

COUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. 2010 - 254

AN ORDINANCE TO AMEND ARTICLE 8 "SIGN STANDARDS" OF THE CLAYTON COUNTY ZONING ORDINANCE SO AS TO DELETE LANGUAGE CONTAINED IN SECTIONS 8.3, 8.5 AND 8.18 AND INSERT IN LIEU THEREOF NEW LANGUAGE; TO ADOPT NEW LANGUAGE PERTAINING TO "ELECTRONIC MULTIPLE MESSAGE SIGNS"; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, on May 22, 2008, the Board of Commissioners adopted a new comprehensive Zoning Ordinance; and

WHEREAS, the Board of Commissioners has determined there is a need to revise certain provisions of Article 8 "Sign Standards", specifically Sections 8.3 "Limitation Standards", 8.5 "Prohibited Sign Standards" and 8.18 "Billboard Sign Standards" and to further amend Article 8 by adding "Section 8.20 Electronic Multiple Message Signs".

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY  
OF CLAYTON COUNTY, GEORGIA, AND BY THE  
AUTHORITY OF SAME, IT IS HEREBY ORDAINED THAT THE  
CLAYTON COUNTY ZONING ORDINANCE IS HEREBY AMENDED TO READ  
AS FOLLOWS:**

## PART I

**Section 1.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 "Sign Standards", Section 8.3 "Limitation Standards" and inserting in lieu thereof a new Article 8 "Sign Standards", Section 8.3 "Limitation Standards" to read as follows:

### **8.3 Limitation Standards**

A. The following location and setback standards shall apply:

1. The property owner must give permission for all sign placement on the owner's property. Signs are not permitted in the State or County right-of-way.
2. All signs and sign structures, except as noted below, must be setback at least ten (10) feet from the public right-of-way. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
4. Entrance signs must comply with any applicable provision in the Manual on Uniform Traffic Control Devices, latest edition.
5. No sign on private property can be erected closer than fifty (50) feet to the right-of-way of Interstate Highway 75, 285, or 675.
6. Setbacks are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way.

B. Height Limits: Height limitations in this Article control over the general height limitations of this Ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Article, rather than general height limitations. Height limitations apply to both the sign and the sign structure, whichever is the tallest.

C. Number: For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.

D. Illumination: the following illumination standards shall apply:

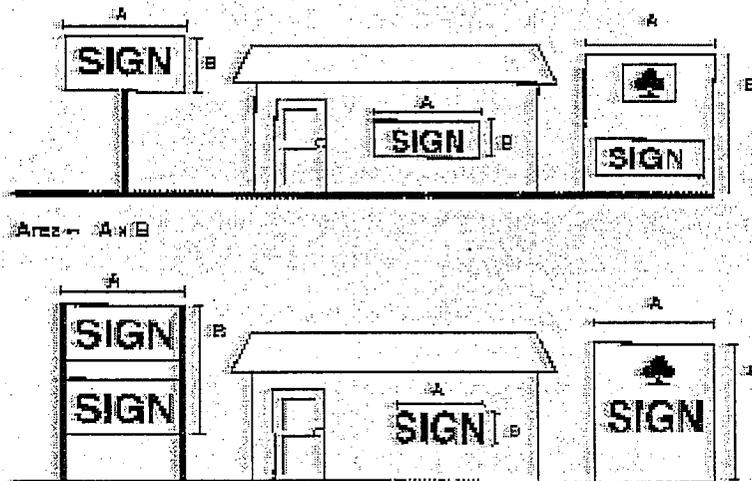
1. Ground signs cannot be internally illuminated in any residential or agricultural zoning district. All signs may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source cannot be seen directly by any passing motorists or from adjacent dwellings or businesses.
2. No illuminated signs shall be constructed or maintained within 200 feet of any single-family dwelling.
3. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety

device shall be permitted. Nothing herein shall prevent the installation and maintenance of Electronic Multiple Message Signs as set forth in Section 8.20.

4. All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
5. All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
6. All signs over ten feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not visible to passing motorists.

E. Calculation of Area: The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples, below. However, this example is not a substantive regulation as to permissible types of signs:

Examples of Sign Face Area Measurements



- F. Unusual Shaped Signs. Unusual shaped signs are signs that are any shape other than a square or rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base.
- G. Obscene Matter Prohibited. It shall be unlawful for any person to display upon any sign or other structure any obscene matter, as defined in O.C.G.A. § 16-12-80.

**Section 2.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 "Sign Standards", Section 8.5, "Prohibited Sign Standards"

and inserting in lieu thereof a new Article 8 "Sign Standards", Section 8.5, "Prohibited Sign Standards" to read as follows:

**8.5 Prohibited Sign Standards**

A. The following types of signs are prohibited, as stated:

1. Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).
2. Rotating signs.
3. Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers. Inflatable figures and objects (e.g., creatures, beer cans) fall into this category.
4. Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; "trivision"-type signs; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs.
5. Signs displaying moving pictures or images. Nothing herein shall prevent the installation and maintenance of Electronic Multiple Message Signs as set forth in Section 8.20.
6. Courtesy benches, trash cans, and similar devices displaying signs.
7. Trailer signs (which means signs mounted on trailers, exceeding two square feet).
8. Sidewalk, A-type, sandwich or curb-type signs placed on sidewalks.

B. Home Occupations. As stated in Section 6.10, Home Occupation Standards, any home occupation may not have a wall mounted sign exceeding 2 square feet, and must be attached to the primary structure. No off site signs or signs within the yard of the property shall be permitted.

