
100,000+	96' Copy Area; 144' Sign Area

d) Height and Setback Standards

Sign Area	Setback from Right-of-Way
Up to 64 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 foot setback – 8 feet high
Over 64 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 foot setback – 10 feet high

2. Canopy and Wall Signs.

- a) Maximum Height: Not greater than height of wall.
- b) Maximum Size of Wall Sign: Maximum of 5% of wall area where sign is affixed, not to exceed 200 square feet of sign/copy area.
- c) Number and Type Permitted: One (1) wall sign per wall elevation; Maximum of 4 elevations per building.
- d)

c. Planned Multi-Tenant Office, Institutional, Industrial or Shopping Center.

Each lot containing such a building is allowed signs as follows:

1. Free Standing Signs.

- a) Number and Type Permitted: One (1) sign per road frontage.
- b) Setback from Right-of-Way: See below.

c) Size Standards:

Gross Building Space (s.f.)	Maximum Sign Size (s.f.)
0-10,000	40' Copy Area; 64' Sign Area
10,001-50,000	80' Copy Area; 104' Sign Area
50,001-100,000	104' Copy Area; 144' Sign Area
100,000+	112' Copy Area; 192' Sign Area

d) Height and Setback Standards

Sign Area	Setback from Right-of-Way
Up to 104 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 8 feet high; 20-foot and greater setback – 10 feet high
104 – 144 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 10 feet high; 20-foot and greater setback – 12 feet high.
Over 144 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 12 feet high; 20-foot and greater setback – 16 feet high.

2. Canopy and Wall Signs. Signs for individual tenants within planned commercial, industrial, office and shopping centers (retail shopping center tenant signs).

- a) Maximum Height: Not greater than height of wall.
- b) Maximum Size per Sign Allowed: Maximum of 5% of wall area per business; Measured by using the leasable exterior wall area per business. Maximum of 200 s.f. per sign.
- c) Number and Type Permitted: One (1) sign per wall per business.

3. Under-Canopy Signs. Under-canopy signs are permitted for each tenant within a planned center.
 - a) Number and Type Permitted: One (1) sign per tenant.
 - b) Maximum Size: Not exceed two (2) square feet in sign/copy area.
 - c) Height and Location: Shall be located high enough to assure clearance for pedestrians, but with a bottom edge no lower than 7 feet.
- d. Industrial or Office Park.
 1. Primary Entrance Signs. A maximum of two (2) permanent freestanding entrance signs at the entrance of an industrial or office park is permitted as follows:
 - a) Maximum Height: 0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 12 feet high.
 - b) Setback from Right-of-Way: See above.
 - c) Maximum Size per Sign Allowed: 72 square feet of sign/copy area.
 - d) Number and Type Permitted: Two total signs per entrance.
 2. Secondary free-standing building signs. One (1) secondary freestanding sign shall be permitted for each building in an industrial/office park subject to the following standards:
 - a) Maximum Height: 3 feet.
 - b) Setback from publicly dedicated Right-of-Way: 20 feet.
 - c) Setback from internal private streets: 0 feet
 - d) Maximum Size per Sign Allowed: 10 square feet of sign/copy area.
 - e) Number and Type Permitted: One per building;
 3. Secondary Door, Canopy or Wall Signs. One (1) secondary door, canopy or wall sign shall be permitted for each tenant with an external doorway subject to the following standards:
 - a) Maximum Height: Not greater than height of wall.
 - b) Maximum Size per Sign Allowed: Maximum of 5% of wall area or 9 square feet, whichever is less, per business; Measured by using the leasable exterior wall area per business.
 - c) Number and Type Permitted: One (1) sign per wall per business.

- e. Convenience Store/Fuel Canopy Signs. For convenience stores with fuel sales the following applies:
1. Free Standing Signs. Each lot containing a building is allowed free standing signs as follows:
 - a) Maximum Height: 0 to 5 foot setback – 6 feet high; More than 5 feet – 8 feet high.
 - b) Setback from Right-of-Way: See above.
 - c) Number and Type Permitted: One (1) sign per road frontage.
 - d) Size Standards: Maximum 48' Copy Area; 64' Sign Area.
 2. Canopy and Wall Signs (except fuel canopy).
 - a) Maximum Height: Not greater than height of wall.
 - b) Maximum Size of Wall Sign: Maximum of 5% of wall area where sign is affixed, not to exceed 200 square feet of sign/copy area.
 - c) Number and Type Permitted: One (1) wall sign per wall elevation; Maximum of 4 elevations per building.
 3. Fuel Canopy Signs. One sign per canopy per public road frontage is allowed with a maximum of 16 square feet of copy area.
 4. Spreader bars (signs located under canopy over pump islands). No more than two signs per spreader bar, not to exceed four square feet per sign.
 5. Accessory car wash. One additional wall sign located per face of the car wash is allowed provided each sign does not exceed eight (8) square feet in sign or copy area.
- f. Signs as to property that adjoins the right-of-way of Georgia Highway 365 (a/k/a Georgia State Highway 13).
1. The comprehensive plan for the City of Baldwin, Georgia and other planning documents contemplate the current and future land uses of property that adjoins the right-of-way of Georgia State Highway 365 (a/k/a Georgia State Highway 13) shall be used for commercial, industrial, and some high density residential purposes. The posted speed limit for said highway is 65 mph which results in vehicular traffic approaching the property that adjoins said highway at a high rate of speed and therefore limits the ability of the operators of vehicles upon said highway from recognizing the location of on-site businesses that adjoin said highway. In order to give vehicular operators sufficient reaction time to slow and exit said highway in a safe manner, the City Council finds that it is

- appropriate to increase the sign height and sign area for signs as to property that adjoins the right-of-way of said highway.
2. This subsection shall only apply to Signs that are permitted in non-residential areas within a PRD zoned development and the NC, HB, I-1 and I-2 zoning districts as to property that adjoins the right-of-way of State Highway 365 (a/k/a State Highway 13).
 3. A commercial business, industry, or high density residential development within a PRD zoned development may have a sign on property zoned as provided by Subsection 2 herein, and is upon property that adjoins the right-of-way of State Highway 365 (a/k/a State Highway 13) and may have two-sided signs that have a maximum height of 60 feet and a total sign area for the sign or signs of 260 square feet per side. There may be more than one sign so long as to the total sign area per side does not exceed 260 square feet.
 4. The signs that meet the foregoing Subsections 1, 2, and 3 may also be pylon or pole signs and may include a variable message board sign that is two-sided. The variable message board sign, as well as all other lighting for said sign, shall not simulate the lights of any emergency vehicle. Only one pole sign shall be allowed per the road frontage for the property.
 5. Such signs shall be set back from the right-of-way of State Highway 365 (a/k/a State Highway 13) a minimum of five feet.
- g. Animated changing signs as to non-residential property that adjoins the right-of-way of Georgia Highway 365 (a/k/a Georgia State Highway 13), and meeting the following requirements.
- A. Animated changing signs must meet the requirements of subsection 13.3.f.
 - B. Additional regulations for animated changing signs are as follows:
 1. Each message displayed on any changing sign display shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.

2. When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.

3. When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two seconds or less. The transition period shall be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.

4. No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two fully illuminated static messages displays in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.

5. No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.

6. No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Such display or effect shall be considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

7. An electronically changed sign which uses the scrolling of letters, numbers or symbols onto the sign face to form words or messages shall be allowed to appear on the sign face from only one direction for each static display. Message transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two seconds and shall remain static for at least ten seconds following the completion of the transition from the previous message.

8. All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The failure of an electronically changed sign to appropriately adjust display brightness as ambient light levels change shall be considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

9. No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Any such condition resulting from a malfunction shall be considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

10. Except as to a variable message board sign, no other general advertising sign employing changing sign technology which is permitted by state law to be located on or adjacent to the interstate highway system or a general advertising sign with a changing message sign face that is visible from an interstate highway shall be located within 5,000 feet of another general advertising sign employing changing sign technology that is permitted adjacent to an interstate highway and on the same side of said interstate highway or any other general advertising sign with a changing message sign face that is visible to traffic traveling in the same direction of said interstate highway. The distances shall be measured in a straight line from the nearest edges of the signs. Any application to employ changing sign technology on a general advertising sign which has been submitted to the City Council prior to the passage of this ordinance and which remains legally eligible for consideration after the passage of this ordinance shall not be subject to this distance requirement.

11. A business identification sign which is not permitted to be a changing sign and employing any changing technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a new sign permit.

12. A freestanding sign which is not permitted to be a changing sign and employing any changing sign technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a new sign permit.

13. Any building which is allowed to have a building signature sign employing any changing sign technology may not change the sign more frequently than once every 24 hours and all building signature signs on all sides of the building shall display an identical message which meets the definition of a building signature sign. Any change of copy shall require a new sign permit.

14. Shopping center signs may employ changing sign technology in those districts where changing signs are allowed. The portion of the sign face which is capable of employing changing sign technology shall be limited to 50 percent or less of the total area of the sign face.

15. Permit applications for electronically changed signs must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with this part and that the owner or operator shall provide proof of such conformance upon request of the City Council or the City Council's designated agent. Whether the sign is programmed from the site or from a remote location, the computer interface or other method that programs or controls the changing of the sign shall be available for inspection upon request of the City Council or the Council's designated agent so that the City Council can determine the messages being displayed. If the information from the computer interface or other control method is not immediately available, the sign shall cease operation until such access can be provided.

16. Any general advertising sign which applies to employ changing sign technology shall be required to include as a part of its application, a statement which shall indicate whether the applicant is willing to allow law enforcement agencies to utilize its display capabilities to disseminate emergency messages. The decision not to allow emergency messages shall not be a reason for denial of the sign application.

17. Any changing sign currently in existence shall comply with the regulations of this ordinance. If a changing sign currently in existence cannot meet these requirements due to the limitations of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the City Council, that the requirements of this part cannot be met.

18. Animated changing signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message except during the transitional period.

19. Every line of copy and graphics in a digital display must be at least 15 inches in height. If there is insufficient room for copy and graphics of this size in the maximum allowable sign area, then no digital display is allowed. Variances can be allowed regarding this requirement.

20. Digital signs may not operate at brightness levels of more than 0.20 footcandles above ambient light levels as measured at the following distances:

Sign (sq. feet)	Distance (feet)
<300	150
301-400	200
401-672	250

21. The owner of said digital general advertising sign or on-premise sign shall arrange for an annual certification of the brightness showing compliance by an independent contractor and provide said certification to the City of Baldwin.

22. Each sign must have a light-sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

23. The owner of said digital advertising sign shall provide to the City of Baldwin information for a 24-hour contact able to turn off the electronic sign promptly after a malfunction occurs. If, at any time, more than 50% of the digital display lights malfunction or are no longer working, the owner of said

digital general advertising sign or on-premises sign shall make repairs to the sign within 60 days or the sign will require removal.

24. If the Mayor, Councilmember or a designated agent of the City of Baldwin finds that the digital general advertising sign exceeds the brightness specified in paragraph 20 above, the owner of the sign, within 24 hours of a request by a designated agent of the City of Baldwin, shall reduce the intensity of the sign to be in compliance with this ordinance and provide said certification.

25. Each sign must comply with all Georgia Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this ordinance.

26. No sign shall be erected, and there shall be no lighting of signs or premises in such a manner and location so as to obstruct the view or, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.

27. No flashing or animated sign shall extend over a public right-of-way.

28. If any sign is found to constitute a traffic hazard, the owner of the sign may be required to reduce the intensity of the condition or effect which caused the hazard to a level acceptable to a designated agent of the City Council. The City Council or its designated agent may through the issuance of a stop work order cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.

29. Due to the limitation on distances between certain electronic changing signs, an approved application to employ changing sign technology must be acted upon within the time frames stated on the sign permit. After expiration of the permit, a new application for the location shall be required and the expired permit shall not be considered to bar location of other changing signs due to distance requirements under this part. The City Council may issue

one extension of 60 days for good cause as shown in writing by the permit holder.

30. All variance requests seeking relief from these standards must be made to City Council.

SECTION 14. Scenic Corridor Overlay Zone.

A Scenic Corridor Overlay Zone is and shall be a part of the City's Zoning Ordinance, as Article XXXX, as well as this Sign Ordinance and shall read as follows:

ARTICLE XXXX

Section 40-1. Scenic Corridor Overlay Zone.

In addition to the zoning districts established by the Zoning Ordinance of the City of Baldwin, Georgia, the following overlay zone is hereby established: Scenic Corridor Overlay Zone.

Section 40.2. Purpose of the Scenic Corridor Overlay Zone.

The State Highway designated as the "441 Bypass" which passes through the municipal limits of the City of Baldwin, Georgia contains vistas of natural scenic beauty. These vistas of natural scenic beauty enhance the aesthetic quality of the community of the City of Baldwin, Georgia, and the City Council finds that it is appropriate to protect and preserve these vistas of natural scenic beauty by the prohibition of outdoor advertising sign/billboard that would affect the aesthetic impact of said vistas of natural scenic beauty.

With these purposes in mind, it is the intention of this article to regulate signs within said scenic corridor, and to prohibit outdoor advertising signs/billboards in order to protect and preserve the vistas of natural scenic beauty along the 441 Bypass within the municipal limits of the City of Baldwin, Georgia.

Section 40-3. Definitions.

(a) For the purposes of this article, the following definitions shall apply:

Words used in the singular shall include the plural; and the plural shall include the singular; and the words used in the present tense shall include the future tense.

Words not defined here shall be construed to have their common dictionary definition, unless otherwise defined within the Zoning Ordinance of the City of Baldwin, Georgia, or pursuant to specific statutory provisions of the State of Georgia.

The word, "shall" is mandatory, not discretionary. The word "may" is permissive.

The words, "scenic corridor", "scenic corridor overlay zone", and "zone" shall have the same meaning and refer to the scenic corridor overlay zone, or having the ordinary meaning of said terms according to the context in which they are used.

The words, "outdoor advertising signs/billboards" shall mean those signs as defined within the sign ordinance.

Sign Face or Facing: The surface or plane of the sign upon, against, or through which a message is displayed or illustrated.

Non-conforming Sign: Any sign which was erected legally prior to the adoption of this ordinance amendment, but which does not conform to any one or more of the requirements of this article.

Overlay Zone: A geographical area that encompasses one (1) or more underlining zoning districts and that imposes additional requirements above that required by the underlying zoning district.

Section 40-4. Scenic Corridor Overlay Zone.

(a) Purpose. The purpose of the scenic corridor overlay zone is to protect and preserve the vistas of natural scenic beauty that lie along the State Route designated as the "441 Bypass", and which is within the municipal limits of the City of Baldwin, Georgia.

(b) Designation of the Scenic Corridor Overlay Zone. The scenic corridor overlay zone shall have as its beginning points, the points that comprise each of the right of way lines of the State Route designated as the "441 Bypass", that is within the municipal limits of the City of Baldwin, Georgia, and beginning at the current municipal limits within Banks County and extending along both sides of the 441 Bypass until the end of the current municipal limits in Habersham County, and extending from 3/10 of a mile south of State Highway Mile Marker 19 for the 441 Bypass and extending to 3/10 of a mile north of State Highway Mile Marker 1 for the 441 Bypass. From these beginning points comprising the right of way lines of the 441 Bypass, the scenic corridor overlay zone shall extend perpendicularly from the right of way line of the 441 Bypass being on the East side when traveling said Bypass (and being in the direction away from said right of way line of the 441 Bypass along and through the real property which adjoins said line), a distance of one thousand (1,000) feet, or at the ending point of the current municipal limits, whichever is shorter.

Section 40-5. Regulation of Signs.

(a) All signs that are permitted by the Sign Ordinance or the Zoning Ordinance, or both, of the City of Baldwin, Georgia, as amended, within the underlying zoning

district shall be similarly permitted under the scenic corridor overlay zone except outdoor advertising signs/billboards.

(b) Outdoor advertising signs/billboards, also known as billboards, shall be prohibited within the scenic corridor overlay zone.

(c) All current provisions regarding sign construction, permitting, continuation, and non-conforming signs, shall continue to be applicable to the regulation of signs allowed within the scenic corridor overlay zone, and as to any billboards currently within the zone that are a legal conforming use.

Section 40-6. Penalties and Remedies.

(a) All violations of this ordinance are subject to the maximum penalties allowed by the City Charter, as amended, upon determination of violation and as set by any court of competent jurisdiction, including but not limited to the Municipal Court of the City of Baldwin, Georgia. Each day that a sign is constructed, erected, or maintained in violation of this ordinance shall be deemed to be a separate offense and subject to the penalties as provided herein.

(b) Besides the penalties allowed by this ordinance, the City of Baldwin, upon the determination of a violation of this ordinance by the City Council, may in the discretion of the City Council, withhold one or more city services from the violator, including but not limited to termination of water service, sewer service, suspension of the violator's occupational tax license, and any other service. The City Council may also authorize the City Attorney to seek injunctive relief requiring the removal of any sign in violation of this ordinance, and any other remedy allowed by law.

SECTION 15. Variances.

(a) Variances from the regulations of this ordinance shall be limited to hardship situations which shall meet all of the following conditions:

1. There exists 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 City and which affect the visibility of the proposed sign.

2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other similar properties.

3. Granting the variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties.

4. The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the general welfare of the City's residents.

5. The special circumstances or hardships are not the result of actions of the applicant or in existence when applicant purchased the property.

6. The variance is not a request to permit a type of sign which otherwise is prohibited by this ordinance.

7. The mere existence of a non-conforming sign or advertising device or other variances shall not constitute a valid reason to grant a variance.

8. Visibility of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot.

9. Placement of the sign elsewhere on the lot would not remedy the visual obstructions.

10. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

(b) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

(c) Relief from the application of the provisions of this ordinance by use of variances granted by the City Council shall be granted only up a finding of hardship as previously defined. Hearing on such variances shall be noticed using the same time frames and notice requirements as for variances from the provisions of the standard zoning ordinance.

SECTION II. **REPEAL OF CONFLICTING ORDINANCES TO THE
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Baldwin, Georgia.

SECTION III. **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular

situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION IV. EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this 30th day of June, 2016.

BALDWIN CITY COUNCIL

By: Jay Meade
Mayor

[Signature]
Councilperson

[Signature]
Councilperson

[Signature]
Councilperson

[Signature]
Councilperson

[Signature]
Councilperson

Attest:

[Signature]
City Clerk

RDS/lc/1825-40/W087347

LEGAL NOTICE OF HEARING AS TO SIGN ORDINANCE
AND TEXT AMENDMENT
TO THE ZONING ORDINANCE OF BALDWIN, GEORGIA

Notice is given that the Mayor and Council of Baldwin, Georgia shall conduct a public hearing as to a proposed sign ordinance and text amendment to amend the zoning ordinance of the City of Baldwin, Georgia. The public hearing for the City Council of Baldwin, Georgia will be held in the municipal courtroom, Baldwin Police Precinct, 155 Willingham Avenue, Baldwin, Georgia 30511 at 6:30 p.m. on June 27, 2016, and is concerning the following text amendment:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE AND THE ZONING ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO DELETE IN ITS ENTIRETY THE SIGN ORDINANCE, AS AMENDED, AND TO PROVIDE FOR A NEW SIGN ORDINANCE AS PROVIDED BY THIS ORDINANCE; TO AMEND ARTICLE XXXX OF THE ZONING ORDINANCE BY DELETING SAID ARTICLE IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE XXXX THAT SHALL ALSO BE A PART OF THE SIGN ORDINANCE AS PROVIDED HEREIN AND ESTABLISHING A SCENIC CORRIDOR OVERLAY ZONE; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE PURPOSE OF THIS ORDINANCE, LOCATIONS OF SIGNS, AND GENERAL PROVISIONS REGULATING SIGNS; TO ESTABLISH SIGN TYPES AND STANDARDS; TO REGULATE BILLBOARDS WITHIN THE CITY OF BALDWIN, GEORGIA; TO REGULATE SIGNS WITHIN CERTAIN ZONING DISTRICTS; TO PROHIBIT CERTAIN SIGNS INCLUDING DANGEROUS OR DEFECTIVE SIGNS; TO ESTABLISH SIGN PERMIT REQUIREMENTS; TO PROVIDE FOR NONCONFORMING SIGNS; TO EXEMPT TEMPORARY SIGNS FROM THE PERMITTING REQUIREMENTS; AND FOR OTHER PURPOSES.

A copy of the sign ordinance and the zoning text amendment and the Baldwin Zoning Ordinance are available for inspection at the City Hall at Baldwin, Georgia and being 130 Airport Road, Baldwin, Georgia 30511. You are invited to attend the public hearing of the City Council and give comments as to the proposed sign ordinance and text amendments. The City Council shall take action on the proposed text amendment at the public meeting of the City Council to be held at the municipal courtroom, Baldwin Police Precinct, 155 Willingham Avenue, Baldwin, Georgia 30511 at 6:30 p.m. on June 27, 2016 immediately following the public hearing.

Denise Williams
City Clerk
For the City of Baldwin, Georgia