**Section 3.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 "Sign Standards", Section 8.18, "Billboard Sign Standards" and inserting in lieu thereof a new Article 8 "Sign Standards", Section 8.18, "Billboard Sign Standards" to read as follows:

**8.18 Billboard Sign Standards**

- A. **Principle Use:** A billboard sign shall only be allowed individually as a principal use on a property where no other principal use is located.
- B. **Conditional Use:** All billboard signs shall require a conditional use permit. Procedures for obtaining a conditional use permit are in defined in Article 13.
- C. **Criteria:** No billboard sign shall be erected or maintained within 660 feet of the nearest edge of the right of way and visible from the main traveled way of the interstate or primary highways, except on property that meets the following criteria:

1. The property must be zoned for commercial or industrial use. Zoning classifications include: Neighborhood Business (NB); Community Business (CB), General Business (GB); Light Industrial (LI); and Heavy Industrial (HI).
  2. The property must have a minimum of 22,000 square feet.
  3. The property must have at least 200 feet of frontage on Georgia Highway (Interstate) 75, 285, or 675, or must have at least 200 feet of frontage on Lees Mill Road or Frontage Road that has contiguous rights-of-way along Georgia Highway 75.
- D. **Placement:** No billboard sign may be erected within 500 feet of an interchange, intersection at grade or safety rest area. The foregoing 500 foot zone shall be measured along the interstate highway from the point at which the pavement commences or ceases to widen at exits from or entrances to the main traveled way. In circumstances where both the exit and entrance ramps on one side of an interchange constitute continuous lines of travel to the exit and entrance ramps of the adjacent interchange, this side of the interchange shall be treated as if no ramps exist and the foregoing 500 foot zone on this side of the interchange shall be measured from the survey centerline of the main traveled way and crossroad forming the interchange or intersecting road.
- E. **Distance/ Setback requirements:** The following distance requirements shall be adhered to:
1. Each billboard shall be located not less than 1,250 feet from any other billboard and not less than 100 feet from a mixed use, residential, or agricultural zoning district.
  2. Each billboard shall be located not less than 100 feet from any structure.
  3. No sign shall be located within 1,000 feet from the property boundary of a national park, state park, local monument or church.
  4. Each billboard must not be located closer than ten (10) feet to any property line.
  5. Distance (setback) measurement shall be made horizontally in all directions from the nearest edge of the sign face.
- F. **Size of signs:** Signs shall not exceed 70 feet in height nor be less than 25 feet above ground level. Sign faces shall not exceed 672 square feet or 48 feet in length, width, or height, nor shall it be less than 300 square feet
- G. **Sign faces:** No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.
- H. **Sign orientation:** 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 one above the other) facing the same direction.
- I. **Angle of the roadway:** Billboards shall be placed at no more than a 20-degree angle from the roadway.
- J. **Location on property:** All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.
- K. **D.O.T. regulations:** The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A.

§§ 32-6-70 et seq.), as well as the provisions of this section, whichever is the most restrictive.

- L. **Illumination of signs:** the following illumination standards shall apply:
1. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
  2. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
  3. Neither direct, nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

**Section 4.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by adding the following text:

**8.20 Electronic Multiple Message Signs**

A. Electronic Multiple Message Signs are signs illuminated entirely by the use of light emitting diodes (LED), or similar digital technology, as authorized by the State of Georgia in O.C.G.A. § 32-6-75(c)(1). In accordance with state law the following requirements shall apply to such signs:

1. All copy must be static and each transition between copy must occur within two (2) seconds and copy must remain fixed for ten (10) seconds;
2. Electronic Multiple Message Signs may not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured at the following distances:

<u>Sign (sq feet)</u>	<u>Distance (feet)</u>
less than 300	150
300-400	200
greater than 400	250

3. Each Electronic Multiple Message Sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

4. The owner of any electronic sign shall provide to the County contact information for a representative who is available twenty-four (24) hours a day, seven (7) days a week, and able to turn off the electronic sign promptly if a malfunction occurs.

5. Each sign containing an electronic display must comply with all Georgia Department of Transportation rules and regulations.

6. Each sign containing an electronic display shall contain a default design that will freeze the design in one position should a malfunction occur.

7. No such sign shall be placed within 5,000 feet of another Electronic Multiple Message Sign which is oriented to and on the same side of the roadway as measured along the roadway adjacent to the nearest parts of each sign.

B. Applicants for Electronic Multiple Message Signs within the County shall be requested to enter the following stipulation to be attached as a condition to the permit:

Applicant agrees to make the sign available as soon as practicable after receiving notice from the County's law enforcement officials for display of emergency public safety messages, to include Amber Alerts for missing children or persons, disaster evacuation guidance, or other emergency situations. Such messages shall be included in the advertising rotation as

soon as is practicable and shall remain in effect for 24 hours or until such lesser time as requested by the County's law enforcement.

## PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance 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 therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

## PART III

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein:

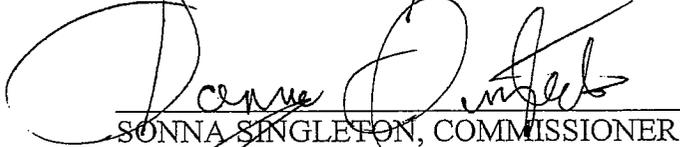
SO ORDAINED this 14<sup>th</sup> day of December 2010.

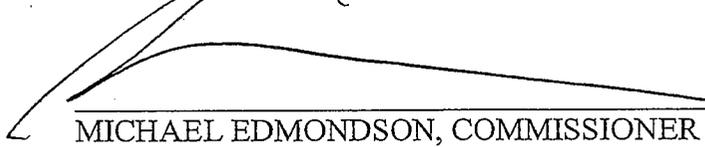
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
WOLE RALPH, VICE CHAIRMAN

  
GAN B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK