



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan Planning Commission

Agenda for February 13, 2024 Planning Commission Meeting
7:00 PM, Richard A. Bolin Council Chambers, City Hall

1. Call to Order
2. Approval of Minutes
 - a. December 19, 2023 Meeting Minutes
3. Public Hearings
 - a. Rezoning Request – RZ2024-01; 8.44± acres located off Newnan Crossing Bypass and Ashley Park Boulevard (Tax Parcel # 087 5043 004) - Change in Conditions of MXD (Mixed Use Development)
4. Other Business
 - a. Information on Proposed Changes to Articles 2, 8 and 13 of the City's Zoning Ordinance.
5. Adjourn

Any questions prior to the meeting
should be directed to the Planning and Zoning Department.

Phone: 770-254-2354

E-mail: tdunnavant@newnanga.gov



**CITY OF NEWNAN
Planning Commission
Meeting Minutes**

December 19, 2023
7:00 p.m.

Commissioners Present: Proctor Smith, Joe Crain, Jr., Alton West, Chris Hunt, Robert Coggin, Fred Hamlin, Clay McEntire

Commissioners Absent:

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Samantha Wood, Administrative Assistant Planning & Zoning
Dean Smith, Senior Planner
Brad Sears, City Attorney

CALL TO ORDER

Chairman Smith called the meeting to order at 7:00 p.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

READING OF MINUTES

Chairman Smith asked if everyone reviewed the November 14, 2023 meeting minutes. Commissioner Coggin made a motion to approve the minutes as drafted. Commissioner Hunt seconded the motion.

MOTION CARRIED (7-0)

Certificate of Appropriateness – 701 Newnan Crossing Bypass

Dean Smith gave the staff report. He stated this request is from Jeffrey Cropp with Mills Automotive Group seeking more than the allowed percentage of ACM panel materials on a new structure to be built at 701 Newnan Crossing Bypass. Dean Smith said the tract is south of the existing Acura dealership and a little bit behind the Newnan Lakes Chevron. He added they are wanting to use 19% instead of the 10% that is typically allowed and mentioned that signage is not included in this request. Dean Smith said everything else is QDC compliant and they are proposing to maintain a healthy wooded buffer on the Interstate side.

Commissioner Hamlin asked if the LINC trail goes through the property. Dean Smith showed the Commissioners where the LINC was in relation to this property.

Fernando Yunda, architect for the project, came forward representing the applicant. Mr. Yunda spoke about the design elements of the building and the outdoor space they would be creating to make the facility more inviting.

Chairman Smith asked if the ACM panels be matte or shiny. Yunda stated that they would be shiny; however, they would only be used on the sides and front of the building.

Chairman Smith asked what material would be used on the retaining wall. Yunda stated that it would be the same material used on the garbage dumpster enclosure.

Commissioner Hamlin asked if all 19% of the ACM panels would be used on just the front or is that percentage for the whole building. Yunda stated that the 19% is for the whole building.

Commissioner Hamlin made a comment that he prefers the matte finish on ACM over the shiny finish.

Commissioner Hunt asked if the pictures were accurate elevations of the front of the building. Yunda stated that yes, they are accurate.

Chairman Smith asked if the applicant would be willing to use more of a satin finish instead of the shiny finish. Yunda stated that yes, they would be willing to do that.

Jeffrey A. Cropp, Mills Automotive Group, came forward and stated that their company is a first generation group and is 20 years old. He added that they want to partner with the community and create a community room where people feel comfortable just coming and hanging out. Cropp also discussed the importance of sustainability to his company.

Chairman Smith asked Cropp if they would be willing to use the satin finish instead of the shiny finish. Cropp stated that they would.

A motion was made by Commissioner Hunt to approve the Certificate of Appropriateness for 701 Newnan Crossing Bypass with the condition that a satin finish be used on the ACM instead of a shiny finish. Commissioner Crain seconded the motion.

MOTION CARRIED (7-0)

Certificate of Appropriateness – 20 Celebrate Life Parkway

Dean Smith gave the staff report. He stated this item involves a certificate of Appropriateness request from Owen Berry with NF V ES – M Newnan, LLC concerning a request to use a lesser percentage of primary exterior materials on two side elevations for a new hotel project to be located on a portion of Tax Parcel #086-5053-002, (20 Celebrate Life Parkway).

He stated the COA request proposes to incorporate 60.5% of primary material and 39.5% of secondary material on the two side elevations (North and South). Dean Smith explained the ordinance specifies that in the QDC overlay district, a new building should incorporate 67% of the exterior in an approved primary building material and 33% of the exterior in an approved secondary material. He discussed the percentages for each side as well as the overall percentage for the building. Dean Smith added that Mike Furbush, City Landscape Architect, has also been working with the developers and is satisfied with the applicant's proposed site plan and efforts to maintain a healthy tree save/landscape area between the proposed hotel and I-85.

Chairman Smith stated that the southern portion of the parcel backs up to nothing. Berry stated that they purchased the entire parcel and added that the tree cover would not be lost due to the stream buffer requirements.

A motion was made by Commissioner West to approve the Certificate of Appropriateness at 20 Celebrate Life Parkway. Commissioner Coggin seconded the motion.

MOTION CARRIED (7-0)

PUBLIC COMMENTS

None

OTHER BUSINESS

Tracy Dunnivant informed the Commission that they had not received any cases for the January meeting.

ADJOURN

With no further business, the meeting adjourned at 7:25 p.m. on a motion from Commissioner Coggin and seconded by Commissioner Hamlin.

MOTION CARRIED (7-0)

Chairman Proctor Smith



NEWNAN
GEORGIA

City of Newnan, Georgia – Planning Commission

Date: February 13, 2024

Agenda Item: Rezoning Request – RZ2024-01
8.44± acres located off Newnan Crossing Bypass and
Ashley Park Boulevard (Tax Parcel # 087 5043 004)

Prepared and Presented by: Tracy Dunnavant, Planning Director

REZONING ASSESSMENT

APPLICANT INFORMATION:

Robert Bergmann on behalf of Fourth Quarter Properties 93, LLC
47 East Aviation Way
Newnan, GA 30263

SITE INFORMATION:

The site consists of 8.44± acres located between Newnan Crossing Bypass and Ashley Park Boulevard. The tax parcel ID number is 087 5043 004. The tract is currently under development and is zoned MXD (Mixed Use Development). The property fronts on both Newnan Crossing Bypass and Ashley Park Boulevard and is bisected by a frontage road with parking that connects the Belk building to the Ashley Park stores located across Newnan Place Parkway to the north.



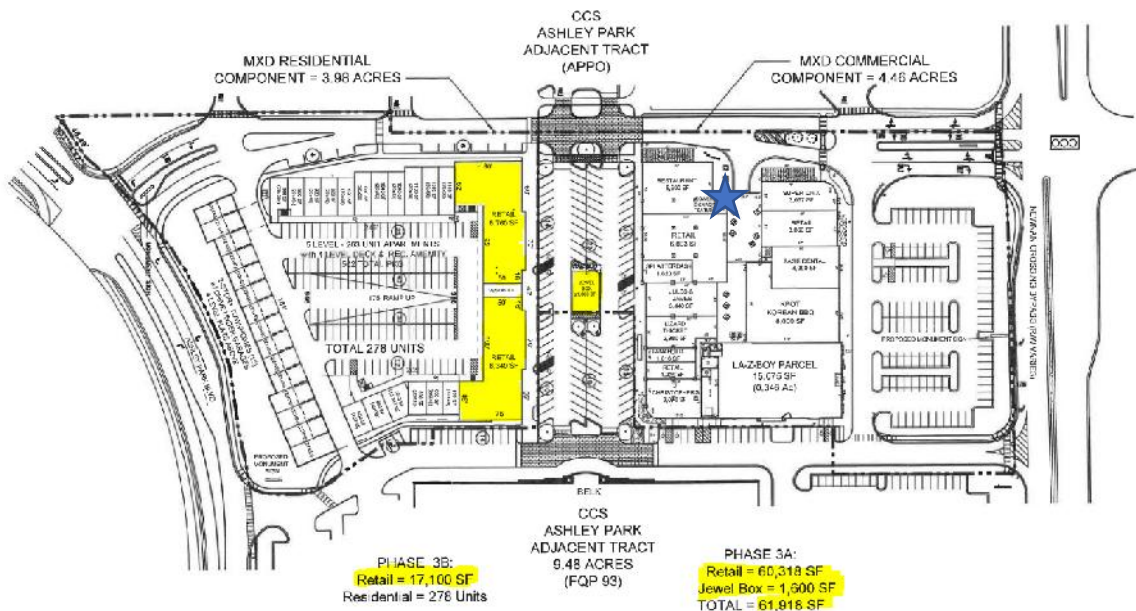
The land is part of a Development of Regional Impact (DRI) that was approved back in 2005. All required improvements related to the DRI must be completed prior to the final CO being issued since this will be the last phase of this development.

OVERVIEW OF REQUEST:

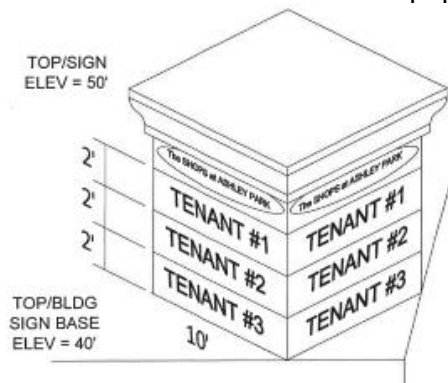
Thomas Land & Development Company is completing the final phase of Ashley Park by developing the remaining undeveloped land with a mixture of commercial and multi-family uses. In order to accomplish this, the applicant sought and received an MXD (Mixed Use Development District) zoning on May 26, 2020 for the final 8.44 ± acres located just north of the

Belk building. The approval was based on a specific plan that showed 4.46 acres of commercial development and 3.98 acres of multi-family with detailed conditions for each land use category. The development was limited to 278 multi-family units and 56,668 SF of commercial/retail space.

In June of 2022, the applicant sought a change in conditions to increase the number of multi-family units from 278 to 350. Council ultimately denied that application, so the initial plan and conditions remained in place. The applicant is now seeking to increase the total retail square footage from 56,668 SF to 79,018 SF. The new total includes 17,100 SF of retail within the residential component which the developer has indicated will help make the apartments more financially viable. It should be mentioned that the additional 17,100 square feet would be optional as “the final building proposal may choose to only develop residential” on the apartment tract.



In addition to the increase in retail, the applicant is also seeking to incorporate tower signage into the project. A tower feature was shown on the 2020 site plan, but no reference was made to the feature having signage in the original description that detailed signage sites and types for the commercial development. The City's current sign ordinance does not permit roof signs; however, MXD does provide flexibility with the development regulations. Therefore, the applicant is seeking Council's approval for the tower signage as depicted below. The location of the feature is shown as a blue star on the overall master concept plan shown above.

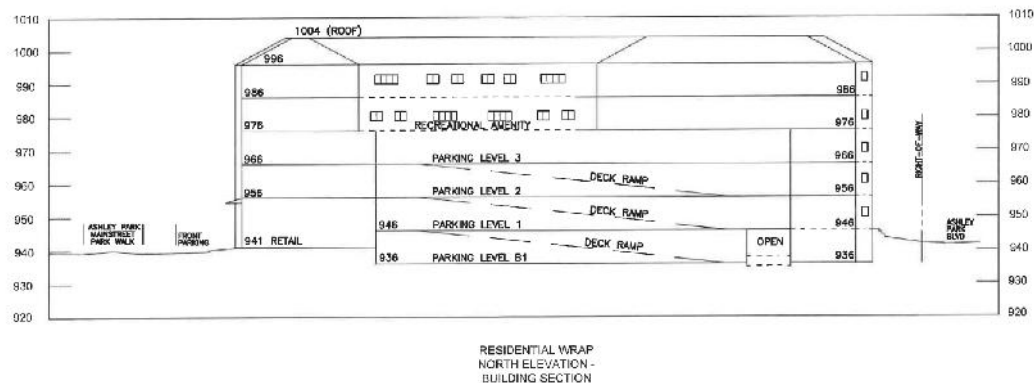


In the applicant's proposed development description, no changes are being made to the residential portion. The commercial portion will change as follows:

- 1) The open space will go from 0.67 acres to 0.53 acres with the addition of the jewel box retail site.
- 2) The floor area ratio will go from 0.30 to 0.32.
- 3) The kiosk is added to the central island.
- 4) The building height will remain at 40 feet, except for the tower signage feature which will be at 50 feet.
- 5) The tower signage feature has been added to the sign section.

The commercial development is located on the eastern portion of the overall site. All buildings within the commercial component will meet the Quality Development Corridor Overlay requirements. The apartments will be located on the western portion of the tract and will be consistent with the elevations that were previously approved by Council.

The application proposes that the apartment units will be reconfigured around the new Main Street retail and one additional parking level will be added to the deck. The building will remain at the approved height of 70 feet.



No changes are being proposed to the amenities. The complex will feature a fitness center, pet services & grooming, a clubhouse/common area on the basement level. A pool with adjacent sunning decks and a passive recreation area would be on the fourth level above the parking structure.

STANDARDS:

In making a decision, the Zoning Ordinance requires the Planning Commission and the City Council to give reasonable consideration to the following standards. Staff has assessed each

standard and identified those with a green check mark ✓ as standards being met by the proposed rezoning and those with a red "X" ✗ as standards not being met.

Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? As with the initial assessment, the project would be primarily surrounded by commercial designations with CCS zonings. A 500-unit apartment complex zoned RMH lies to the west across Ashley Park Boulevard and there is a proposed CGN development on McIntosh Parkway to the southwest that would have a mixture of commercial and office uses. Staff feels the uses would be suitable given that there would only be an increase in the amount of commercial square footage and apartments above storefronts would actually make the development more consistent with a traditional mixed-use project. In addition, both uses have already been approved in the original master plan.

Staff Assessment – PROPOSED USE IS SUITABLE ✓

Will the proposed use adversely affect the existing use or usability of adjacent or nearby property? In terms of use, the only change to the plan is an increase in commercial square footage with a portion of the commercial being located below the apartment units. More commercial development will increase traffic; however, the location has multiple access points from Ashley Park Boulevard and Newnan Place Parkway from which to enter onto either Bullsboro Drive, Newnan Crossing Bypass or McIntosh Parkway. In addition, the City Engineer reviewed the request and did not have any additional comments regarding traffic or environmental concerns.

Staff Assessment – ADVERSE AFFECT WILL BE MINIMAL ✓

Are their substantial reasons why the property cannot or should not be used as currently zoned? The property could be used as currently conditioned; however, the applicant has expressed concern that construction costs over the last two years have made the apartment portion of the project not "economically viable" without the increased commercial space.

Staff Assessment – PROPERTY COULD BE USED AS CURRENTLY ZONED ✗

Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection? Since the only change to the development is the increase in commercial square footage, the applicant did not have to submit a new Community Impact Assessment (CIA). However, staff did reach out to each provider to assess what impact the additional commercial square footage would have on service provision. A summary of the provider's responses are as follows:

Police: Police Chief Blankenship indicated that there would be some increased call volume and services required that will have a monetary impact; however, they would be able to provide the necessary services.

Fire: Chief Stephen Brown has indicated that NFD can service this development with the addition of the proposed commercial square footage.

Newnan Utilities: Newnan Utilities will be the water, and sewer provider for the project. Scott Tolar reviewed the project and indicated that there is ample capacity to serve the proposed increase in commercial square footage.

Engineering: Michael Klahr, City Engineer, did not have any additional comments beyond what was originally provided when the MXD zoning was approved.

Coweta County Schools: Since there are no additional apartments, there will be no greater impact on the County school system.

As with all development, the project will impact service provision. The question is whether or not it is excessive or burdensome. In this case, all of the service providers have indicated that they are able to address the needs of the development, so the additional 22,350 square feet of commercial/retail will not be excessive or burdensome.

Staff Assessment – PROJECT WILL HAVE IMPACT, BUT AN ADDITIONAL 22,350 SQUARE FEET OF COMMERCIAL USES IS NOT EXCESSIVE OR BURDENSOME ✓

Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Future Land Use Map shows this property as future Mixed-Use development. The project will still maintain a mixture of commercial and residential uses, which is consistent with the Comprehensive Plan.

Staff Assessment – THE FUTURE LAND USE MAP SHOWS THIS PROPERTY AS FUTURE MIXED USE DEVELOPMENT ✓

Is the proposed use consistent with the purpose and intent of the proposed zoning district? The Mixed-Use development designation consists of “areas that blend residential, commercial, cultural, institutional, or entertainment uses that are physically and functionally integrated. Mixed-use developments require a specific development plan with emphasis being placed on creating a walkable community.”

Staff feels that adding the commercial space beneath the apartments actually furthers the projects ability to meet the intent and purpose of the Mixed-Use development designation. In addition, the project continues to be plan based and the proposed types of uses have not changed from the original submittal.

Staff Assessment – PROPOSED USE IS CONSISTENT WITH THE PROPOSED ZONING DISTRICT ✓

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan? The City completed a full update of its Comprehensive Plan in 2021 which included the future land use map. The subject property was given a “mixed use” designation by the City Council. There are no new or changing conditions that have been discussed or considered since the update.

Staff Assessment – COMPREHENSIVE PLAN SHOWS THE PROPERTY AS A MIXED-USE DEVELOPMENT ✓

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

The only change, in addition to the tower signage, is the 22,350 square feet of commercial/retail space in the form of a jewel box and storefronts below residential units. No additional apartments are being added and the height restrictions, except for the tower feature, will remain as previously approved at 40 feet.

Staff Assessment – THE PROPOSED PROJECT WOULD CONTINUE TO REFLECT A REASONABLE BALANCE EVEN WITH THE CHANGE IN CONDITIONS ✓

SUMMARY OF STAFF FINDINGS:

After assessing the project based on the standards to be considered for rezoning requests, Staff found that the development meets **7 of the 8 standards**.

STAFF SUGGESTED CONDITIONS TO CONSIDER:

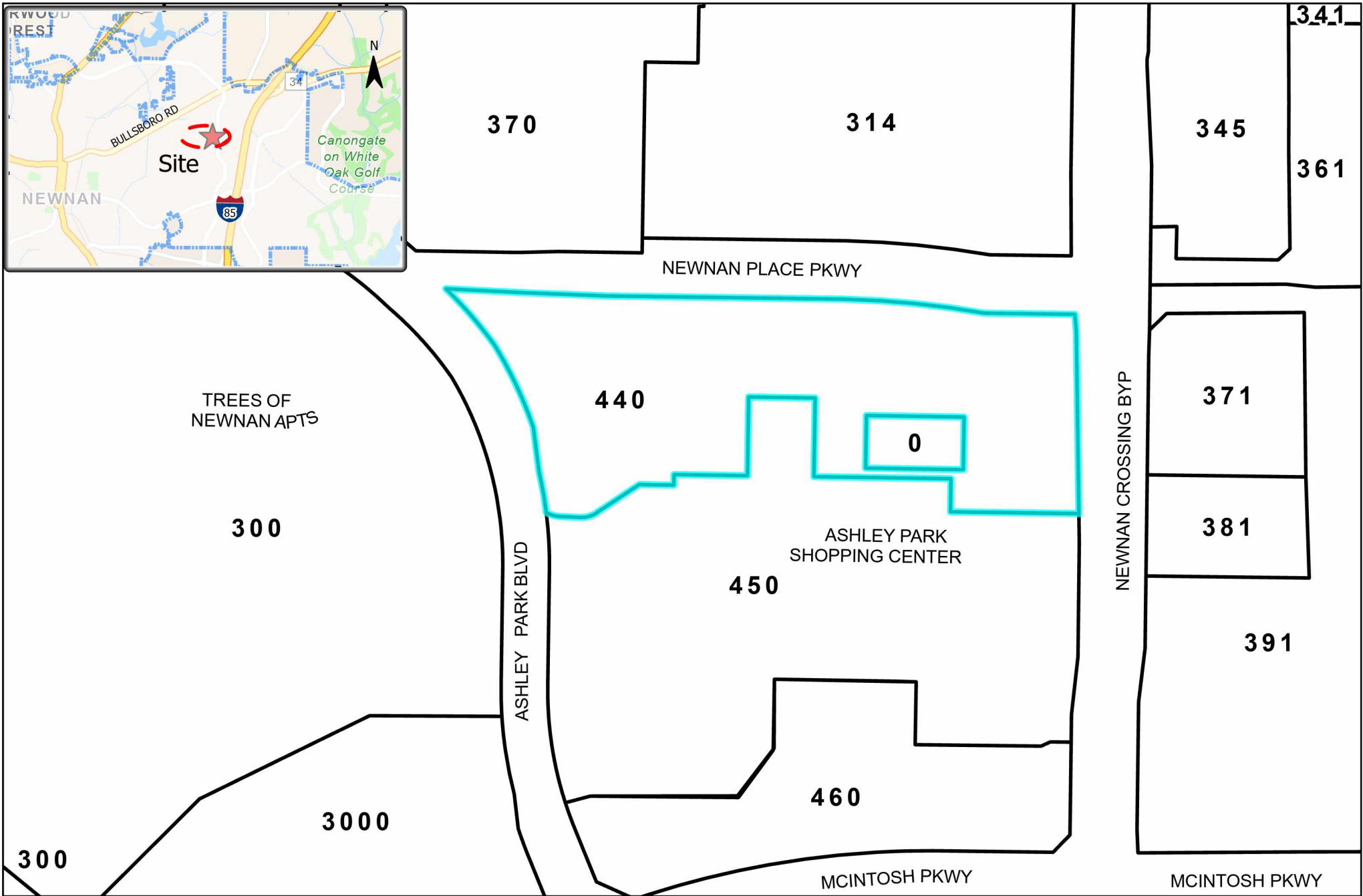
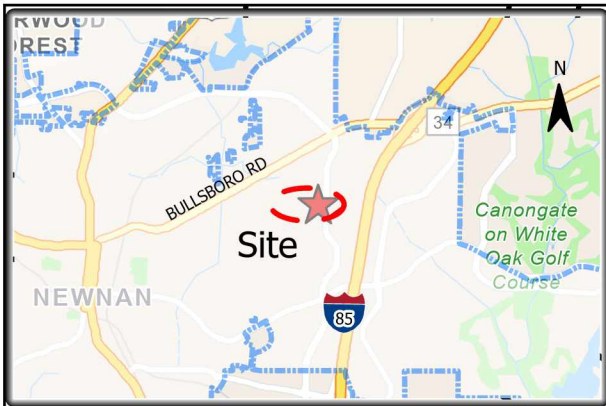
Should the Commission elect to recommend approval of the request, Staff would recommend the following conditions be considered:

- The project will be consistent with the plan, density, project data, amenities, proffered conditions and architectural details as updated and provided as part of the application. This includes limiting the number of multi-family units to 278 and allowing a maximum height of 70 feet.
- All comments specified in the City Engineer's memo dated February 5, 2024 will be addressed during the development of the project.

OPTIONS:

- A. Approve the rezoning request as submitted
- B. Approve the rezoning request with conditions
- C. Deny the rezoning request

ATTACHMENTS: Application for Rezoning
 Location Map
 Letters from Service Providers



CITY OF NEWNAN

Project Location

1 = 2,640 feet

Date: 2/7/2024 11:57 AM



Project Location

City Limits

Parcel # 086 5043 004

ADDRESS
440 NEWNAN CROSSING BYP
Newnan, Ga 30263



NEWNAN
GEORGIA

CITY OF NEWNAN
PLANNING DEPT.
25 LAGRANGE STREET
NEWNAN, GEORGIA 30263
www.NewnanGa.gov



CITY OF NEWNAN | Project Location



CITY OF NEWNAN
 PLANNING DEPT.
 25 LAGRANGE STREET
 NEWNAN, GEORGIA 30263
www.cityofnewnan.com

1 inch = 150 feet

LEGEND

Date: 6/24/2022

Project Location

PARCELS

CITY LIMITS

Parcel # 086 5043 004

ADDRESS

440 Newnan Crossing BYP
 NEWNAN GA. 30263

THOMAS LAND & DEVELOPMENT, LLC

49 East Aviation Way
Newnan, GA 30263
678.423.5445

December 20, 2023

Tracy Dunnavant
Planning & Zoning Director
City of Newnan
25 LaGrange Street
Newnan, Georgia 30263

RE: Ashley Park Phase 3 – MXD Zoning Letter of Intent
Retail Density Increase and Tower Feature Signage

Dear Tracy,

The City of Newnan approved the rezoning of 8.44 acres in Ashley Park to MXD on May 26, 2020 with 278 multifamily residential units. The construction costs have increased in the last four years for both the high-quality apartment and the retail components, and the whole project needs either more units or more retail density to make it economically viable.

An increase in total residential units was denied by City Council on August 23, 2022. Thomas Land & Development requests to increase the total retail area from 56,668 SF in 2020 to 79,018 SF that includes up to 17,100 SF of retail within the residential component. Total residential units will remain at 278 and be reconfigured around the new MainStreet retail. One additional parking level will be added to the deck, with the maximum height of the building remaining at 70'. The 2-level townhomes would be unchanged. It is the intent to include retail within the residential building to create a financially viable building unit. The final building proposal may choose to only develop residential, but the opportunity to include retail is needed.

In addition, the original intent of the 2020 zoning was to incorporate a tower signage feature, as indicated on the 2020 rendered site plan approved in the MXD case. The word "signage" was inadvertently left out of the building tower feature verbiage in the original application and summary. This application corrects the description to include signage on the tower.

The MXD zoning designation would be unchanged. I understand a Community Impact Study is not required after the 2022 CIS was submitted for increased units last year. All components and conditions of the 2020 zoning ordinance would be valid and unchanged except for the total retail area.

THOMAS LAND & DEVELOPMENT, LLC

49 East Aviation Way
Newnan, GA 30263
678.423.5445

The zoning package accompanying this Letter of Intent includes:

1. Zoning Application,
2. Names and addresses of owners within 250 feet,
3. Legal Description,
4. Certified Plat and Concept Plan,
5. Completed Proffered Conditions,
6. Disclosure of Campaign Contributions and Gifts,
7. Property Owner's Authorization,
8. Development Summary Report (2 page),
9. Revised Retail Site Plan with Residential Wrap,
10. Revised Residential Floor Plan and Building Section,
11. Revised Rendered Elevations,
12. 2020 Rendered Site Plan highlighting "Tower Signage Feature",
13. The 2023 "Shops at Ashley Park" Signage Exhibit, and
14. \$711 check for the 8.44 acre commercial and residential zoning tract.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Bergmann', with a long, sweeping horizontal line extending to the right.

Robert Bergmann, P.E.
Engineering Director



CITY OF NEWNAN, GEORGIA Planning & Zoning Department

25 LaGrange Street
Newnan, Georgia 30263
Office (770) 254-2354
Fax (770) 254-2361

APPLICATION TO AMEND ZONING MAP

Note to Applicant: Please be sure to complete all entries on the application form. If you are uncertain to the applicability of an item, contact The Planning & Zoning Department at 770-254-2354. Incomplete applications or applications submitted after the deadline will not be accepted.

Name of Applicant Fourth Quarter Properties 93, LLC - Robert Bergmann, Engineering Director

Mailing Address 49 East Aviation Way, Newnan GA 30263

Telephone 678-423-5445 Email: rbergmann@thomasent.com

Property Owner (Use back if multiple names) Fourth Quarter Properties 93, LLC

Mailing Address (same as above)

Telephone (same as above)

Address/Location of Property Ashley Park Blvd; NW section of Tract F-3A, Rev Final Plat of Phase 2 Ashley Park

Tax Parcel No.: 086 5043 004 Land Lot 43

District/Section 5th / Coweta Co. Size of Property (Square Feet or Acres) 8.44 Ac

Present Zoning Classification: MXD Proposed Zoning Classification: MXD

Present Land Use: Commercial / Undeveloped

To the best of your ability, please answer the following questions regarding the application:

Explain how conditions have changed that renders the zoning map designation invalid and no longer applicable _____
Total retail space needs to be increased for financial viability, and to include signage on the Tower Feature. _____

If the proposed zoning map change is an extension of an existing adjacent zoning district, provide an explanation why the proposed extension should be made N/A

If the requested change is not designed to extend an adjacent zoning district, explain why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions? _____

The increased retail space conforms to adjacent CCS zoning, but must be approved in the MXD designation. _____

Please attach all the following items to the completed application:

1. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 - What the property is to be used for, if known.
 - The size of the parcel or tract.
 - The zoning classification requested and the existing classification at the filing of this application.
 - The number of units proposed.
 - For non-residential projects, provide the density of development in terms of floor area ratio (FAR).
 - Any proposed buffers and modification to existing buffers.
 - Availability of water and sewer facilities including existing distance to property.
2. Name and mailing addresses of all owners of all property within 250 feet of the subject property (available from the County Tax Assessor records). This is encouraged to be submitted in a mail merge Microsoft Word data file format.
3. Legal description of property. This description must establish a point of beginning; and from the point of beginning, give each dimension bounding the property that the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
4. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect that shall include the following information:
 - ✓ Boundary survey showing property lines with lengths and bearings
 - ✓ Adjoining streets, existing and proposed, showing right-of-way
 - ✓ Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other property improvements
 - ✓ North arrow and scale
 - ✓ Adjacent land ownership, zoning and current land use
 - ✓ Total and net acreage of property
 - ✓ Proposed building locations
 - ✓ Existing and proposed driveway(s)
 - ✓ Lakes, ponds, streams, and other watercourses
 - ✓ Floodplain, wetlands, and slopes equal to or greater than 20 percent
 - ✓ Cemeteries, burial grounds, and other historic or culturally significant features
 - ✓ Required and/or proposed setbacks and buffers
5. Submit one (1) copy in an 18" x 24" format and one copy in a pdf digital file format.
6. Completed Proffered Conditions form.
7. Completed Disclosure of Campaign Contributions and Gifts form.
8. If the applicant and the property owner are not the same, complete the Property Owner's Authorization form and/or the Authorization of Attorney form.
9. For multiple owners, a Property Owner's Authorization form shall be submitted for each owner.
10. A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 200,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-Family proposals in excess of 150 units

11. A Development of Regional Impact form shall be completed and submitted to the City if the request meets any of the criteria in §10-10 (b)(2)(h) on page 10-7 of the Newnan Zoning Ordinance.
12. Fees for Amending the Zoning Map shall be made payable to the **City of Newnan** and are listed below:
- Single-Family Application.....\$500.00/Plus \$15.00 Per Acre
 - Multi-Family Application.....\$500.00/Plus \$25.00 Per Acre
 - Office/Institutional Application.....\$500.00/Plus \$15.00 Per Acre
 - Commercial Application.....\$500.00/Plus \$25.00 Per Acre
 - Industrial Application.....\$500.00/Plus \$15.00 Per Acre
 - Mixed Use Application.....\$500.00/Plus Per Acre fee based upon proposed land use.
 - Planned Development Application.....\$500.00/Plus per Acre fee based upon proposed land use.
 - Overlay Zoning Application.....\$350.00

PLEASE NOTE: THIS APPLICATION MUST BE FILED BY THE 1st OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH.

I (We) hereby authorize the staff of the City of Newnan to inspect the premises of the above-described property. I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Sworn to and subscribed before me this

20th day of December, 2023

Signature of Applicant

George L. Maddox
Notary Public

My commission expires 10/2/27



FOR OFFICIAL USE ONLY

DATE OF PRE-APPLICATION CONFERENCE : _____

RECEIVED BY: Tracy S. Durnavant

DATE OF FILING: 12/20/2023

FILING FEE RECEIVED: \$711.00

DATE OF NOTICE TO NEWSPAPER: _____

DATE OF PUBLIC HEARING: _____

PLANNING COMMISSION RECOMMENDATION (DATE): _____

DATE OF TRANSMITTAL TO CITY COUNCIL: _____

CITY COUNCIL DECISION (DATE): _____



City of Newnan, Georgia
Attachment A
Proffered Conditions

As part of an application for a rezoning, a property owner **MAY** proffer, in writing, proposed conditions to apply and be part of the rezoning being requested by the applicant. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials.

(Please refer to Article 10 of the Zoning Ordinance for complete details.)

Please list any written proffered conditions below:

1. Multifamily residential density maintained at 70 units/acre,
2. Setbacks - 30' along Ashley Park Blvd, and zero setback along the south property lines adjacent to CCS,
3. Building Height - 50' for a commercial tower signage feature, and 70' for the multi-level residential building,
4. Signs - additional monument signs are maintained in the original zoning along Newnan Bypass and along Ashley Park Blvd, and signage is to be included on the Tower Signage Feature.

Any development plans, profiles, elevations, or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application:

1. Master Concept Plan displaying conditions listed above,
2. Revised Retail Site Masterplan,
3. Residential Wrap Multi-level Floor Plan & Building Section
4. Retail & Residential Wrap Rendered Elevations
5. "Shops at Ashley Park" Signage Exhibit

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.


Signature of Applicant

Robert Bergmann, Engineering Director

Type or Print Name and Title

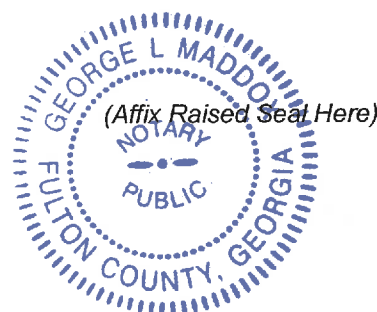
Signature of Applicant's Representative

Type or Print Name and Title


Signature of Notary Public

Date

My commission expires 10/2/27





City of Newnan, Georgia
Attachment B

Disclosure of Campaign Contributions & Gifts

Application filed on December 20, 2023 for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:
8.44 acres of Tract F-3A on the Revised Final Plat of Ashley Park, Phase 2; located in LL 43 of the 5th District of Coweta County. The parcel fronts on Ashley Park Blvd and Newnan Crossing Bypass.

The undersigned below, making application for Planning Commission action, has complied with the Official Code of Georgia Section 36-67A-1, et.seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

All individuals, business entities, or other organizations¹ having a property or other interest in said property subject of this application are as follows:

N/A

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Planning Commission? ☐ Yes ☐ No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.



Signature of Applicant

Robert Bergmann, Engineering Director

Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

 12/20/23

Signature of Notary Public Date
My Commission expires 10/30/27

(Affix Raised Seal Here)



¹Business entity may be a corporation, partnership, limited partnership, firm, enterprise, franchise, association, trade organization, or trust while other organization means non-profit organization, labor union, lobbyist or other industry or casual representative, church, foundation, club, charitable organization, or educational organization.



City of Newnan, Georgia
Attachment E
Rezoning Checklist

The following is a checklist of information required for the submittal of a rezoning application. The Planning & Zoning Department will not accept an incomplete application.

- ☒ Completed application form
- ☒ Letter of intent
- ☒ Names and addresses of all owners of all property within 250 feet of the subject property
- ☒ Legal description of property
- ☒ Certified plat
- ☒ Completed Attachment A – Proffered Conditions (if applicable)
- ☒ Completed Attachment B – Disclosure of Campaign Contributions & Gifts (if applicable)
- ☒ Completed Attachment C – Property Owner’s Authorization (if applicable)
- ☒ Completed Attachment D – Attorney’s Authorization (if applicable)
- ☒ Community Impact Study (if applicable)
- ☒ Filing Fee in the form of a check payable to the **City of Newnan**

Note: Please attach this form to the filing application.



City of Newnan, Georgia

Attachment C

Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Property Owner Fourth Quarter Properties 93, LLC
Stan Thomas, Manager

Telephone Number 678-423-5445

Address of Subject Property 440 Newnan Crossing Bypass & 311 Ashley Park Blvd.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


Signature of Property Owner

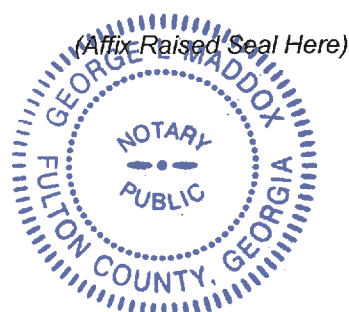
Personally appeared before me

Stanley E. Thomas

who swears the information contained
in this authorization is true and correct
to the best of his/her knowledge and
belief.

George L. Maddox
Notary Public

12/20/23
Date
My commission expires 10/2/27



ASHLEY PARK PHASE 3A & 3B
DEVELOPMENT SUMMARY REPORT
FOR MXD ZONING
December 20, 2023

1. Proposed Development Description

Thomas Land & Development and Fourth Quarter Properties 93 proposes to maintain the existing MXD designation for 8.44 acres, being the northern tax parcel in Tract F-3A of the Revised Final Plat of Ashley Park Phase 2. The eastern component fronting Newnan Bypass known as Phase 3A, consists of 4.46 acres for commercial use consistent with CCS zoning. The western component fronting Ashley Park Blvd called Phase 3B, consists of 3.98 acres for a multifamily “Apartment Wrap”. The residential complex proposes to modify the approved 5-level, 278-unit apartment building around a 3-level parking deck to include retail space on the ground floor facing the “Mainstreet” angled parking. The same 5-level apartment structure will add 1-level to the parking deck for a total of 4-levels, with recreational amenity facilities on a surface level above the deck. The 15 two-level townhomes facing Ashley Park Blvd with two car garages will be maintained as planned.

2. Individual Land Use Category

A. Commercial (AP Phase 3A) - The eastern component of 4.46 acres for commercial is comprised of all uses consistent with and proposed for the original CCS zoning designation, and incorporates a revised total retail space of 61,918 SF in the commercial parcel alone with this request. The commercial summaries below are maintained UNCHANGED except as noted from the 2020 MXD rezoning.

- (1) Open Space – 0.17 acres of the Ashley Park Mainstreet walk and 0.36 acres of perimeter landscape strips surrounding the east parking lot comprise dedicated open space areas within Phase 3A, for a total of 0.53 acres.
- (2) Density – The proposed Floor Area Ratio is 0.32.
- (3) Setbacks – The front right-of-way setback is maintained at 40’, while most side and internal setbacks are 10’. The exception is a zero setback along the south line adjacent to the Belk drive and parking. For 2023, Kiosks are added to the central islands of Mainstreet.
- (4) Building Height – Primary building heights are maintained at 40’, while the single tower signage feature is a maximum of 50’ exhibiting identification for this phase of the retail center and select tenants.
- (5) Signs – Internal monument sign spacing along Newnan Bypass is requested at 175’, to allow one additional sign between the existing Ashley Park monument signs at the two driveways. Signage is also proposed on the Tower Signage Feature.
- (6) Streets and Utilities – UNCHANGED - All internal streets shall remain private for shared access, and maintained according to the Ashley Park Phase 3 Declaration of Covenants and Easement Restrictions. Some utilities have and will have public easements; all remaining private utilities shall be maintained according to the Ashley Park Phase 3 Declaration of Covenants and Easement Restrictions.
- (7) Building Architecture – UNCHANGED - Buildings within Phase 3A shall conform to the QDC Overlay District

B. Residential (AP Phase 3B) - The western component of 3.98 acres for residential use shall allow for intense, multi-level apartments and townhomes, with attached parking deck and drive under garages. For 2023, 17,100 SF of commercial and service businesses is proposed along the Mainstreet frontage to operate and support residences within the complex as well as for retail shopping patrons. The residential density will remain to be a total of 278 units.

- (1) Open Space – UNCHANGED - *0.41* acres is dedicated to the recreational amenity area on top of the parking deck, comprised of a potential pool, deck and landscaped areas. The Ashley Park Blvd perimeter landscape strip is *0.47* acres of dedicated open space within Phase 3B. Lastly, *0.20* acres of the front walk is part of the Ashley Park Mainstreet pedestrian way, which is also immediately adjacent but not part of this tract. Total open space is *1.08* acres within the 3.98 acre tract.
- (2) Density – UNCHANGED - The proposed unit density is 70 units/acre, comprised of 60% 2-bedroom units, 30% 1-bedroom units, and 10% 3-bedroom units. Dwelling unit sizes will conform to the minimum multifamily unit requirements.
- (3) Setbacks – UNCHANGED - The front right-of-way setback is proposed at 30' due to the existing sewer on site and minimum depth of the townhomes. Most other side and internal setbacks are 10', with the one exception being a zero setback along the southeast line adjacent to the Belk drive and parking to the south.
- (4) Building Height – UNCHANGED - The 5-level (with 4-level garage and half-basement) residential wrap requires a maximum building height of 70' from the rear ground level.
- (5) Signs – UNCHANGED - One monument sign is requested at the southwest corner of the 3.98 acre parcel along the Belk driveway to Ashley Park Blvd.
- (6) Streets and Utilities – UNCHANGED - All internal streets shall remain private for shared access, and maintained according to the Ashley Park Phase 3 Declaration of Covenants and Easement Restrictions. Some utilities have and will have public easements; all remaining private utilities shall be maintained according to the Ashley Park Phase 3 Declaration of Covenants and Easement Restrictions.
- (7) Building Architecture – UNCHANGED - The residential building within Phase 3B shall conform to the Newnan Zoning Ordinance Article 3-7 for Standards for Residential Uses. Waste disposal shall be incorporated with trash chutes and a collector room adjacent to the internal service drive.

LEGAL DESCRIPTION

ASHLEY PARK PHASE 3A & 3B MXD TRACT

BEGINNING AT THE SOUTH END OF A MITERED INTERSECTION FORMED BY THE NORTH RIGHT OF WAY OF MCINTOSH PARKWAY WITH THE WEST RIGHT OF WAY OF NEWNAN CROSSING BYPASS; FROM SAID POINT OF BEGINNING, THENCE RUNNING N44°16'05"E A DISTANCE OF 41.39'; THENCE ALONG THE WESTERNLY RIGHT OF WAY OF NEWNAN CROSSING BYPASS N00°58'42"E A DISTANCE OF 20'; THENCE N00°43'06"E A DISTANCE OF 186.74'; THENCE N06°25'45"E A DISTANCE OF 98.93'; THENCE N00°40'46"E A DISTANCE OF 193.56'; THENCE N00°48'09"W A DISTANCE OF 54.41' **TO THE POINT OF BEGINNING**; THENCE N88°59'17"W A DISTANCE OF 218.27'; THENCE N01°00'43"E A DISTANCE OF 56.56'; THENCE N88°59'17"W A DISTANCE OF 235.04'; THENCE N01°00'43"E A DISTANCE OF 134.79'; THENCE N88°59'17"W A DISTANCE OF 114.00'; THENCE S01°00'43"W A DISTANCE OF 134.79'; THENCE N88°59'17"W A DISTANCE OF 126.09'; THENCE S01°00'43"W A DISTANCE OF 18.21'; THENCE N88°59'17" A DISTANCE OF 59.44'; THENCE S56°40'07"W a distance of 91.83; thence ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 28.58'; WITH A RADIUS OF 50.78; WITH A CHORD BEARING OF S76°54'07"W; WITH A CHORD LENGTH OF 28.20' TO A POINT; THENCE N87°11'13"W A DISTANCE OF 30.20'; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 29.17'; WITH A RADIUS OF 49.42'; WITH A CHORD BEARING OF N71°09'39"W; WITH A CHORD LENGTH OF 28.75' TO A POINT ALONG THE EASTERLY RIGHT OF WAY OF ASHLEY PARK BOULEVARD; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 168.72'; WITH A RADIUS OF 705.00'; WITH A CHORD BEARING OF N06°02'42"W, WITH A CHORD LENGTH OF 168.32' TO A POINT; THENCE N04°22'31"W A DISTANCE OF 76.87'; THENCE ALONG A CURVE TURNING LEFT WITH AN ARC LENGTH OF 154.93'; WITH A RADIUS OF 708.77', WITH A CHORD BEARING OF 41°51'52"W; WITH A CHORD DISTANCE OF 152.75' TO A POINT; THENCE N31°54'42"W A DISTANCE OF 48.49'; THENCE N31°54'42"W A DISTANCE OF 48.49', THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 10.85'; WITH A RADIUS OF 716.50'; WITH A CHORD BEARING OF N47°57'18"W; WITH A CHORD LENGTH OF 10.84'; THENCE S89°04'02"E A DISTANCE OF 175.43'; THENCE N88°36'51"E A DISTANCE OF 70.04'; THENCE S89°04'02"E A DISTANCE OF 153.50; THENCE S00°55'58"W A DISTANCE OF 24.51'; THENCE S88°51'08"E A DISTANCE OF 726.65'; THENCE ALONG THE WESTERLY RIGHT OF WAY OF NEWNAN CROSSING BYPASS S04°36'43"W A DISTANCE OF 96.40'; THENCE CONTINUING ALONG SAID RIGHT OF WAY S00°48'09"E A DISTANCE OF 309.89 **TO THE POINT OF BEGINNING**, SAID PARCEL BEING 8.44 ACRES.

ASHLEY PARK PHASE 3B ZONING - ADDRESS LIST within 250'
December 20, 2023

Parcel ID	OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZip
086 5054 021	ASHLEY PARK PROPERTY OWNER LLC, C/O APOLLO GLOBAL REAL ESTATE MGMT LP	43RD FLOOR 9 W 57 ST	NEW YORK	NY	10019
086 5054 001	ASHLEY PARK PROPERTY OWNER LLC, C/O APOLLO GLOBAL REAL ESTATE MGMT LP	43RD FLOOR 9 W 57 ST	NEW YORK	NY	10019
086 5043 004A	FOURTH QUARTER PROPERTIES 93 LLC, % THOMAS LAND & DEVELOPMENT	49 EAST AVIATION WAY	NEWNAN	GA	30263
086 5043 004	FOURTH QUARTER PROPERTIES 93 LLC, % THOMAS LAND & DEVELOPMENT	49 EAST AVIATION WAY	NEWNAN	GA	30263
086 5043 012	VP REAL ESTATE TRUST	BUILDING A SUITE 100 1100 OAKLEY INDUSTRIAL BOULEVARD W	FAIRBURN	GA	30213
086 5043 006	LOIS GEORGIA PROPERTIES LLC, C/O ASSESSMENT TECHNOLOGIES LTD	SUITE 607 40 NE LOOP 410	SAN ANTONIO	TX	78216
086 5044 008	REALTY INCOME PROPERTIES 18 LLC, C/O AT HOME STORES LLC	11995 EL CAMINO REAL	SAN DIEGO, CA	92130	
086 5044 013	ASHLEY PARK PROPERTY OWNER LLC, C/O APOLLO GLOBAL REAL ESTATE MGMT LP	43RD FLOOR 9 W 57 ST	NEW YORK	NY	10019
086 5044 014	HENDRICK AUTOMOTIVE GROUP	6000 MONROE RD	CHARLOTTE	NC	28212
086 5043 007	300 ASHLEY (GA) LLC	PO BOX A-3878	CHICAGO, IL		60690-3878



LANDIS EVANS
+ PARTNERS
www.landisevans.com

3810 NORTHDALE BLVD.
SUITE 100
TAMPA, FL 33624
OFFICE: 813-945-7449
FIRE CERT. OF AUTH. #45448

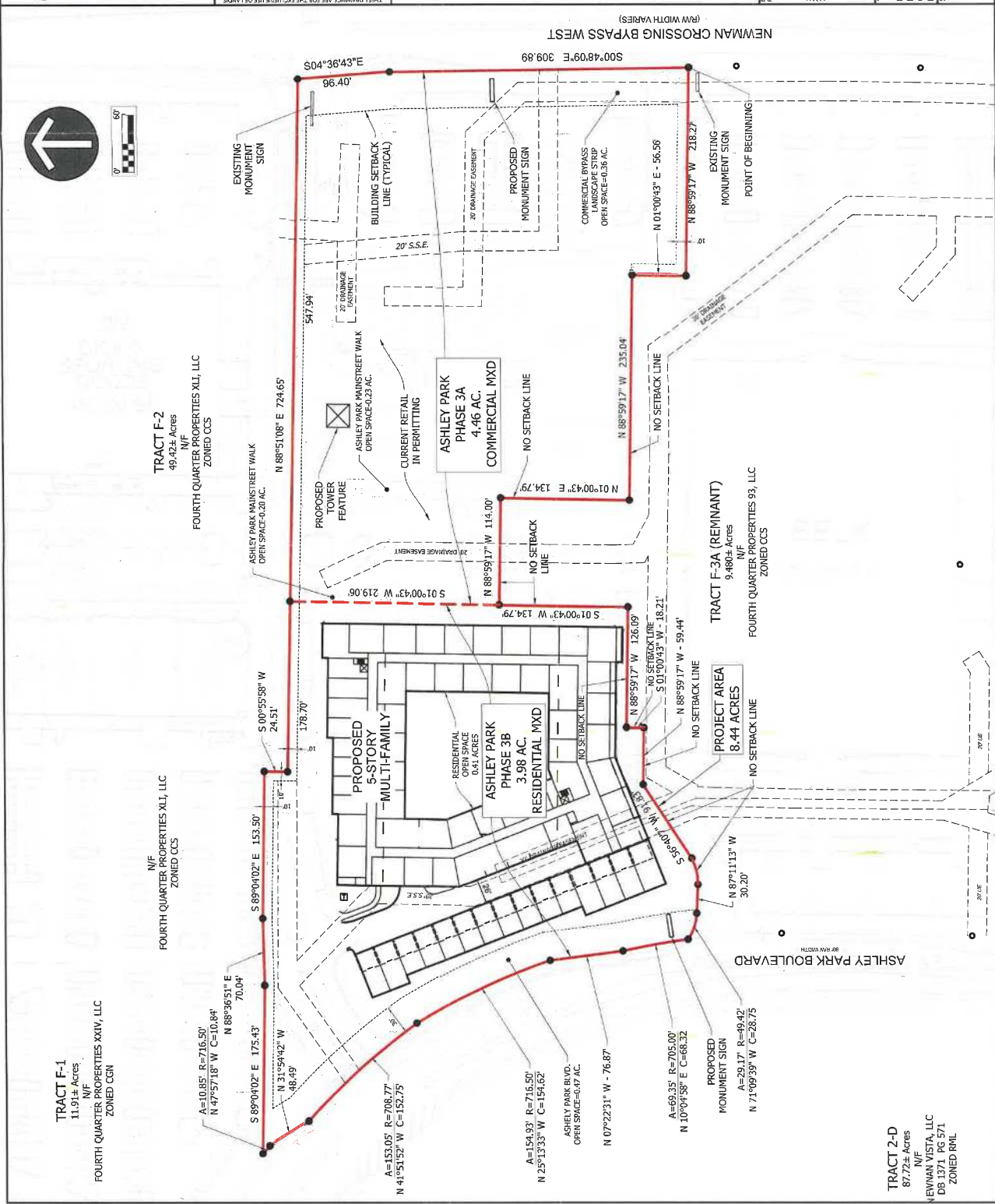
THESE DRAWINGS ARE FOR THE EXCLUSIVE USE OF LANDIS EVANS AND PARTNERS, INC. ALL RIGHTS RESERVED.
REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF LANDIS EVANS AND PARTNERS, INC. IS PROHIBITED.

REZONING PLAN/MASTER CONCEPT PLAN ASHLEY PARK - PHASE 3A & 3B January 30, 2020 CITY OF NEWMAN, COWETA COUNTY, GEORGIA



VERT. DATE: _____
DESIGNED BY: _____
DRAWN BY: M.S.
CHECKED BY: J.D.E.
PROJECT NO. 19-002
SHEET NUMBER

1 of 1

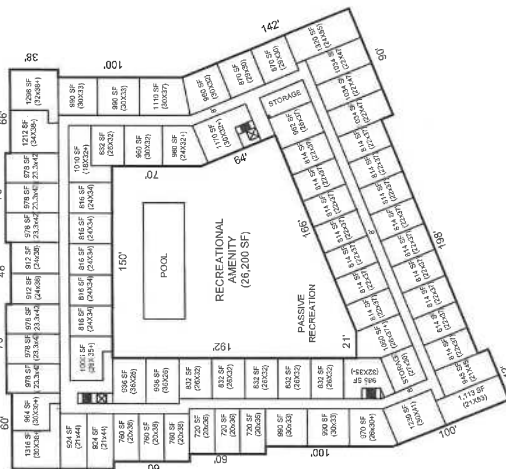


TRACT 2-D
87.72± Acres
N/F
NEWMAN VISTA, LLC
DB 137.1 PG 571
ZONED RML

TRACT F-1
11.91± Acres
N/F
FOURTH QUARTER PROPERTIES XXIV, LLC
ZONED CGN

TRACT F-2
49.42± Acres
N/F
FOURTH QUARTER PROPERTIES XII, LLC
ZONED CCS

TRACT F-3A (REMNANT)
9.480± Acres
N/F
FOURTH QUARTER PROPERTIES 93, LLC
ZONED CCS

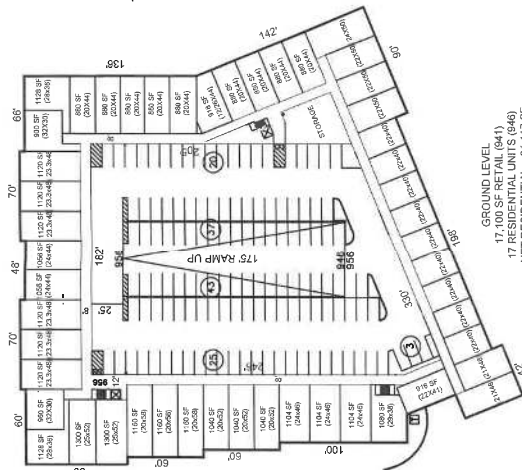
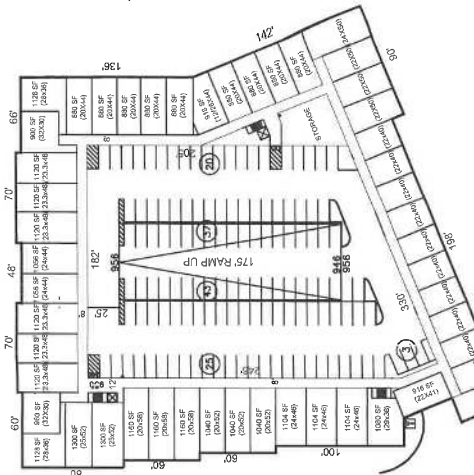


936
COMPONENT
BASEMENT
TOWNMH (2 LV)

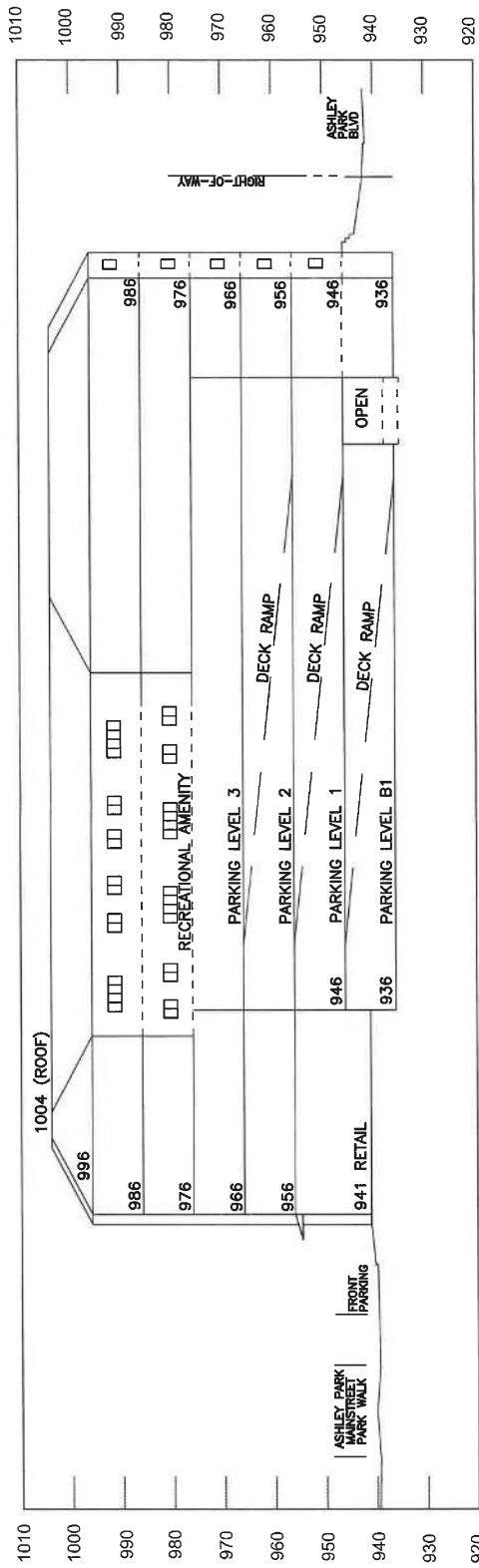
BUILDING ELEVATION

RECREATIONAL AMENITY BELOW

70' 48' 70' 60' 100' 120' 140' 160' 180' 200' 220' 240' 260' 280' 300' 320' 340' 360' 380' 400' 420' 440' 460' 480' 500' 520' 540' 560' 580' 600' 620' 640' 660' 680' 700' 720' 740' 760' 780' 800' 820' 840' 860' 880' 900' 920' 940' 960' 980' 1000' 1020' 1040' 1060' 1080' 1100' 1120' 1140' 1160' 1180' 1200' 1220' 1240' 1260' 1280' 1300' 1320' 1340' 1360' 1380' 1400' 1420' 1440' 1460' 1480' 1500' 1520' 1540' 1560' 1580' 1600' 1620' 1640' 1660' 1680' 1700' 1720' 1740' 1760' 1780' 1800' 1820' 1840' 1860' 1880' 1900' 1920' 1940' 1960' 1980' 2000' 2020' 2040' 2060' 2080' 2100' 2120' 2140' 2160' 2180' 2200' 2220' 2240' 2260' 2280' 2300' 2320' 2340' 2360' 2380' 2400' 2420' 2440' 2460' 2480' 2500' 2520' 2540' 2560' 2580' 2600' 2620' 2640' 2660' 2680' 2700' 2720' 2740' 2760' 2780' 2800' 2820' 2840' 2860' 2880' 2900' 2920' 2940' 2960' 2980' 3000' 3020' 3040' 3060' 3080' 3100' 3120' 3140' 3160' 3180' 3200' 3220' 3240' 3260' 3280' 3300' 3320' 3340' 3360' 3380' 3400' 3420' 3440' 3460' 3480' 3500' 3520' 3540' 3560' 3580' 3600' 3620' 3640' 3660' 3680' 3700' 3720' 3740' 3760' 3780' 3800' 3820' 3840' 3860' 3880' 3900' 3920' 3940' 3960' 3980' 4000' 4020' 4040' 4060' 4080' 4100' 4120' 4140' 4160' 4180' 4200' 4220' 4240' 4260' 4280' 4300' 4320' 4340' 4360' 4380' 4400' 4420' 4440' 4460' 4480' 4500' 4520' 4540' 4560' 4580' 4600' 4620' 4640' 4660' 4680' 4700' 4720' 4740' 4760' 4780' 4800' 4820' 4840' 4860' 4880' 4900' 4920' 4940' 4960' 4980' 5000' 5020' 5040' 5060' 5080' 5100' 5120' 5140' 5160' 5180' 5200' 5220' 5240' 5260' 5280' 5300' 5320' 5340' 5360' 5380' 5400' 5420' 5440' 5460' 5480' 5500' 5520' 5540' 5560' 5580' 5600' 5620' 5640' 5660' 5680' 5700' 5720' 5740' 5760' 5780' 5800' 5820' 5840' 5860' 5880' 5900' 5920' 5940' 5960' 5980' 6000' 6020' 6040' 6060' 6080' 6100' 6120' 6140' 6160' 6180' 6200' 6220' 6240' 6260' 6280' 6300' 6320' 6340' 6360' 6380' 6400' 6420' 6440' 6460' 6480' 6500' 6520' 6540' 6560' 6580' 6600' 6620' 6640' 6660' 6680' 6700' 6720' 6740' 6760' 6780' 6800' 6820' 6840' 6860' 6880' 6900' 6920' 6940' 6960' 6980' 7000' 7020' 7040' 7060' 7080' 7100' 7120' 7140' 7160' 7180' 7200' 7220' 7240' 7260' 7280' 7300' 7320' 7340' 7360' 7380' 7400' 7420' 7440' 7460' 7480' 7500' 7520' 7540' 7560' 7580' 7600' 7620' 7640' 7660' 7680' 7700' 7720' 7740' 7760' 7780' 7800' 7820' 7840' 7860' 7880' 7900' 7920' 7940' 7960' 7980' 8000' 8020' 8040' 8060' 8080' 8100' 8120' 8140' 8160' 8180' 8200' 8220' 8240' 8260' 8280' 8300' 8320' 8340' 8360' 8380' 8400' 8420' 8440' 8460' 8480' 8500' 8520' 8540' 8560' 8580' 8600' 8620' 8640' 8660' 8680' 8700' 8720' 8740' 8760' 8780' 8800' 8820' 8840' 8860' 8880' 8900' 8920' 8940' 8960' 8980' 9000' 9020' 9040' 9060' 9080' 9100' 9120' 9140' 9160' 9180' 9200' 9220' 9240' 9260' 9280' 9300' 9320' 9340' 9360' 9380' 9400' 9420' 9440' 9460' 9480' 9500' 9520' 9540' 9560' 9580' 9600' 9620' 9640' 9660' 9680' 9700' 9720' 9740' 9760' 9780' 9800' 9820' 9840' 9860' 9880' 9900' 9920' 9940' 9960' 9980' 10000' 10020' 10040' 10060' 10080' 10100' 10120' 10140' 10160' 10180' 10200' 10220' 10240' 10260' 10280' 10300' 10320' 10340' 10360' 10380' 10400' 10420' 10440' 10460' 10480' 10500' 10520' 10540' 10560' 10580' 10600' 10620' 10640' 10660' 10680' 10700' 10720' 10740' 10760' 10780' 10800' 10820' 10840' 10860' 10880' 10900' 10920' 10940' 10960' 10980' 11000' 11020' 11040' 11060' 11080' 11100' 11120' 11140' 11160' 11180' 11200' 11220' 11240' 11260' 11280' 11300' 11320' 11340' 11360' 11380' 11400' 11420' 11440' 11460' 11480' 11500' 11520' 11540' 11560' 11580' 11600' 11620' 11640' 11660' 11680' 11700' 11720' 11740' 11760' 11780' 11800' 11820' 11840' 11860' 11880' 11900' 11920' 11940' 11960' 11980' 12000' 12020' 12040' 12060' 12080' 12100' 12120' 12140' 12160' 12180' 12200' 12220' 12240' 12260' 12280' 12300' 12320' 12340' 12360' 12380' 12400' 12420' 12440' 12460' 12480' 12500' 12520' 12540' 12560' 12580' 12600' 12620' 12640' 12660' 12680' 12700' 12720' 12

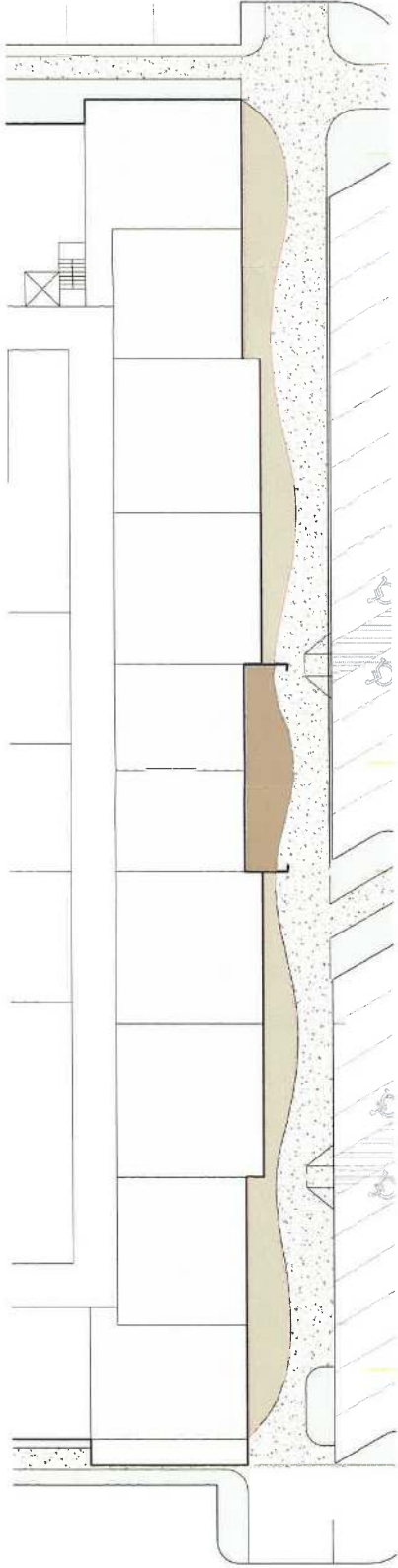
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COMPONENT	BUILDING DATA w/ 4-Level Deck					NET LS SF
	ELEV.	UNITS	PARKING	GROSS SF	-	
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TOWNH (2 LV)	936	15	28	29,000	-	17,100
1ST RETAIL	941	15	28	17,815	-	17,100
1ST LEVEL APT	946	17	128	21,010	15,980	15,980
2ND LEVEL APT	956	50	128	59,374	48,650	48,650
3RD LEVEL APT	966	50	128	59,374	48,650	48,650
4TH LEVEL APT	976	73	78,370	69,338	-	69,338
5TH LEVEL APT	986	73	78,370	69,338	-	69,338
TOTAL		278	502	337,383	292,736	292,736

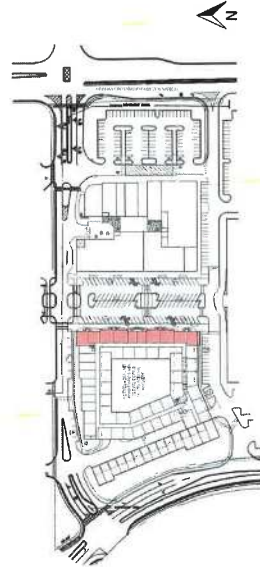


RESIDENTIAL WRAP
NORTH ELEVATION -
BUILDING SECTION





EAST ELEVATION



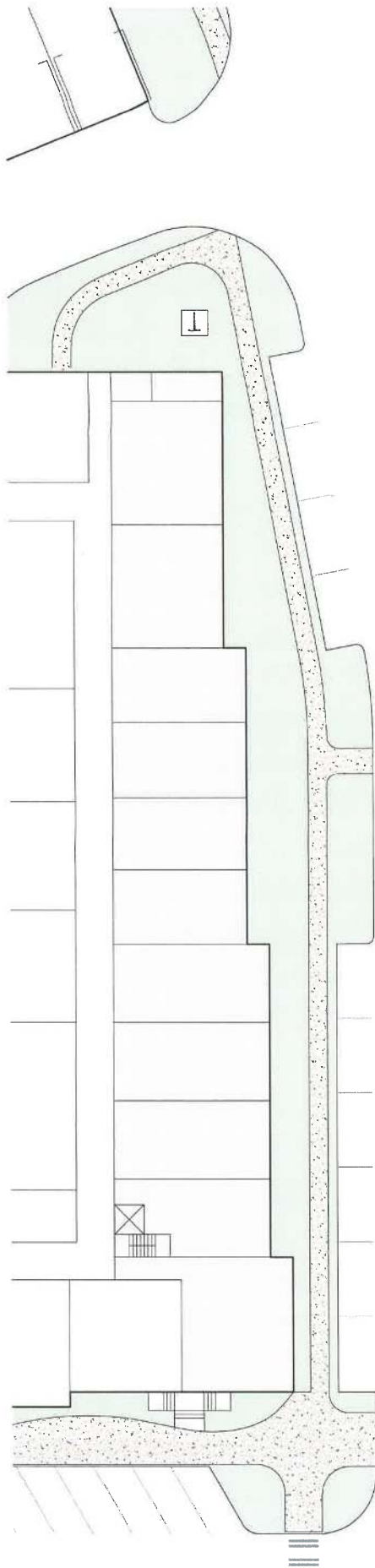
PSP.001 - ASHLEY PARK PHASE 3A & B
RESIDENTIAL WRAP - ELEVATIONS
NEWNAN, GEORGIA
JANUARY 31, 2023

NELSON

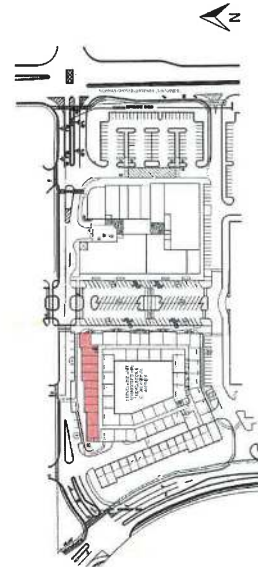
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Thomas Land & Development

WS-1803000.000



NORTH ELEVATION

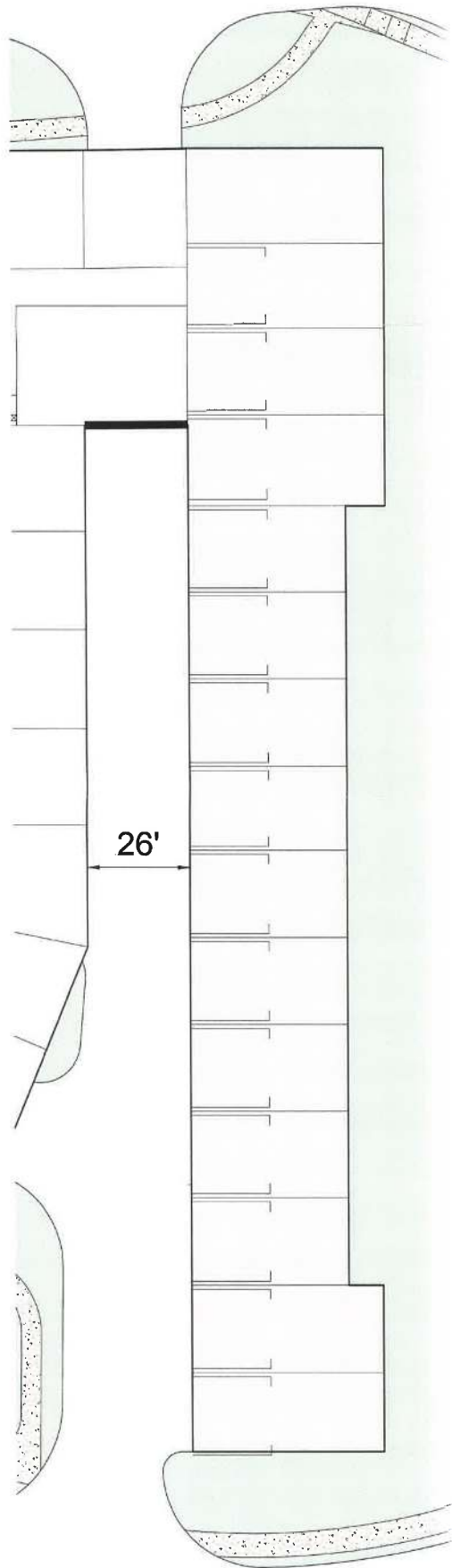


**PSP.001 - ASHLEY PARK PHASE 3A & B
RESIDENTIAL WRAP - ELEVATIONS**
NEWNAN, GEORGIA
FEBRUARY 17, 2020

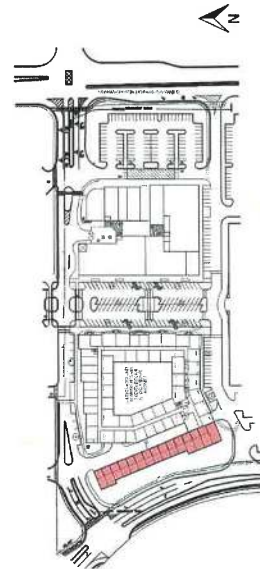
Nelson

Tip

Thomas Land & Development
WB-1803000.000



WEST ELEVATION

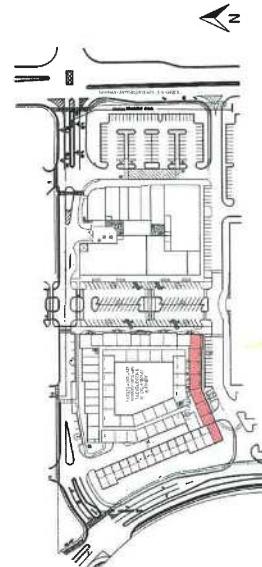
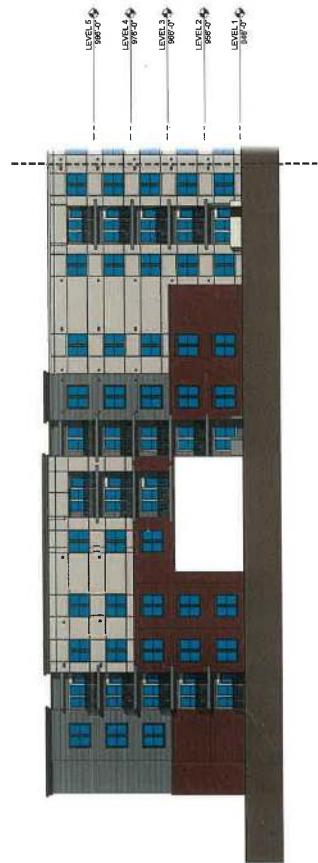
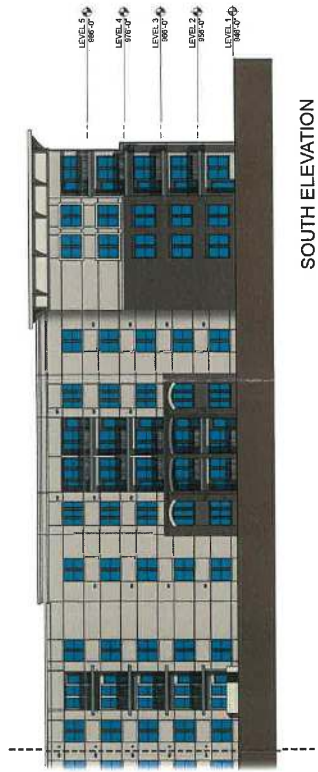
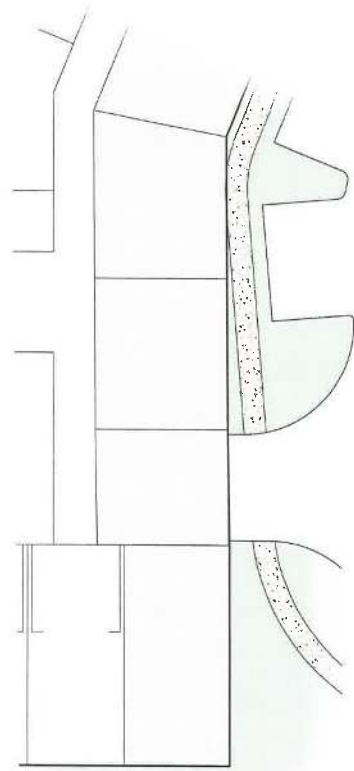
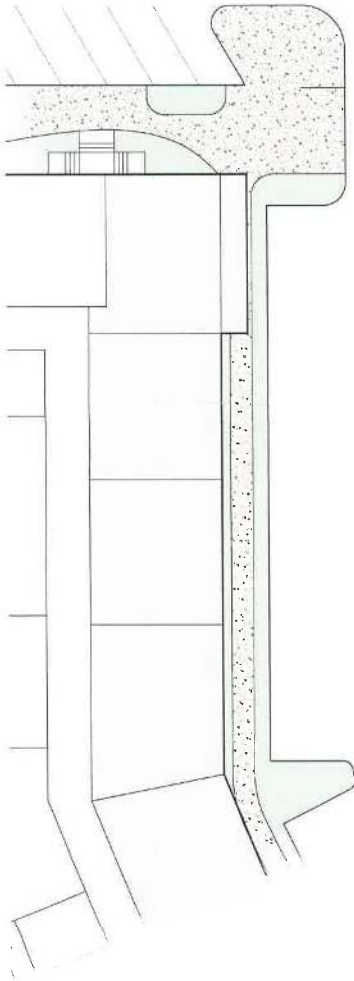


PSP.001 - ASHLEY PARK PHASE 3A & B
RESIDENTIAL WRAP - ELEVATIONS
NEWNAN, GEORGIA
FEBRUARY 17, 2020

NELSON

TID

Thomas Land & Development
WB-1503000.000



SOUTH ELEVATION

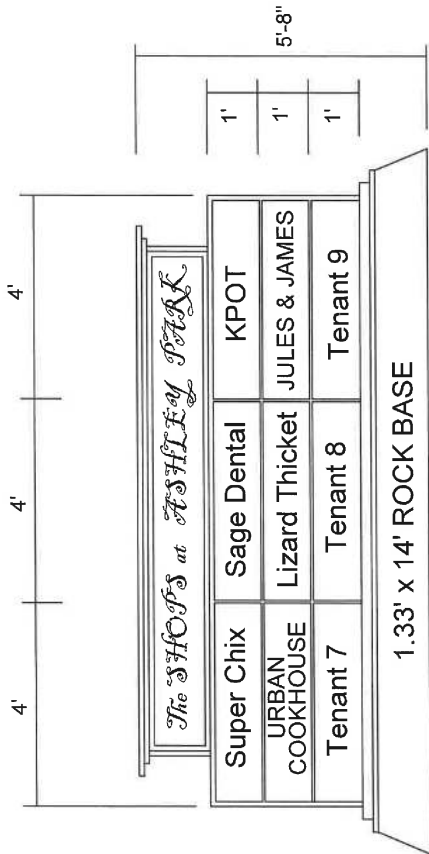


ORIGINAL 2020 MXD RENDERED SITE PLAN
Highlighting the Tower Signage Feature 12-20-23

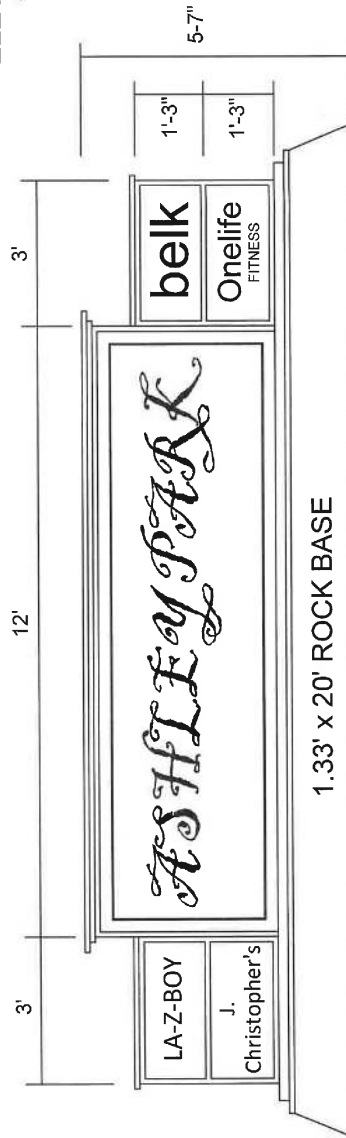
PSP.001 - ASHLEY PARK PHASE 3A & B
 RESIDENTIAL WRAP & RETAIL
 NEWNAN, GEORGIA
 FEBRUARY 17, 2020

NELSON

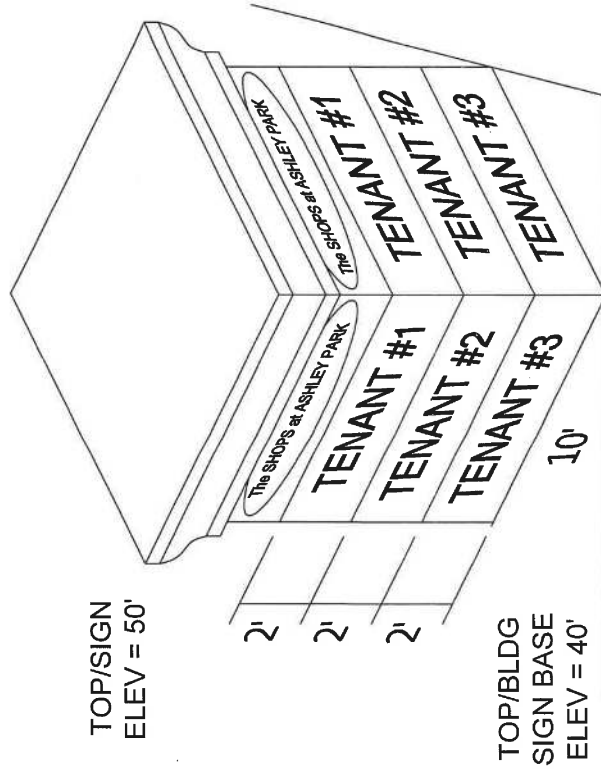
TLD
 Thomas Land & Development
 W6-1863600.000



NEW BYPASS MONUMENT SIGN



EXISTING BYPASS MONUMENT SIGN



BLDG 200 TOWER SIGN

ASHLEY PARK PHASE 3A
SIGNAGE EXHIBIT
"The SHOPS at ASHLEY PARK"

THOMAS LAND & DEVELOPMENT

DECEMBER 20, 2023

Tracy Dunnavant

From: Brent Blankenship
Sent: Tuesday, February 6, 2024 12:24 PM
To: Tracy Dunnavant
Subject: RE: Rezoning - Change in MXD Conditions for Ashley Park Phase III

Tracy,

There will be an impact on Police with some increased call volume and services required. Although that will have some monetary value attached to that impact, we would be able to provide the necessary services required as it relates to public safety needs with Law Enforcement.

Thanks

Brent



Brent Blankenship

Chief of Police

Main: (770) 254-2355

www.newnanga.gov

Newnan Police Department

1 Joseph Hannah Blvd.

Newnan, Georgia 30263

From: Tracy Dunnavant <TDunnavant@newnanga.gov>
Sent: Tuesday, February 6, 2024 11:39 AM
To: Jay LaChance <JLaChance@newnanga.gov>; Brent Blankenship <BBlankenship@newnanga.gov>
Subject: FW: Rezoning - Change in MXD Conditions for Ashley Park Phase III

Tracy Dunnavant

From: Stephen Brown
Sent: Monday, February 5, 2024 9:18 AM
To: Tracy Dunnavant
Subject: RE: Rezoning - Change in MXD Conditions for Ashley Park Phase III

Tracy,

The original report is fine.



Stephen Brown
Chief of Fire

Main: (770) 253-1851
Cell: (770) 328-1141
sbrown@newnanga.gov
www.newnanga.gov

Newnan Fire Department
23 Jefferson Street
Newnan, Georgia 30263



From: Tracy Dunnavant <TDunnavant@newnanga.gov>
Sent: Friday, February 2, 2024 4:30 PM
To: Stephen Brown <SBrown@newnanga.gov>
Subject: RE: Rezoning - Change in MXD Conditions for Ashley Park Phase III

Stephen,



NEWNAN FIRE DEPARTMENT

23 JEFFERSON STREET • NEWNAN, GA 30263
770-253-1851 (P) • 770-638-8678 (F)



Stephen R. Brown, Fire Chief

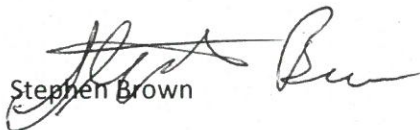
Impact assessment for Ashley Park Phase 3B

In comparing the calls for service to other area complexes, the following information was found.

-The Preserve at Greison Trail	28 Responses
-Lullwater at Calumet	37 Responses
-The Vinings at Newnan Lakes	28 Responses
-Stillwood Farm Apartments	42 Responses
-Newnan Crossing Apartments	115 Responses

Tracy,

At this time, NFD can provide services for Ashley Park Phase 3B.


Stephen Brown

City of Newnan Fire Chief



February 5, 2024

Tracy S Dunnavant, AICP
Planning and Zoning Director
City of Newnan
25 LaGrange Street
Newnan, Georgia 30263

RE: Ashley Park Phase III MXD Change

Ms. Dunnavant,

I am writing per your request to confirm that Newnan Utilities will be the electric, water and sewer service provider for the above referenced project. At this time Newnan Utilities has ample capacity to serve this proposed facility based on the following information:

- Parcel Number 086 5043 004
- 7.98 Acres
- Attached concept plan

1. Electric:

- a. Developer shall provide Newnan Utilities Engineering with AutoCAD drawing files for electrical design.
- b. Developer is responsible for cost of all electrical upgrades or relocations.
- c. Developer or Electrical Engineer shall complete Newnan Utilities load data sheet.
- d. Electrical shall be built out per Newnan Utilities contractor manual.

2. Sanitary Sewer:

- a. Developer shall connect to Newnan Utilities Sanitary Sewer System.
- b. Developer is responsible for all upgrade costs necessary to serve said property, but not limited to:
 - i. Design and Construction of development sanitary sewer system per Newnan Utilities Specifications.
 - ii. Design and construction of connection to Newnan Utilities Sanitary Sewer System.

70 Sewell Road
Newnan, GA 30263
770-683-5516
770-683-0292 fax
www.NewnanUtilities.org

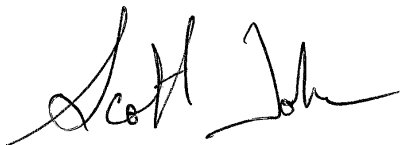
- iii. Cost for analyzing existing sanitary sewer system by an engineering firm approved by Newnan Utilities.
- iv. Existing sanitary sewer upgrades/relocation to handle proposed development. This is to include any lift station upgrades, gravity sanitary sewer upgrades, Sanitary sewer force main upgrades, and any other upgrades deemed necessary by Newnan Utilities.
- v. Line extension fees associated with connection to Newnan Utilities Sanitary Sewer System.
- vi. Sanitary Sewer Impact fees associated with connection to Newnan Utilities Sanitary Sewer System.

3. Water:

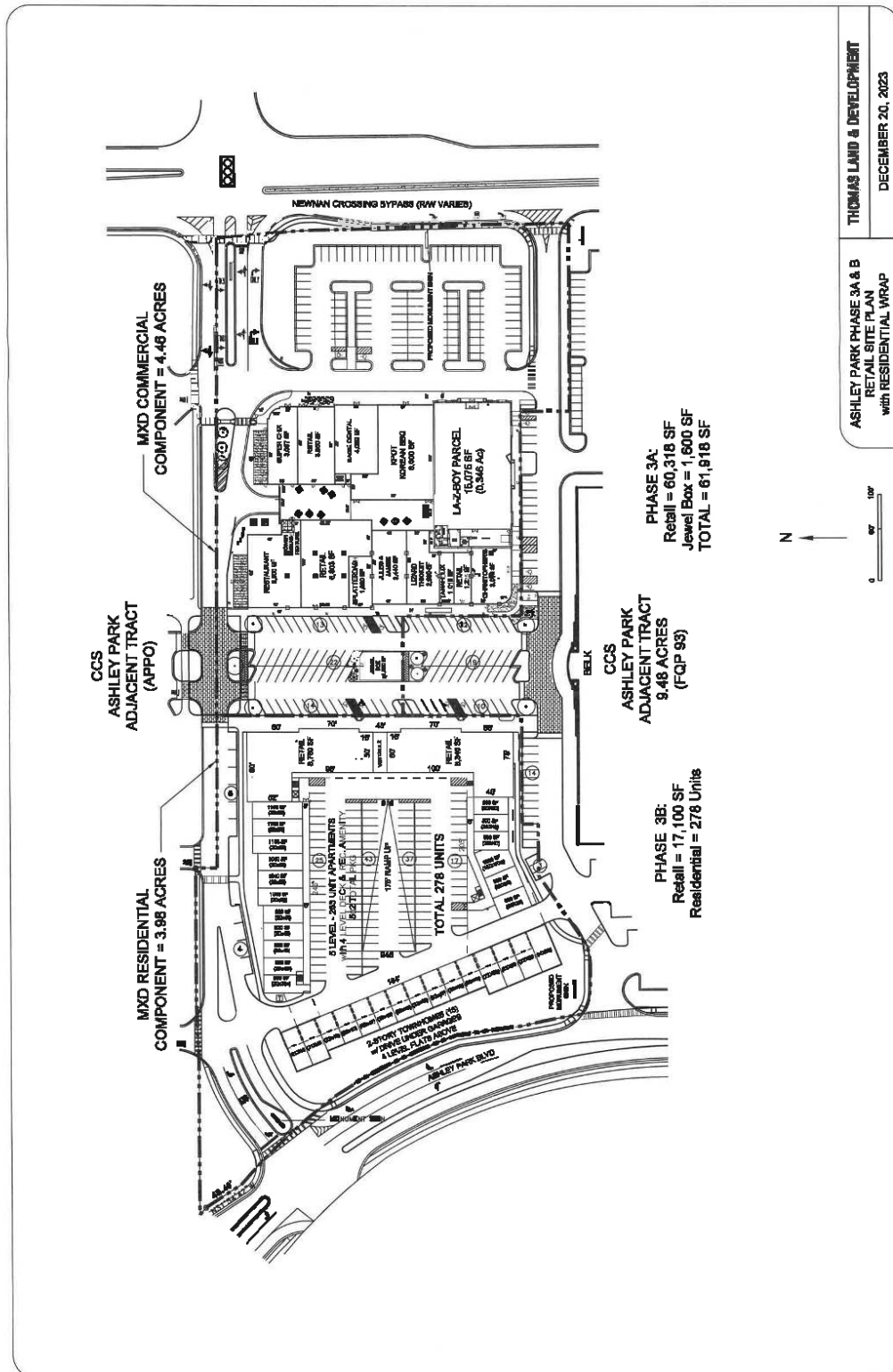
- a. Developer shall connect to Newnan Utilities Water System.
- b. Developer is responsible for all upgrade cost necessary to serve said property, but not limited to:
 - i. Construction of development water system per Newnan Utilities Specifications.
 - ii. Design and construction of connection to Newnan Utilities Water System.
 - iii. Cost for analyzing existing water sewer system by an engineering firm approved by Newnan Utilities.
 - iv. Existing water upgrades/relocation to handle proposed development. This is to include water system upgrades, fire protection upgrades, and any other upgrades deemed necessary by Newnan Utilities.
 - v. Cost of all water meters, and any additional costs pertaining to the monitoring of water meters.
 - vi. Line extension fees associated with connection to Newnan Utilities Sanitary Sewer System.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Tolar". The signature is fluid and cursive, with a large initial "S" and a stylized "T".

Scott Tolar, P.E.
Newnan Utilities
(770) 301-0245
stolar@newnanutilities.org





The City of Newnan, Georgia

Office of City Engineer

02.05.2024

REZONING REQUEST

Ashley Park Phase 3B – Proposed Multifamily Development

Comments:

1. ADA compliant sidewalks shall be provided along the public right of way adjacent to the development and within the development to comply with DRI 591, 01.19.2005.

This includes extending sidewalk from Ashley Park Dr to existing across from Belk

Install 6 foot sidewalk along Ashley Park Dr, modifying existing curb ramps to meet ADA standards, and refreshing crosswalk pavement markings.

Install 6 foot sidewalk along driveway connecting Ashley Park Dr to Newnan Crossing Bypass (Newnan Place Pkwy, private); note possible conflict with existing post lights

Ensure pedestrian connectivity between this parcel and adjacent parcels.

2. Note: Notice of Decision- DRI 591- The Forum at Newnan Crossing, 01.19.2005

The existing median opening along Newnan Crossing Bypass at Driveway 3 shall be closed and the northern median modified to maximum storage for the northbound left turn from Newnan Crossing Bypass onto SR 34.

Tracy Dunnivant

From: Mike Furbush
Sent: Friday, January 26, 2024 12:37 PM
To: Tracy Dunnivant
Subject: RE: Rezoning - Change in MXD Conditions for Ashley Park Phase III

I am fine with the kiosk in the middle of the parking lot, but the plan would still have to meet all landscape requirements.



Mike Furbush

City Landscape Architect & Arborist

Main: (770) 254-2354

Desk: (678) 673-5564

Cell: (404) 819-2420

mfurbush@newnanga.gov

www.cityofnewnan.org

City of Newnan

25 LaGrange Street

Newnan, Georgia 30263



From: Tracy Dunnivant <TDunnivant@newnanga.gov>

Sent: Thursday, January 25, 2024 11:52 AM

To: Scott Tolar <stolar@newnanutilities.org>; Jay LaChance <JLaChance@newnanga.gov>; Stephen Brown <SBrown@newnanga.gov>; Mike Furbush <MFurbush@newnanga.gov>; Michael Klahr <mklahr@newnanga.gov>; Brent Blankenship <BBlankenship@newnanga.gov>

Subject: Rezoning - Change in MXD Conditions for Ashley Park Phase III

Good Morning,

Robert Bergman is seeking to amend the conditions of the MXD zoning development out at Ashley Park. The current approved plan calls for a total of 56,668 square feet of commercial/retail and he would like to increase that to 79,018 square feet. Of that additional 22,350 square feet, 17,100 would be an optional addition for the previously approved residential component (see proposed plan). In addition, they would also like to incorporate a tower signage feature on the commercial portion as well.

I have included the proposed written conditions, which explains the changes, as well as the approved and proposed concept plans for the site. Please let me know if you have any comments based on the revised conditions. I will need them no later than January 31st for inclusion in my commission report.

Thanks and just let me know if you have questions or need to see your previous comments.

Tracy



Tracy S Dunnavant, AICP

Planning and Zoning Director

Main: (770) 254-2354 x4

Desk: (678) 673-5481

Cell: (404) 535-0960

tdunnavant@cityofnewnan.org

www.cityofnewnan.org

City of Newnan

25 LaGrange Street

Newnan, Georgia 30263





City of Newnan, Georgia - Memorandum

To: Planning Commission

From: Dean Smith, Senior Planner

Date: February 13, 2024

RE: Information on proposed changes to Articles 2, 8 and 13
of the City's Zoning Ordinance.

On January 23, 2024, the Mayor and City Council for the City of Newnan adopted a moratorium on the issuance of sign permits (see attached), to allow time for the sign ordinance, identified as Article 8 of the Zoning Ordinance, to be updated.

At this point, the proposed revisions are being presented to the Commission for information and to begin the process of discussion. A public hearing will be held at the next Planning Commission meeting on March 12, 2024.

STATE OF GEORGIA

CITY OF NEWNAN

AN ORDINANCE ADOPTING A MORATORIUM ON THE ISSUANCE OF SIGN PERMITS WITHIN THE INCORPORATED CITY LIMITS OF THE CITY OF NEWNAN, GEORGIA, FOR A PERIOD OF NINETY TWO (92) DAYS; TO PROVIDE FOR EXCEPTIONS; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, it has been a number of years since the City of Newnan Sign Ordinance (codified in Article 8 of the City of Newnan Zoning Ordinance) has undergone a thorough review; and

WHEREAS, the City of Newnan received applications for signs that do not meet the standard of the City of Newnan Sign Ordinance, necessitating a review of the City of Newnan Sign Ordinance in light of current law, technology and demand; and

WHEREAS, the City of Newnan received notice of a potential claim against in an ongoing case which challenged a provision of the City of Newnan Sign Ordinance; and

WHEREAS, the City Council needs to review the City of Newnan Sign Ordinance to ensure aesthetic signage within the City; and

WHEREAS, the City desires to adopt a moratorium on the acceptance, review and issuance of all new sign permits for monument signs, as defined in the City of Newnan Sign Ordinance, or any other signs in excess of sixteen square feet in sign area.

WHEREAS, public notice of a hearing will have to be published and a hearing held prior to consideration and adoption of the new sign ordinance; and

WHEREAS, additional time is required to complete the adoption process.

NOW THEREFORE, be it and it is hereby ordained by the City Council of the City of Newnan, Georgia that:

Section I. Findings.

In consideration of the adoption of this Ordinance, and based upon information provided to the City Council, it is hereby determined that:

- (a) the City of Newnan's current Sign Ordinance, as codified in Article 8 of the Zoning Ordinance of the City of Newnan, Georgia, was adopted on September 12, 2017, and was last revised on August 24, 2021; and

- (b) the City is facing a current legal challenge with respect to a provision of its existing Sign Ordinance; and
- (c) numerous court decisions have further defined the reach of Constitutional protections provided for sign applicants since the City's Sign Ordinance was last revised and adopted; and
- (d) it is necessary to review the City's Sign Ordinance and make a determination as to necessary changes to conform with those decisions.

Section II. Moratorium on certain sign permits.

- (a) A moratorium is hereby adopted on the acceptance of applications for permits for monument signs, as such are defined in the City of Newnan's Sign Ordinance, and for signs in excess of sixteen (16) square feet in sign area, for a period of ninety two (92) days beginning on the date of adoption of this Ordinance. During the moratorium period there shall be no acceptance, review or issuance of new sign permits for monument signs or signs in excess of sixteen (16) square feet in sign area within the incorporated city limits of the City of Newnan, Georgia. The purpose of the moratorium extension is to permit the City to complete its review of a proposed new sign ordinance, to allow a period for publication of notice and to complete public hearing and consideration.
- (b) During the period of this moratorium, including any extension, no sign permits shall be issued for new monument signs or signs in excess of sixteen (16) square feet in sign area in the city limits of the City of Newnan, nor shall applications for such signs be accepted and reviewed during the moratorium period; provided however, this moratorium shall not apply to nor affect the issuance of permits based upon complete applications meeting the standards of the City of Newnan's Sign Ordinance and submitted to the City prior to the effective date of this moratorium; nor shall it apply to or affect repairs to existing sign structures; nor shall it apply to or affect the replacement of sign panels on existing sign structures; nor shall it apply to complete applications meeting the standards of the City of Newnan's Sign Ordinance and submitted to City as a result of a settlement agreement in any pending litigation.

Section III. Referral to Planning Commission.

Any proposed revisions to the City of Newnan's Sign Ordinance shall be referred to the City of Newnan Planning Commission for its meeting on February 13, 2024 for the Planning Commission to consider and schedule a hearing on any proposed changes on March 12, 2024, forwarding its recommendations to the City Council for a hearing on April 23, 2024, following which the City Council may take action.

Section IV. Other ordinances.

Except as provided herein, all zoning and development ordinances of the City of Newnan, Georgia shall remain in full force and effect.

Section V. Effective date.

This ordinance shall become effective immediately upon its approval on January 23, 2024. The moratorium imposed by this ordinance shall expire at 5:00 p.m. on April 24, 2024, or upon adoption of an amendment to the City of Newnan's Sign Ordinance, whichever occurs first.

Section VI. Ordinances not repealed.

All resolutions and ordinances, or portions thereof, in conflict with the foregoing are hereby suspended, but not repealed, by virtue of this moratorium.

Section VII. Severability.

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

So ordained this 23rd day of January, 2024.

ATTEST:

Megan Shea
Megan Shea, City Clerk

REVIEWED AS TO FORM:

C. Bradford Sears
C. Bradford Sears, Jr., City Attorney

Cleatus Phillips
Cleatus Phillips, City Manager

L. Keith Brady
L. Keith Brady, Mayor

Paul Guillaume
Paul Guillaume, Mayor Pro-Tem

Cynthia E. Jenkins
Cynthia E. Jenkins, Councilmember

Rhodes H. Shell
Rhodes H. Shell, Councilmember

Raymond E. DuBose
Raymond E. DuBose, Councilmember

Dustin Koritko
Dustin Koritko, Councilmember

James J. Thomasson, III
James J. Thomasson, III, Councilmember

New Section 2-24.

Signs – maximum height and size

- (a) Except as permitted in Article 8, no freestanding or monument sign shall be erected within the City that exceeds the size of 50 square feet on any lot, regardless of whether such lot is zoned or unzoned under the City's Zoning Ordinance and Zoning Map.
- (b) Except as permitted in Article 8, no freestanding or monument sign shall be erected within the City that exceeds five feet in height on any lot, regardless of whether such lot is zoned or unzoned under the City's Zoning Ordinance and Zoning Map.

Article 8 - Sign Regulations

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Sec. 8-1. - Findings, Purpose and Intent.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in this Ordinance.

(a) Statement of Legislative Purpose.

- (1) The City Council recognizes that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. However, left unregulated, signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of the city. Numerous professional studies have been prepared that examine and establish the effect of signs on traffic safety, aesthetics and economic prosperity, including the following:
 - a. Klauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data". National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.
 - b. Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity". December 2011.
 - c. Wachtel, J., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Outdoor Advertising Signs". Prepared for AASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California.
 - d. Weitz, Jerry, Ph.D., AICP. "The Public Purpose of Rowell's Sign Ordinance and the Implications of Doing Without It: A Position Paper". December 7, 1999.
- (2) Based on a review of the cited materials and the studies referenced therein as well as other related studies, the City Council finds that unregulated signs:
 - a. Can be a safety hazard to drivers and pedestrians;
 - b. Can be a detriment to the public health;
 - c. Can hamper economic growth;
 - d. Can lower property values;
 - e. Can adversely impact public investments;
 - f. Can degrade the utility of public safety signs; and

Sec. 8-1. - Findings, Purpose and Intent.

- g. Can adversely impact the aesthetic quality of the community and surrounding environment.

(b) Findings of Fact.

Specifically, the Mayor and City Council find that:

- (1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
- (2) An improperly regulated sign environment imposes health and safety dangers to the public.
- (3) The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices.
- (4) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
- (5) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
- (6) Through proper regulation of signs, the attractiveness and economic wellbeing of the city of Newnan will be enhanced as a place to live, work and conduct business.

(c) Purpose and Intent.

- (1) Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. The mayor and council intend by enacting this Article to:
 - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further, the objectives of the city's comprehensive plan;
 - c. Protect the public health, safety, welfare, and aesthetics of the city;
 - d. Reduce traffic and pedestrian hazards;
 - e. Maintain the historical image of the city;
 - f. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - g. Promote economic development; and

Sec. 8-1. - Findings, Purpose and Intent.

- h. Ensure the fair and consistent enforcement of sign regulations.
 - (2) While specifically establishing regulations to control signs within the city, it is not the intent of this Article:
 - a. to regulate art and art symbols; or,
 - b. holiday decorations and symbols.
 - (3) Recognizing the need for certain types of signs which facilitate the safe and orderly movement of traffic, this Article provides for the regulation of incidental address identification and ~~othersubdivision~~-identification signs.
 - (4) Recognizing the need to facilitate decreases in crime this Article provides for the regulation of burglar alarm/security signs.
 - (5) Recognizing the historical contribution of certain structures and places to the cultural fabric of the city and the need and desire to identify same, certain provisions are made in this Article to allow for the identification of those structures and places.
 - (6) While this Article prohibits certain signs from placement within the city and exempts certain signs from certain regulations of this Article, such exemptions are not intended to otherwise allow a sign that is prohibited.
 - (7) Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city.
 - (8) Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this Article.
- (d) Intent in Interpretation.
- (1) In interpreting the provisions of this Article, nothing shall be construed as intent to regulate the content of the message displayed on any sign except to address a compelling public safety or aesthetic concern or to comply with state law.
 - (2) All signs may display a non-commercial message constituting personal speech in addition to or in lieu of any other message. It is the intent of this Article to regulate only the number, type, size, height, timing, appearance, construction materials, location and portability of signs to accomplish the purposes set forth in Sec. 8-1(c), above, except as otherwise provided herein.

Sec. 8-3. - Definitions and Interpretation.

Sec. 8-2. - Applicability and Effect.

- (a) A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this Article.
- (b) The effect of this Article as more specifically set forth herein, is:
 - (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Article;
 - (2) To allow certain signs that are small and unobtrusive, subject to the substantive requirements of this Article and without regard to content of such signs, but without a requirement for permits;
 - (3) To provide for temporary signs in limited circumstances;
 - (4) To regulate signs so as to prevent the degradation of the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;
 - (5) To prevent the proliferation of signs which may result in roadside clutter that would impede the flow of information from businesses to consumers thereby harming the economic health of the community, and that would impede the flow of information from traffic signs and signal and therefore create hazards to drivers and pedestrians;
 - (6) To lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrians and vehicular traffic, and impede vision of traffic, traffic control signs and devices; and
 - ~~(7) To prohibit all signs not expressly allowed by this Article; and~~
 - ~~(8);~~(7) To provide for the enforcement of the provisions of this Article.

Sec. 8-3. - Definitions and Interpretation.

Words and phrases used in the interpretation of sign regulations shall have the meanings set forth in this Section. Words and phrases not defined in this Section, but defined in this Zoning Ordinance, shall be given the meanings set forth in this Ordinance. Principles for computing sign area and sign height are contained in Sec. 8-4 of this Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article.

- 1. BANNER – A type of sign made of fabric, thin plastic or similar lightweight material that is attached to a pole, a building or other structure and is intended or displayed as commercial speech. Flags displaying noncommercial speech shall not be considered to be banners.

Sec. 8-3. - Definitions and Interpretation.

The following are Illustrative Examples of Banner Signs:



Pole Mounted



Suspended



Building Mounted



Fence Mounted



Fence Mounted



Fence Mounted

2. BEACON – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.
3. BUILDING OFFICIAL – The Building Official of the city or his/her designee.
4. CANOPY –
 - a. BUILDING CANOPY – A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway or building entrance from the elements. A marquee is a type of building canopy.
 - b. FREESTANDING CANOPY – A freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.
5. COLUMN SIGN – See under “Sign, Freestanding” herein.
6. COMMERCIAL SPEECH OR COMMERCIAL MESSAGE –
 - a. The expression of an idea, opinion or message that directs or attracts attention to a place of business, to a particular business organization, to a product, commodity or service for sale, trade, barter, swap or lease, or to any other business interest or activity; or

Sec. 8-3. - Definitions and Interpretation.

- b. The solicitation for contributions or financial support for any nonprofit organization, institution, committee, club or association of a social, political, religious or charitable nature, or for any nonprofit organization representing the opinions, viewpoint or interests of a particular group.

7. **FEATHER BANNER** – A banner mounted on a pole, such as the examples shown to the right. Such signs may be wind activated (see “sign, animated”) or rigidly mounted in a stationary position



Examples of feather banners

8. **FLAG** – A type of sign made of paper, woven natural or synthetic fabric, thin plastic or similar lightweight pliable material that is normally displayed by flying from a pole as a wind-activated device, but is not otherwise defined herein as a banner, pennant or feather banner.
9. **FOOT-CANDLE** – A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.
10. **FRAME** – A complete static message on an electronic display.
11. **FRAME EFFECT** – A visual effect which depicts movement, fading, mosaic flips, wipes or other changing effects associated with the transition from one static message to another.
12. **FREESTANDING SIGN** – See “Sign, Freestanding” herein.
13. **HOLIDAY OR SEASONAL EVENT** – A day established as a legal holiday by federal, state or local law; a nationally recognized holiday such as Halloween or Mother’s Day; a nationally recognized calendar season such as Fall or Spring; a religious day or term of days such as Easter, Yom Kippur or Christmas, or Lent, Ramadan or Hanukah.
14. **ILLUMINATED SIGN, INTERNAL** – A sign illuminated by an internal light source.
15. **ILLUMINATED SIGN, EXTERNAL** – A sign illuminated by an external light source directed primarily toward the sign face.
16. **KIOSK** – A freestanding sign structure, often cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.
17. **LOT** – See the definition of “Zoned Lot” herein.
18. **LUMEN** – A quantitative unit measuring the amount of light emitted by a light source.
19. **MARQUEE** – See “Canopy – Building Canopy” herein.
20. **MOBILE SIGNS** – Any sign, as defined herein, which is placed at a fixed location but not permanently installed, which is mounted or designed for mounting on a motorized or non-motorized vehicle, or designed to be transported, such as by trailer or in the bed of a truck. Types of mobile signs are:

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- a. PORTABLE SIGN – Any sign, as defined herein, intended for temporary or permanent display at a fixed location but not permanently attached to the ground or other permanent structure, other than a banner, pennant or flag. Examples of such signs include: temporary changeable copy signs, umbrellas used for advertising, and inflatable signs.
- b. TRAILER SIGN – Any sign, as defined herein, which is mounted or designed for mounting on a towed non-motorized vehicle, or designed to be or is being transported in the bed of a truck.
- c. VEHICLE SIGN – Any sign, as defined herein, painted or drawn on or affixed to or on the front, side or rear of a motorized vehicle, such as an automobile or truck, but not affixed in or to or mounted in or on the bed of a truck or trailer.

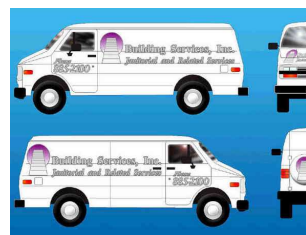


Portable Sign Example



Trailer Sign Example

The following are Illustrative Examples of Vehicular Signs:

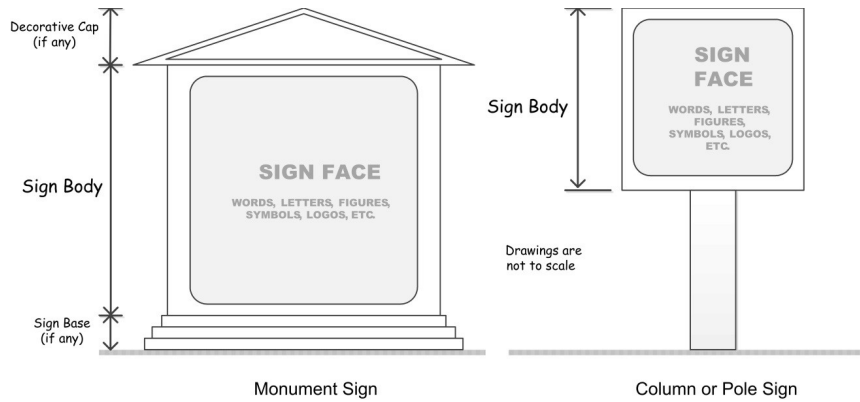


21. NON-COMMERCIAL MESSAGE – See the definition of “Personal (Noncommercial) Speech” herein.

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22. PENNANT – Any lightweight plastic, fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention. The term “pennant” shall not include a “banner” or a “flag” as regulated by this Article
23. PERSON – Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
24. PERSONAL (NONCOMMERCIAL) SPEECH – Any message containing wording, symbols or other representation promoting a place, an activity, or idea other than a commercial activity , such as:
 - a. The expression of an idea, opinion or message that does not direct or attract attention to a place of business, to a particular business organization, to a product, commodity or service for sale, trade, barter, swap or lease; or to any other business interest or activity; or,
 - b. The encouragement, offering or announcement for the public to participate in the activities of, or to benefit from assistance provided by, any nonprofit organization, institution, committee, club or association of a social, political, religious or charitable nature, or of any nonprofit organization representing the opinions, viewpoint or interests of a particular group, not involving the solicitation for contributions or financial support for any such organization.
25. PLANNED CENTER – A single office, medical, commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship and do not jointly occupy the same floor area in common. A planned center may consist of a single building, such as a shopping center, or multiple buildings, such as an office condominium center or business park.
26. POLE SIGN – See under “Sign, Freestanding” herein.
27. PRINCIPAL BUILDING – The primary or predominant structure or building occupying a lot or parcel and often containing the principal use of the property.
28. SETBACK – The perpendicular distance from the property line to the nearest part of the applicable building, structure or sign, measured from the property line to that portion of the building, structure or sign which is most proximate to such line.
29. SIGN – Any device, fixture, placard, object, design, display or structure that uses any color, form, graphic, illumination, symbol, or writing to attract the attention of or to communicate information of any kind to the public.
30. SIGN BODY – That portion of a sign structure that is intended or designed primarily to support or display the sign face, exclusive of the sign’s base or decorative cap, if any.

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31. **SIGN FACE** – That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any message or idea and are purely structural or decorative in nature.
32. **SIGN MODULE** – Each portion or unit of a sign face that is clearly separable from other such units by virtue of its individual or independent construction or framing.

The following are Illustrative Examples of Sign Modules:



1 Module
(no separation)



2 Modules



Multiple Modules

33. **SIGN, ANIMATED** – A sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by wind or by mechanical means such as the blowing of air or motorized parts, or made up of a series of sections that turn, including any type of screen

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using animated or scrolling displays such as an LED (light emitting diode) screen or any other type of video display.

34. SIGN, BANNER – See the definition of “Banner” herein.
35. SIGN, BILLBOARD – See “Sign, Highway” herein.
36. SIGN, BUILDING – Any sign attached to any part of a building, as contrasted to a freestanding sign. The term “building sign” includes but is not limited to the following:
 - a. AWNING SIGN – A sign imposed, mounted or painted upon an awning.
 - b. BUILDING MARKER – A sign composed of concrete, bronze or other permanent material which is built into the surface of the building at the time of its construction.
 - c. CANOPY SIGN – A sign imposed, mounted or painted upon a canopy, as defined herein.
 - d. MANSARD SIGN – A sign imposed, mounted or painted upon the fascia portion of a mansard roof.
 - e. PROJECTING SIGN – A sign affixed flat to a wall and extending more than 6 inches from the surface of such wall, or any sign attached to and extending at an angle from a wall surface (usually perpendicular).
 - f. ROOF SIGN – A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building (other than the fascia portion of a mansard roof).
 - g. UNDER-CANOPY SIGN – A display attached to the underside of a marquee or building canopy and protruding over a pedestrian walkway.
 - h. WALL SIGN – A sign that is fastened to, painted on or placed directly upon the exterior wall of a building façade or building canopy, with the sign face parallel to the wall or canopy face.
 - i. WINDOW SIGN – A sign that is applied, painted or placed on, behind or inside a windowpane or a glass door and intended to be viewed from outside the building.

The following are Illustrative Examples of Building Signs by Type:



Wall Sign



Wall Sign



Wall Sign



Awning Signs

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Awning Sign



Building Marker



Canopy Sign



Canopy Sign



Mansard Sign



Projecting Sign



Projecting Sign



Roof (and Canopy) Sign



Under-Canopy Sign



Under-Canopy Sign



Window Sign



Window Signs

37. SIGN, BUILDING MARKER – See under “Sign, Building” herein.
38. SIGN, CANOPY – See under “Sign, Building” herein.
39. SIGN, CHANGEABLE COPY – A type of sign that is designed and intended to change the display of words, letters, numbers, symbols or graphics on a regular or intermittent basis, either manually, electronically or through electronic activation of a mechanical control mechanism. Changeable copy signs include the following types:
 - a. MANUAL CHANGEABLE COPY SIGN – A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A manual changeable copy sign on which the message is changed more than eight times per day shall be considered an animated sign and not a manual changeable copy sign for purposes of this Article.

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- b. **MULTIPLE MESSAGE SIGN** – A sign that contains display surfaces composed of a series of three sided rotating slats arranged side-by-side, either horizontally or vertically, that are rotated by an electromechanical process, capable of displaying a total of three separate and distinct messages, one message at a time. Such signs are also called “trivision signs”. A multiple message sign for properties zoned CCS, CBD, CUN, CGN, CHV, PDC, PDO, IHV or ILT that also adjoin or abut residentially zoned property may only be approved as a special exception under the provisions and procedures provided for special exceptions in the Procedures and Permits Article.
- c. **VARIABLE MESSAGE SIGN** – A sign or portion thereof with characters, letters, or graphics that can be changed or rearranged electronically without altering the face or the surface of the sign. Such signs are also called “digital signs” or “LED signs”. A variable message sign for properties zoned CCS, CBD, CUN, CGN, CHV, PDC, PDO, IHV or ILT that also adjoin or abut residentially zoned property may only be approved as a special exception under the provisions and procedures provided for special exceptions in the Procedures and Permits Article.
- 40. **SIGN, DIRECTORY** – A freestanding or building sign used to identify the location of individual occupants within a multi-occupant structure or the location of individual structures within a multi-building development on a property.
- 41. **SIGN, FREESTANDING** – Any sign attached to or an integral part of a completely self-supporting structure or supports that are placed in, or anchored in, the ground and that are independent from any building or other structure. The term “freestanding sign” includes but is not limited to the following:
 - a. **POLE SIGN** – A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and at least one such supporting stanchion or column is less than 20% of the width of the sign body.
 - b. **COLUMN SIGN** – A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each 20% of the width of the sign body or more.
 - c. **MONUMENT SIGN** – A freestanding sign in which the entire bottom of the sign body or the base of the sign structure is in contact with the ground along its entire length, and the base and any supporting columns are together as wide as or wider than the total width of the sign body.

Sec. 8-3. - Definitions and Interpretation.

The following are Illustrative Examples of Freestanding Signs by Type:



Pole Sign



Pole Sign



Pole Sign



Column Sign



Column Sign



Monument Sign



Monument Sign



Monument Sign



Monument Sign



Monument Sign



Monument Sign



Monument Sign

Sec. 8-3. - Definitions and Interpretation.

42. SIGN, HIGHWAY – Any sign which is located adjacent to a Federal Interstate Highway and which qualify for a Special Exception Permit under Sec. 8-21 of this Article.
43. SIGN, INCIDENTAL – A small sign, emblem or decal no larger than 1½ square feet in area. Such signs are normally located on doors, windows and gas pumps, or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.

The following are Illustrative Examples of Incidental Signs:



44. SIGN, INFLATABLE – A sign that is either expanded to its full dimensions through mechanical means of an air blower or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.
45. SIGN, MARQUEE – See under “Canopy, Building Canopy” herein.
46. SIGN, MISCELLANEOUS BUILDING SIGN – A building sign (as defined herein), other than a principal building sign, a temporary event sign or an incidental sign, commonly found on the wall of a nonresidential use property.

Sec. 8-3. - Definitions and Interpretation.

The following are Illustrative Examples of Miscellaneous Building Signs:



47. SIGN, MISCELLANEOUS FREESTANDING SIGN – A freestanding sign, other than a freestanding principal sign, temporary event sign or incidental sign, commonly found on multi-family and nonresidential use properties located at entrance and exit driveways, drive-through windows, internal driving lanes, parking lots, designated handicap parking spaces, etc.

The following are Illustrative Examples of Miscellaneous Freestanding Signs:



48. SIGN, MOBILE – See “Mobile Signs” herein.
49. SIGN, MONUMENT – See under “Sign, Freestanding” herein.

Sec. 8-3. - Definitions and Interpretation.

- 50. SIGN, MULTI-FACED – A single freestanding sign structure consisting of two or more sign faces, each of which is designed to be seen from a different direction.
- 51. SIGN, MULTIPLE MESSAGE – See under “Sign, Changeable Copy” herein.
- 52. SIGN, PERMANENT – Any sign that is securely affixed to the ground or to a building and not readily removable. Temporary signs are not considered to be permanent signs.
- 53. SIGN, PORTABLE – See under “Movable Signs” herein.
- 54. SIGN, PRE-PERMANENT – A temporary sign used for signage by a new business until their permanent sign is installed.
- 55. SIGN, PRINCIPAL – Any permanent freestanding or building sign, other than a project entrance sign as defined in this Article, having a sign face area larger than 32 square feet or that is otherwise the main, most prominent or largest freestanding or building sign on a property’s street frontage or principal building.
- 56. SIGN, PROJECT ENTRANCE – A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular single-family residential subdivision, a townhouse condominium subdivision, or a commercial subdivision such as an office park or industrial park where buildings are located on separate lots.

The following are Illustrative Examples of Project Entrance Signs:



- 57. SIGN, PROJECTING – See under “Sign, Building” herein.
- 58. SIGN, RESIDENTIAL – Any permanent sign located in a district zoned for residential uses.
- 59. SIGN, ROOF – See under “Sign, Building” herein.
- 60. SIGN, ROOF INTEGRAL – See “Sign, Building – Mansard Sign” herein.
- 61. SIGN, SUBDIVISION – See “Sign, Project Entrance” herein.
- 62. SIGN, SUSPENDED – See “Sign, Building – Under-Canopy Sign” herein.

Sec. 8-3. - Definitions and Interpretation.

63. SIGN, TEMPORARY – Any sign, the use of which is short-term in nature, that is affixed to or placed on the ground or to a building but is readily removable and not intended for permanent installation.
64. SIGN, TEMPORARY EVENT – Any sign that is of a non-permanent nature, used only temporarily in relation to a temporary event (as described and regulated by this Article) and not permanently mounted.
65. SIGN, TRAILER – See under “Mobile Signs” herein.
66. SIGN, VARIABLE MESSAGE – See under “Sign, Changeable Copy” herein.
67. SIGN, VEHICLE – See under “Mobile Signs” herein.
68. SIGN, WALL – See under “Sign, Building” herein.
69. SIGN, WINDOW – See under “Sign, Building” herein.
70. STREET – A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.
71. STREET FRONTAGE – The length of any one-property line of a premise, which property line abuts a street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.
72. SUBTENANT – A natural person, business or other entity that subleases or is otherwise allowed to occupy a portion of land or a building, the majority of which is also occupied by a tenant. For the purposes of this Article, a subtenant is not treated as a “tenant” as defined herein.
73. TEMPORARY EVENT – An activity having a specific duration or the end or which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events are include, but are not limited to, such activities as:
 - a. The offering of a property or premises for sale or rent.
 - b. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state or federal governance.
 - c. Special business promotions, such as, but not limited to, “grand openings”, “close-out sales”, and seasonal sales events.
 - d. Garage/Yard sales.
 - e. The construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.
 - f. A public announcement of a special event or seasonal activity by an individual or a non-profit organization.
74. TENANT – A natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; the primary occupant, inhabitant, or dweller of a place. In contrast, see “Subtenant” herein.

Sec. 8-4. - Computations.

75. **TENANT FRONTAGE** – The horizontal distance in feet between the walls that delimit an exterior façade of a tenant space. A “tenant space” may be a stand-alone building with a single occupant, or a portion of a planned center that is separated from all other tenant spaces for occupancy by a single tenant.
76. **ZONED LOT** – A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by this Zoning Ordinance.

Sec. 8-4. - Computations.

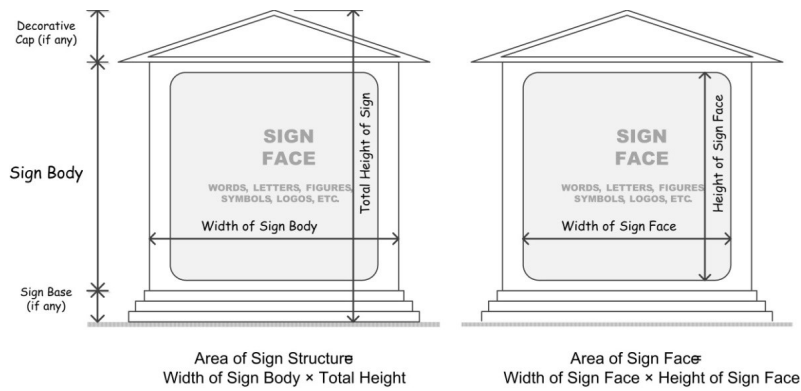
The following principles shall control the computation of sign face area and sign height.

(a) **Computation of Area.**

(1) **Generally.**

- a. The area of a sign face or module shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, logo, or other display, together with any material or color forming an integral part of the background of the sign face or used to differentiate the sign face from the sign body or structure against which the sign face is placed. The sign face area does not include any supporting framework, structural supports, or decorative structure or wall when such structure or wall is clearly incidental to the display itself.
- b. If a sign face is composed of two or more sign modules, the sign face area shall be the area of each module, measured in accordance with Sec. 8-4(a)(1)a, totaled together.
- c. The area of a sign structure shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, by multiplying:
 1. The width of the body of the sign (exclusive of the sign’s base or decorative cap, if any) measured at the widest portion of the sign body; times
 2. The height of the sign as determined under Sec. 8-4(b), “Computation of Height”.
- d. The following are examples of how sign structure area and sign face area measurements are made; the signs shown are illustrative and only provided for clarity.

Sec. 8-4. - Computations.



(2) Area of Multi-Sided Signs.

The sign face area for a sign structure with more than one side shall be computed by adding together the area of all sign faces visible from any one point. The sign face area of a sign structure with more than one side, and such sides are not more than 24 inches apart from any point of the sign, shall be computed as follows:

- a. Double-sided signs.

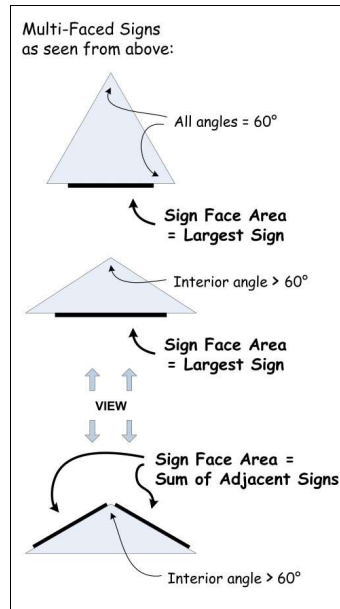
Sign Face Area:
Three-sided Sign Structures

Sec. 8-4. - Computations.

For double-sided signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two sides is 60 degrees or less, the area of the sign shall be taken as the area of the largest sign face. For double-sided signs where the interior angle formed by the sides is more than 60 degrees, the sign face area shall be the total area of both faces.

b. Signs with three or more sides.

1. For sign structures having only three sides and the interior angle formed between each of the sides is 60 degrees, the sign face area shall be taken as the area of the largest of the three sign faces.
2. For all other multi-sided signs with three or more sides, the sign face area shall be either the largest sign face on any one side, or the largest total of all sign faces that are joined by an interior angle of more than 60 degrees, whichever can be viewed from an adjoining street.



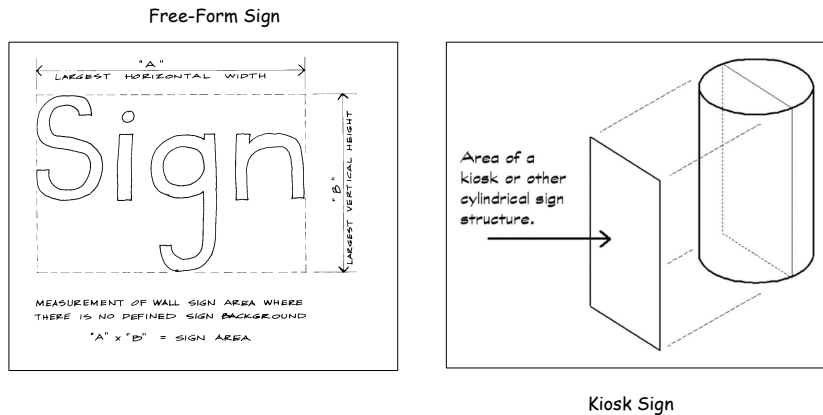
(3) Free-Form Signs.

For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors or other design elements intended to convey the sign's message shall establish the area of the sign face.

(4) Kiosks.

For a kiosk or other cylindrical sign structure, the area of the sign face shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.

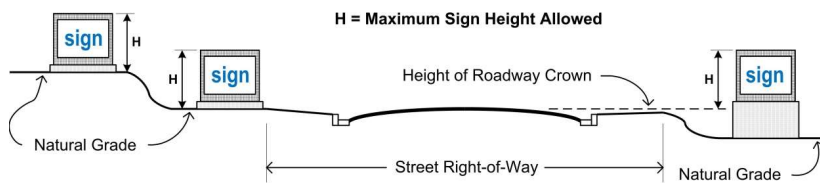
Sec. 8-4. - Computations.



(b) Computation of Height.

- (1) For a freestanding sign structure located within 100 feet of an adjacent street right-of-way (as measured perpendicular to the street), the following applies:

- a. For a sign located on land at or above the crown of the roadway in the adjacent street, the height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.



Examples of Sign Height Measurements

- b. For a sign located on land below the crown of the roadway in the adjacent street, the sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point

Sec. 8-5. - Restrictions on Changeable Copy Signs.

of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

- (2) For a freestanding sign structure located 100 feet or more from an adjacent street right-of-way (as measured perpendicular to the street), the height of a sign shall be equal to the vertical distance from the average grade at the base of the sign to the highest point of any portion of the sign. Any earthen berms or other site improvements that raise the sign above the pre-construction natural grade of the land upon which the sign is placed shall be included in the height measurement of the sign.

Sec. 8-5. - Restrictions on Changeable Copy Signs.

(a) Manual Changeable Copy Signs.

A manual changeable copy sign on which the message is changed more than eight times per day shall be considered an animated sign and not a manual changeable copy sign for purposes of this Article.

(b) Multiple Message Signs.

- (1) Each display surface of a multiple message sign shall remain fixed for at least 10 seconds.
- (2) When a display surface is rotated to the next display surface, it shall be accomplished in three seconds or less.
- (3) No such multiple message sign shall be placed within 100 feet of another multiple message sign or a variable message sign on the same side of a street or highway and 100 feet from any residentially zoned property.
- (4) The multiple message sign shall contain a default design that will freeze the display surface in one position if a malfunction occurs.

(c) Variable Message Signs.

- (1) Variable message signs shall only be freestanding, monument or highway signs as defined by this Article.
- (2) No variable message sign shall be placed within 100 feet of another variable message sign or a multiple message sign on the same side of a street or highway and 100 feet from any residentially zoned property.
- (3) The message shall remain fixed for at least 10 seconds and when a message is changed, it shall be perceived as instantaneous within the capability of the technology employed (generally about 1/10th of a second).
- (4) Any sign that utilizes lighting to simulate or gives an illusion of movement, or utilizes frame effects, flashing or bursting illuminations, scrolling, or other variation in the static image during the display of a single image is not allowed and shall be considered an animated sign.

Sec. 8-6. - Signs Allowed on Private Property with and without Permits.

- (5) No variable message sign shall exceed one half (0.5) maintained foot-candles above ambient light levels measured at any adjacent property line to a residentially zoned lot and shall not exceed 2.0 maintained foot-candles above ambient light levels at any public right-of-way line. At all other locations, the sign shall not operate at a brightness level of more than 0.3 foot-candles above ambient light levels measured at 100 feet from the sign.
- (6) An acceptable method for measuring the allowed brightness level for illuminated signs is by recording the ambient light level reading for the sign at a designated measurement distance, using a foot-candle meter, while the sign is off or displaying all black. The foot-candle meter should be aimed directly at the sign at the appropriate distance. A follow up recording should then be performed while the lights are illuminated white.
- (7) Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- (8) As part of an application for a sign permit, the sign owner must provide the Building Official with a written statement from the installer that the sign will comply with the city's brightness requirements and all other requirements of this Sec. 8-5(c), and shall certify to such compliance within 30 days after installation of the sign.
- (9) The owner of the variable message sign shall provide to the Building Official information for a 24 hour contact able to turn off the sign promptly if a malfunction occurs.
 - a. If, at any time, a malfunction occurs or the variable message sign is no longer working properly, the owner of the sign shall turn off the illumination display and shall make repairs to the sign within 60 days or electrical service to the sign will be disconnected at the owner's expense.
 - b. Should the illumination of a sign appear to be brighter than allowed under Sec. 8-5(c)(5), above, the owner of the sign shall, within 24 hours of a request by the Building Official, turn off the sign until the brightness level of the sign can either be verified or corrected to be in compliance. The owner shall bear responsibility of the expenses necessary to ensure the brightness level of the sign meets the requirements of this Article.
- (10) Operation of an electronic changeable copy sign in violation of any provision of this Sec. 8-5(c), including overriding the sign's light-sensing or fail-safe devices, may result in the disconnection of the electrical power supply to the sign at the owner's expense, under the enforcement provisions of this Ordinance.

Sec. 8-6. - Signs Allowed on Private Property with and without Permits.

- (a) Signs shall be allowed on private property in the city in accordance with ~~and only in accordance with~~ Sec. 8-16 of this Article. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by

Sec. 8-8. - Design, Construction, and Maintenance.

that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

- (b) Although allowed under the previous paragraph, a sign designated by an "S" or "P" in Sec. 8-16 of this Article shall be allowed only if the size, location, and number of signs on the zoned lot conform with the requirements of Sec. 8-17 and Sec. 8-18 of this Article (which sections establish sign dimensions allowed by sign type), and with any additional limitations listed in Sec. 8-12 for temporary event signs, Sec. 8-19 for miscellaneous signs, and Sec. 8-20 for project entrance signs.

Sec. 8-7. - Permits Required.

- (a) If a sign requiring a sign permit under the provisions of this Article, including a highway sign covered in Sec. 8-21, a permanent sign as specified in Sec. 8-23 or a temporary sign as required by Sec. 8-24, is to be placed, constructed, erected or modified on a zoned lot, a sign permit shall be obtained prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of this Article.
- (b) Signs identified with the letter "S" on [Table 8-A](#) in Sec. 8-16 of this Article shall be erected, installed or created only in accordance with a duly issued and valid sign permit from the Building Official.
- (c) Permits issued by the Building Official may also be required under the electrical and building codes of the city, depending on the nature of the proposed sign construction or modification.
- (d) No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this Article. If a proposed sign is consistent with the requirements of this Article, a permit shall be issued within the time frames established in Sec. 8-26. Otherwise, said application shall be deemed denied.
- (e) Appeals from the denial of an application shall be as set out in Sec. 8-27 of this Article.

Sec. 8-8. - Design, Construction, and Maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (a) All signs shall comply with the applicable provisions of the most current Standard Building Code, Signs and Outdoor Displays and the current edition of the Georgia State Minimum Standard Electrical Code of the city at all times.
- (b) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Sec. 8-8. - Design, Construction, and Maintenance.

- (c) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
- (d) No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exits from any sidewalk or building or any windows, doors, or fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks, and wire.
- (e) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- (f) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- (g) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.
- (h) No sign shall give off light which glares, blinds or has any adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that direct light is cast upon adjacent properties and locations.
- (i) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (j) All temporary event signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the city's current building code or electrical code.
- (k) All miscellaneous and temporary signs shall be placed on private property and may not be placed within five feet of a right-of-way.
- (l) All signs must be placed upon a zoned lot. No sign may be placed on any lot, which lot does not meet the minimum lot requirements of this Zoning Ordinance and subdivision requirements or otherwise qualifies as a lot of record.
- (m) No message may be displayed on any portion of the structural supports of any sign.
- (n) All signs regulated by this Article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.
- (o) No sign shall be illuminated either internally or externally, in any residential zoning district except that project entrance signs may be externally illuminated from dusk until dawn.
- (p) Freestanding signs in the Quality Development Corridor Overlay District and the Building Exterior Quality Design Overlay District shall be monument signs constructed of wood, stone or other similar materials and shall complement the material and color of the building. Sign supports shall be faced with the primary material used on the primary structure. The primary structure material shall be used in frame the sign in such a way as to completely surround the sign a maximum of eight inches (8") on the top and sides of the sign. No part

Sec. 8-10. - Signs Exempt from Regulation under this Article.

of a metal can shall be left exposed, except as required for maintenance of the sign and/or its components.

Sec. 8-9. - Signs in the Public Right-of-Way.

Signs allowed in the public right-of-way shall be placed behind the curb or sidewalk if present. No signs shall be allowed in the public right-of-way, except for the following:

(a) Permanent Signs.

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company or school district;
- (3) Signs placed by public utilities authorized by the city to locate their facilities within the right-of-ways; and
- (4) Projecting and under-canopy signs projecting over a public right-of-way in conformity with the conditions of Sec. 8-16 of this Article.

(b) Emergency Signs.

Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(c) Other Signs Forfeited.

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing or maintaining such a sign the full costs of removal and disposal of such sign.

Sec. 8-10. - Signs Exempt from Regulation under this Article.

The following signs are exempt from regulation under this Article:

(a) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance,

~~(a)~~(b) Any sign exempt from regulation by a valid and applicable federal or state law including, without limitation, O.C.G.A. § 16-7-58,

~~(b)~~(c) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zoned lot or parcel on which such sign is located,

~~(c)~~(d) Traffic control signs on private property, such as "Stop", "Yield", and similar signs, which meet Georgia Department of Transportation standards and contain no commercial message,

Sec. 8-11. - Signs Prohibited under this Article.

~~(d)~~(e) Decorations related to a holiday or seasonal event (as defined in this Article) that are placed on a property as personal speech by the owner, or with the owner's permission.

The following are illustrative examples of non-commercial holiday decorations:



~~(e)~~(f) Address numerals affixed to a structure on the property, or to a mailbox on the property, that are no more than 5 inches in height.

~~(f)~~(g) Signs evidencing the presence of a security, or alarm system, on the property that are no more than 1 square foot in area.

Sec. 8-11. - Signs Prohibited under this Article.

All signs not expressly allowed under this Article or are exempt from regulation in accordance with the previous Section are prohibited in the city. Such signs include:

- (a) 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 resemble official traffic signs.
- (b) Signs with lights blinking and/or flashing in series, lines or rows.
- (c) Flashing, blinking, fluctuating or intermittent lighted signs or beacons or otherwise animated signs.
- (d) Signs attached to trees or utility poles or boxes; signs painted on or otherwise attached to rocks or other natural objects; signs, other than those placed by a local, state or federal government, or authorized utility located within the public street right-of-way or feet of the edge of curb or closest edge of the pavement of any public street.
- (e) Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.
- (f) ~~Unprofessionally fabricated signs that are hand-written, hand-painted or handmade are prohibited. A "professionally" hand-painted sign, which is allowed, is one that has been prepared or created by a person engaged in the paid occupation of sign-painting and generally reproduces font sets created by such foundries as adobe, microsoft, bitstream,~~

~~etc. (Suggest that this be taken out. Seems to be a tough issue to enforce – beauty in the eye of the beholder, etc. It also arguably gives one too much discretion.)~~

The following are illustrative examples of "professionally" hand-painted signs that would not be prohibited:



- (g) 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.
- (h) Fringe, twirling, sidewalk or curb-type signs, balloons, streamers, pennants, portable display signs, air or gas filled figures and other similar temporary event signs, other than as specifically authorized in this Article.
- (i) Roof signs, or signs projecting above the roof line of a structure;
- (j) Signs displaying words, characters, and/or illustrations of an obscene, indecent or immoral nature as defined by the State of Georgia at O.C.G.A. § 16-12-80 (b), or displaying nudity or sexual conduct as defined by the State of Georgia at O.C.G.A. § 16-12-81 (b)(1) and O.C.G.A. § 32-6-52.
- (k) Signs that advertise or encourage illegal activity as defined by local, state or federal laws.
- (l) Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
- (m) Search lights or similar devices.
- (n) Signs on benches, vending machines, trash cans, or other outdoor devices that are larger than an "incidental sign" as defined herein.
- (o) Animated signs.
- (p) Strings of lights not permanently mounted to a rigged background.
- (q) Inflatable signs or displays and tethered balloons, or anything that mimics or has the appearance of an inflatable sign or tethered balloon.
- (r) Illuminated canopy, canopy signs and illuminated projecting signs, except for canopy signs regulated in Section 8-19, (b), (4).

Sec. 8-12. - Temporary Event Signs on Residential and Commercial Property.

- (s) Portable signs except A-frame signs as may be allowed under this Article.
- (t) Trailer signs.
- (u) Vehicle signs with a total sign area in excess of 10 square feet, and:
 - (1) any part of the vehicle is parked for more than three consecutive hours within 100 feet of any street right-of-way, and the vehicle is not being actively loaded or unloaded, and there are other available and accessible locations on or about the occupancy advertised where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such; and
 - (2) is visible from the street right-of-way that the vehicle is within 100 feet; and
 - (3) for more than three consecutive hours is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, and not for the purpose of providing transportation for owner, employees, inventory, merchandise, supplies or materials of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of business. Vehicle may not be used for off premises storage of inventory, merchandise, supplies, or materials.
- (v) All signs not specifically allowed by this Article.

Sec. 8-12. - Temporary Event Signs on Residential and Commercial Property.

Temporary signs related to specific temporary events, as described herein, are subject to the following requirements:

- (a) Temporary Event Signs Allowed.
 - (1) In addition to signs allowed in Sec. 8-16, certain signage is allowed on a property for the duration of a temporary event. Such additional signs shall not be restricted as to the message displayed on the sign, but they must comply with the provisions of this section.
 - (2) Temporary event signs must comply with all requirements of this Article, except as modified by the provisions of this Section, including prohibitions listed in Sec. 8-11. Only 1 temporary event sign is allowed on a residential, commercial or industrial zoned lot, unless provided otherwise in this Section.
 - (3) Temporary event signs must be constructed of wood, metal, or other durable materials in such a manner as to resist high winds. Freestanding temporary event signs shall be constructed in such a manner that incorporates a base from which no supports or feet extend which may cause pedestrians to trip. No external cables, brackets, wires or props shall be permitted as a support.
 - (4) No sign that requires electricity or other power source shall be allowed.
- (b) Size Requirements and Type.
 - (1) Freestanding Signs.

Sec. 8-12. - Temporary Event Signs on Residential and Commercial Property.

a. Area of sign:

1. Residential zoned lot: 6 non-illuminated square feet.
2. Commercial or Industrial zoned lot: 32 non-illuminated square feet.

b. Height of sign:

1. Residential zoned lot: 4 feet in height.
2. Commercial or industrial zoned lot: 6 feet in height.

(2) Wall Sign. Commercial or Industrial zoned lot: 6 non-illuminated square feet.

(3) Banners. Commercial or Industrial zoned lot: 24 square feet.

(c) Duration.

Temporary event signs may be placed on any property upon initiation of a temporary event and must be removed upon the termination of the event. Banners must follow the duration period as set forth in Sec. 8-12(d)(3). Initiation and termination of particular events shall be interpreted as follows:

- (1) Sale or lease of a building or premises. Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the rental agreement.
- (2) Building construction or remodeling. Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling and termination with 7 days after issuance of either a Certificate of Occupancy or Certificate of Completion.
- (3) Residential or non-residential development. Initiation upon preliminary plat or site plan approval by the city. Termination upon the sale of 75% of the lots, dwelling units or buildings in the final phase, or at the end of 6 continuous months during which no building permits have been issued for new construction or building activity has taken place within the development of site, whichever comes first.
- (4) Election, ~~or political campaign, or political message. Initiation upon the filing for qualification of candidates and termination upon the final determination on each ballot issue or candidate.~~
- (5) Garage/Yard Sales. Initiation 3 days prior to the announced date of the sale and termination at the end of the announced date.
- (6) Special business promotions. Initiation upon the announcement of the special sale or sales event and termination upon its completion or 30 days after initiation, which occurs first. Business promotion signs 16 square feet or greater in size may not be approved more often than 4 times each calendar year on the same property.
- (7) Public announcement. Initiation upon the placement of the sign and termination within 30 days after placement.

(d) Number of Signs.

Sec. 8-13. - Violations.

Only one sign related to each temporary event may be located on a lot at any one time and only one temporary event at a time is allowed on a lot, in addition to the following:

- (1) Sale or lease of a lot, building or premises. One freestanding temporary event sign per lot that is available for sale or lease. For a planned center or a storefront development, one additional temporary event wall sign may be placed on the tenant frontage of the space that is available for sale or lease.
- (2) Election or political campaign. No limit.
- (3) Banners. One banner per street frontage, not to exceed 7 days per calendar year.
- (4) Planned Centers and Storefront Developments. Each business conducting a special business promotion event is allowed one wall temporary event sign, subject to the duration set forth in Sec. 8-12(c)(6).

(e) Location.

- (1) All temporary event signs must meet setback requirements as set forth in Sec. 8-18(c) of this Article.
- (2) A temporary event sign must be located at least 10 feet from any other sign.
- (3) A temporary event sign shall be erected and maintained only with the permission of the owner of the property on which the sign is to be located.

(f) Permits and Sign Approval.

A temporary sign permit shall be required for the following signs:

- (1) Banners.
- (2) Freestanding temporary event signs 16 square feet or larger in size, with the exception of event signs allowed during the sale or lease of a building or premises; and event signs allowed during elections or political campaigns.
- (3) Special business promotion signs.
- (4) Garage/Yard sales.

Sec. 8-13. - Violations.

Any of the following shall be a violation of this Article and shall be subject to the enforcement remedies and penalties provided in this Article.

- (a) To install, create, or erect any sign requiring a sign permit without such a permit;
- (b) To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which the sign is located;
- (c) To fail to remove any sign that is installed, created, or erected in violation of this Article or not otherwise exempt from regulation by this Article, or for which the sign permit for such sign has lapsed; or

- (d) To continue any such violation. Each such day of a continued violation shall be considered a separate violation.

Sec. 8-14. — Notice of Violations.

Signs erected in the public right-of-way shall be removed without notice. If any sign is erected or maintained in violation of any of the provisions of this Article, the Building Official shall have the duty to give the owner thereof written notice of such violation, such notice to include a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied. If a sign has been registered with the Building Official, notice to the registered owner or to the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, sign structure or building for a period of 10 days shall be sufficient.

Sec. 8-15. — Nonconforming Signs.

Signs which, on the date of adoption of this Zoning Ordinance or a subsequent amendment thereto, were approved and legally erected under previous sign restrictions, and which became or become nonconforming with respect to the requirements of the newly adopted or amended Zoning Ordinance, may continue in existence subject to the following restrictions:

- (a) Burden of Proof:
 - (1) Signs for which documentation exists that the sign was erected in conformance with the city's requirements and regulations are considered "legal" nonconforming signs.
 - (2) The burden of proof that an existing sign qualifies as a legal nonconforming sign lies with the owner of the sign. Lacking such proof, the sign may be determined to be an illegal nonconforming sign and its removal required.
- (b) In all use districts, legal nonconforming signs may continue in existence provided that the size of the sign face, body or structure is not increased.
- (c) A nonconforming sign shall not be replaced, enlarged or structurally altered except to conform to the provisions of this Article.
- (d) A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchanging of poster panels, painted boards or demountable material on nonconforming signs shall be allowed.
- (e) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (f) An existing sign that was legally erected and that becomes nonconforming as to the setback requirements of the city due to road widening may be moved to meet the setback requirements of this Ordinance. Such sign shall not be increased in size or changed in any manner except as to become conforming.

Sec. 8-16. — Signs Allowed by Type and Zoning District.

- (g) All nonconforming banners, pennants, and portable signs in existence as of the date of adoption or subsequent amendment of the Zoning Ordinance shall be removed within 12 months of such adoption or amendment.

Sec. 8-16. — Signs Allowed by Type and Zoning District.

- (a) Residential, Commercial and Industrial Districts.

Signs that are allowed and not allowed in each of the residential, commercial and industrial zoning districts are shown on the following table, and are annotated as follows:

P = Allowed Without Sign Permit

S = Allowed Only With Sign Permit

N = Sign Not Allowed

Table 8-A: Signs Allowed by Type and Zoning District

SIGN TYPE	ZONING DISTRICT													
	RU-1	RS-20	RS-15	RU-7	RML	RMH	RU-2	OI-1	OI-2	CBD	CGN	CHV	CCS	CUN
A-Frame (Sandwich Board)	P				P	P	P	P	P	P	P	P	P	P
Animated	N				N	N	N	N	N	N	N	N	N	N
Banner	N				N	N	N	S	S	S	S	S	S	S
Building Marker ¹	P				P	P	P	P	P	P	P	P	P	P
Canopy	N				S	S	S	S	S	S	S	S	S	S
Changeable Copy — Manual	N				N	N	N	S	S	S	S	S	S	S
Changeable Copy — Multiple Message ²	N				N	N	N	N	N	N	N	N	N	N
Changeable Copy — Variable Message ³	N				N	N	N	S	S	S	S	S	S	N
Directory	N				S	S	S	S	S	S	S	S	S	S

¹ Must be cut or etched into masonry, stone, bronze, or similar material and permanently installed into the surface of a building at the time of its construction or subsequent dedication.

² Multiple message signs are allowed only on an approved Highway Sign and must meet all requirements of this Article, the Georgia Outdoor Advertising Law (O.C.G.A. § 32-6-52 et seq.) and the Georgia Department of Transportation.

³ Variable message signs that do not constitute animated signs shall be allowed in commercial zoning districts of the city provided the variable message sign does not exceed size and height limits for freestanding signs and the variable message sign is placed on or in lieu of a permanent sign otherwise allowed on the property. Variable message signs placed on an approved Highway Sign must meet all requirements of this Article, the Georgia Outdoor Advertising Law (O.C.G.A. § 32-6-52 et seq.) and the Georgia Department of Transportation.

Sec. 8-16. — Signs Allowed by Type and Zoning District.

Table 8-A: Signs Allowed by Type and Zoning District

SIGN TYPE	ZONING DISTRICT															
	RU-1	RS-20	RS-15	RU-7	RML	RMH	RU-2	OI-1	OI-2	CBD	CGN	CHV	CCS	CUN	ILT	IHV
Flag ⁴	P				P	P	P	P	P	P	P	P	P	P	P	P
Freestanding Principal Sign ⁵	N				S	S	S	S	S	S	S	S	S	S	S	S
Incidental (max. 1½ sf)	N				P	P	P	P	P	P	P	P	P	P	P	P
Marquee Sign	N				N	N	N	S	S	N	S	S	S	S	S	S
Miscellaneous Building Signs (max. 4 sf)	N				N	N	N	P	P	P	P	P	P	P	P	P
Miscellaneous Freestanding Sign (up to 4 sf)	N				P	P	P	P	P	P	P	P	P	P	P	P
Miscellaneous Freestanding Sign (over 4 sf, max 32 sf)	N				S	S	S	S	S	S	S	S	S	S	S	S
Monument Sign	N				S	S	S	S	S	S	S	S	S	S	S	S
Pennant	N				N	N	N	N	N	N	N	N	N	N	N	N
Mansard Sign	N				N	N	N	N	N	N	S	S	S	S	S	S
Mobile Sign — Portable	N				N	N	N	N	N	N	N	N	N	N	N	N
Mobile Sign – Trailer Sign	N				N	N	N	N	N	N	N	N	N	N	N	N
Mobile Sign – Vehicle Sign (max 10 sf)	P				P	P	P	P	P	P	P	P	P	P	P	P
Mobile Sign – Vehicle Sign over 10 sf	N				N	N	N	N	N	N	N	N	N	N	N	N
Projecting Sign ⁶	N				N	N	N	S	S	S	S	S	S	S	S	S
Project Entrance Signs	S				S	S	S	S	S	S	S	S	S	S	S	S
Residential ⁷	P				P	P	P	N	N	N	N	N	N	N	N	N
Roof	N				N	N	N	N	N	N	N	N	N	N	N	N
Subtenant Sign	N				N	N	N	N	N	S	S	S	S	S	N	N
Temporary Sign – Special Event	SEE Sec. 8-12															
Temporary Sign – Pre-Permanent Sign	N				N	N	N	S	S	S	S	S	S	S	S	S

⁴ See Sec. 8-19(b)(6).

⁵ Freestanding highway signs are only permitted by special exception.

⁶ Height above sidewalks shall be a minimum of 8½ feet. Sign shall not project past the sidewalk.

⁷ One per lot not to exceed 6 square feet in area and 4 feet in height for a freestanding sign, and 1½ square feet for a wall sign.

Table 8-A: Signs Allowed by Type and Zoning District

SIGN TYPE	ZONING DISTRICT															
	RU-1	RS-20	RS-15	RU-7	RML	RMH	RU-2	OI-1	OI-2	CBD	CGN	CHV	CCS	CUN	ILT	IHV
Under-Canopy Sign ⁸	N				S	S	S	S	S	S	S	S	S	S	S	S
Wall	N				S	S	S	S	S	S	S	S	S	S	S	S
Window ⁹	N				S	S	S	S	S	S	S	S	S	S	S	S

(b) Planned Development Districts.

- (1) PDR, Planned Residential Development District: For lots that are zoned PDR, the sign requirements of the RS-20 district will apply.
- (2) PDC, Planned Commercial District: For lots that are zoned PDC, the sign requirements of the CUN district will apply.
- (3) PDO, Planned Office Development: For lots that are zoned PDO, the sign requirements of the OI-1 district will apply.

(c) Other Zoning Districts.

No sign shall be allowed in the OSD-1, OSD-2, and OCR districts except as otherwise provided in the district regulations.

Sec. 8-17. — Number of Permanent Signs Allowed.

- (a) Only one principal freestanding sign on a zoned lot or per 200 feet (or major fraction thereof) of street frontage shall be permitted in the RS-20, RS-15, RU-7, RU-1, RU-2, RML, and RMH zoning districts.
- (b) Only one principal freestanding or monument sign per lot or 200 feet (or main fraction thereof) of street frontage of the lot shall be permitted in the OI-1, OI-2, CUN, CCS, CBD, CGN, CHV, ILT, and IHV zoning districts, except that separate requirements may be applied for each street on which a corner lot or double-frontage lot faces.
- (c) Only one principal building sign permitted per street frontage per business establishment.
- (d) Lots fronting on two or more streets are allowed the permitted principal signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

⁸ Height above sidewalks shall be a minimum of 8½ feet. Sign shall not project past the sidewalk.

⁹ One window sign per street frontage shall be permitted per business establishment and shall be a maximum of 6 square feet.

Sec. 8-18. — Dimensions and Location of Permanent Signs.

- (e) In addition to the limitation on the number of signs set forth in this Section, one directory sign may be permitted for lots with multiple establishments zoned commercial or industrial.
- (f) In addition to any other principal freestanding signs authorized by this Article on a commercial zoned lot, if such lot contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional permanent freestanding sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed 32 square feet in sign area nor 6 feet in height. The location of the sign on the lot shall be approved as a part of the site plan review process.
- (g) See Sec. 8-19 for the number of miscellaneous signs allowed.
- (h) See Sec. 8-20 regarding project entrance signs.

Sec. 8-18. — Dimensions and Location of Permanent Signs.

Except where stated elsewhere in this Article, the following shall apply to all signs in the zoning districts indicated, or, if the property or lot is not zoned under the City's Zoning Ordinance and Map.

- (a) Area (square feet).
 - (1) The maximum square footage of any principal freestanding sign shall be:
 - a. Sixteen square feet in the all residential zoning districts;
 - b. Thirty-two square feet in the OI-1, OI-2, CUN, and CBD zoning districts; and
 - c. Fifty square feet in the CCS, CGN, CHV, ILT, IHV zoning districts.
 - e.d. Fifty square feet on any lot which does not have a zoning classification under the City's Zoning Ordinance and Map, including, but not limited to, any property owned or operated by any utility or railroad.

For lots that are zoned PD, the preceding district regulations set forth in Sec. 8-16(b) will apply depending on the nature of the Planned Development.

- (2) The maximum area of a principal building sign shall be 10% of the total area of the wall (including window and door areas) of which such sign is a part or to which each such sign is most nearly parallel; provided, however, that in no instance shall the building sign exceed 75 square feet in the CUN, CBD, OI-1 and OI-2 zoning districts, and 150 square feet in CCS, CGN, CHV, ILT and IHV zoning districts.
 - (3) The maximum area of a directory sign shall be 6 square feet.
 - (4) The maximum area of one miscellaneous sign on a property shall be 32 square feet; for all other miscellaneous signs on the property, each sign shall not exceed 4 square feet in sign face area.
 - (5) See Sec. 8-20 regarding project entrance signs.
- (b) Height.

Sec. 8-18. — Dimensions and Location of Permanent Signs.

- (1) The maximum height of any permanent sign shall be:
 - a. Five feet in the residential zoning districts except RML and RMH zoning districts; and
 - b. Six feet in the RML, RMH, OI-1, OI-2, CCS, CGN, CHV, CUN, CBD, ILT, and IHV zoning districts.
 - b.c. Six feet on any lot which does not have a zoning classification under the City's Zoning Ordinance and Map, including, but not limited to, any property owned or operated by any utility or railroad
- (2) For lots that are zoned PD, the preceding district regulations set forth in Sec. 8-16(b) will apply depending on the nature of the planned development.

(c) Setback.

Each permanent sign must have the following setbacks from any right-of-way:

- (1) Ten feet from the pavement but must be 5 feet outside of the right-of-way in the residential, OI-1, OI-2, CCS, CGN, CHV, CUN, CBD, ILT and IHV zoning districts.
- (2) Sixty feet from any Federal Interstate Highway.
- (3) For lots that are zoned PD, the preceding district regulations set forth in Sec. 8-16(b) will apply depending on the nature of the Planned Development.
- (4) For nonresidential lots, signs must be set back from the side and rear property lines a distance no less than the building setbacks established by the underlying zoning of the lot on which the sign will be located.

Table 8-B: Principal Signs

	Zoning District			
	RS-20, RS-15, RU-7, RU-I and RU-2	RML and RMH	OI-1, OI-2, CSN, CUN and CBD	CCS, CGN, CHV, ILT, and IHV
Principal Freestanding Signs				
Max. number of Principal Freestanding Signs	1 sign on a zoned lot or per 200 feet (or major fraction thereof) of street frontage	1 sign on a zoned lot or per 200 feet (or major fraction thereof) of street frontage	1 sign on a zoned lot or per 200 feet (or major fraction thereof) of street frontage, per street	1 sign on a zoned lot or per 200 feet (or major fraction thereof) of street frontage, per street
Max. area of Principal Freestanding Sign face	16 sf	16 sf	32 sf	50 sf

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Table 8-B: Principal Signs

	Zoning District			
	RS-20, RS-15, RU-7, RU-I and RU-2	RML and RMH	OI-1, OI-2, CSN, CUN and CBD	CCS, CGN, CHV, ILT, and IHV
Max. height of sign structure	5 ft	6 ft	6 ft	6 ft
Min. setback from street right-of-way line ¹⁰	10 ft from pavement, at least 5 ft from right-of-way	10 ft from pavement, at least 5 ft from right-of-way	10 ft from pavement, at least 5 ft from right-of-way	10 ft from pavement, at least 5 ft from right-of-way
Min. setback from Interstate Highway	60 ft	60 ft	60 ft	60 ft
Min. setback from side and rear property lines	None required	None required	Distance equal to the building setbacks required by the zoning district	Distance equal to the building setbacks required by the zoning district
Monument sign allowed	No	No	Yes	Yes
Column sign allowed	No	No	Yes	Yes
Pole sign allowed	No	No	No	No
Joint sign required	N/A	N/A	For Planned Centers	For Planned Centers
Principal Building Signs				
Max. number of Principal Building Signs	None	None	1 building sign per street frontage per business establishment	1 building sign per street frontage per business establishment
Max. area of sign face	N/A	N/A	10% of the area of the wall, max. 75 sf	10% of the area of the wall, max. 150 sf
Max. percent coverage of all signs placed in a Window	N/A	N/A	50% of area of each window	50% of area of each window

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(d) Location.

¹⁰ See the visibility clearance area setback requirements under Sec. 8-18(d).

Sec. 8-18. — Dimensions and Location of Permanent Signs.

- (1) All principal freestanding signs must be at least 50 feet from any other principal freestanding sign on the same lot.

- (2) Street Intersections.

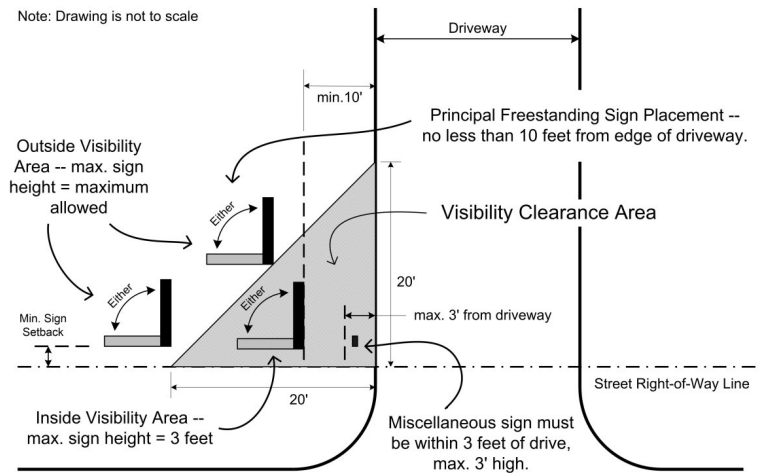
In addition to the foregoing setback requirements, no sign shall be permitted at the intersections of streets or streets and railroad rights-of-way within a triangular area defined as follows:

- a. Beginning at a point on the curb line of one street, which point is 20 feet from the intersection with the curb line of the other street; then along the curb line to said intersection; then along the curb line of the other street 20 feet; then straight across the corner to the beginning point.
- b. Where there is no curb, measurements shall be along the edge of pavement. A railroad right-of-way shall be considered the same as a curb line.

- (3) Driveway Intersections.

- a. No sign more than 3 feet in height shall be erected within 20 feet of the intersection of a public street with a private driveway, curb cut or other access point.
- b. Such visibility clearance area shall be established as the triangular area formed by the street right-of-way line and the edges of the driveway by a line connecting such right-of-way line and driveway edges at points 20 feet from the intersection of the right-of-way and the edges of a driveway.

Sec. 8-19. - Miscellaneous Signage.



Visibility Clearance Area and Sign Height Restrictions at a Driveway Entrance

Sec. 8-19. - Miscellaneous Signage.

(a) Miscellaneous Freestanding Signs.

Freestanding signs, in addition to principal freestanding signs regulated under Sec. 8-17 and temporary event signs regulated under Sec. 8-12, are allowed as accessory uses on a property occupied by a multi-family or nonresidential use if each sign complies with all of the following:

- (1) Within the area between a street right-of-way line and the minimum building setback required from that street right-of-way line on the property, the following applies:
 - a. Permanently installed miscellaneous freestanding signs may be located only within 3 feet of driveways or curb cuts that provide access into or from the property.
 - b. There shall be no more than two such signs per driveway or curb cut and each such sign shall not exceed 6 square feet in sign face area nor be more than 3 feet in height.
- (2) Miscellaneous freestanding signs located farther from the street than the minimum building setback from that street right-of-way line on the property, shall be allowed as follows:
 - a. On a property occupied by a multi-family or nonresidential use, one miscellaneous sign not to exceed 32 square feet in sign face area or more than 6 feet in height may be located on the property for each principal building on the

Sec. 8-19. - Miscellaneous Signage.

lot. Nonresidential uses are permitted two miscellaneous freestanding signs for each drive-through lane per business establishment.

- b. Other miscellaneous freestanding signs are allowed beyond the minimum building setback, provided that such signs are no more than 4 square feet in sign face area nor more than 6 feet in height.
- (3) A-frame signs. Portable signs are not allowed as miscellaneous freestanding signs except for an A-frame sign for a nonresidential use (also known as a “sandwich board” sign).

- a. Size and number. Such A-frame signs shall not exceed 4 feet in height and 8 square feet in area and are limited to one sign per property or one sign per business establishment in a planned center or storefront development.
- b. Location. Such A-frame signs must be located no farther from an entrance to the owner’s business than 6 feet, provided further that within the Central Business District (CBD), the signs must be positioned against a building and cannot be positioned in a sidewalk or curb.
- c. Such A-frame signs may only be displayed during the operating hours of the business being advertised and must be stored indoors when the owner’s establishment is not open for business.



A-Frame Sign

(b) Miscellaneous Building Signs.

Miscellaneous building signs (as defined in this Article) not otherwise prohibited under Sec. 8-11, are allowed on properties occupied by nonresidential uses in addition to the principal building signs allowed under Sec. 8-17, as follows:

(1) General Miscellaneous Building Signs.

Miscellaneous building signs are allowed, provided that such signs shall be placed only on a tenant space façade fronting on a dedicated public street. Such signs are limited as follows:

- (2) For single-occupant buildings, the maximum aggregate area for all miscellaneous building signs on a façade shall be 2 square feet of sign face area per linear foot of the length of the tenant frontage (as defined in this Article) on which the signs are affixed, or 10% of the area of the façade, whichever is greater. No single such sign shall be larger than 6 square feet in sign face area.
- a. For planned centers, the maximum aggregate area for all miscellaneous building signs for each tenant space shall be 2 square feet of sign face area per linear foot of the tenant frontage (as defined in this Article), or 10% of the area of the tenant’s façade, whichever is greater. No single such sign shall be larger than 6 square feet in sign face area.

Sec. 8-19. - Miscellaneous Signage.

- b. Such miscellaneous building signs placed in a window or on a glass door may not result in the obstruction of more than 50% of the window or glass door area in combination with all other signs in the window, including incidental signs otherwise allowed under Sec. 8-16.

(3) Subtenant Signs.

- a. Each business that occupies space within a principal business as a subtenant is allowed one wall sign in addition to the principal building sign allowed for the principal business under Sec. 8-17. Each subtenant wall sign shall not exceed 32 square feet in sign face area, nor shall the total for all such subtenant signs collectively exceed the sign face area allowed for the principal business.

The following are illustrative examples of subtenant wall signs:



(4) Convenience Stores and Service Stations with Pump Islands.

Additional signage is permitted as follows:

- a. One sign per freestanding or building canopy face per public street frontage with a maximum of 32 square feet each is allowed. The canopy sign shall not extend above or below the edge of the canopy. The canopy sign and optional trim band can be internally illuminated with a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. The lighting shall be limited to the canopy signage and illuminated trim band(optional). Canopy lighting shall be directed downward and shall not be directed toward, nor shine directly upon, any adjoining property, street or street traffic.
- b. Spreader bars (signs located under canopy over pump islands) shall be limited to no more than two signs per spreader bar, not to exceed four square feet per sign. However, total square footage for all spreader bars shall not exceed 24 square feet.
- c. An on-site separate drive-through car wash building shall be allowed one permanent wall sign, not to exceed 8 square feet.

(5) Service Entrance Signs.

Sec. 8-20. - Project Entrance Signs.

For any tenant space that has a service entrance at the rear or side of the building, at least one service entrance sign is required.

- a. Service entrance signs shall be located directly on or adjacent to the service entrance door.
- b. The combined area of signs at a single service entrance shall not exceed 6 square feet and must be clearly legible for public safety personnel.

(6) Flags.

Flags are allowed in all zoning districts without issuance of a sign permit under the following conditions. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

- a. Such flag does not exceed 40 square feet in area and shall be flown from either a vertical flagpole or a mast arm flagpole. The top of a vertical flagpole shall not be more than 20 feet in height. Mast arm flagpoles shall not exceed 10 feet in length.
- b. There shall be no more than three vertical flagpoles per lot and no more than 4 flags may be flown from per lot. The hoist side of a flag being displayed on a vertical flagpole cannot exceed 20% of the height of the flagpole.
- c. There shall be no more than two mast arm flagpoles to a building or per principal living space or per business. Mast arm flagpoles must be securely attached to a structure. Mast arm flagpoles cannot extend into the public right-of-way, or impede any sidewalks or foot traffic areas. No more than one flag shall be flown on a mast arm flagpole and the hoist side of the flag shall not exceed 40% of the length of the pole.
- d. Flags must be connected to a pole on the hoist side and the flag cannot be extended or supported by artificial means or mechanical devices in a manner that would extend the flag perpendicular to the flag pole or mimic the effect that wind or some other natural means is extending the flag.

Sec. 8-20. - Project Entrance Signs.

(a) Applicability.

This Section applies to all project entrance signs, as defined in this Article, that are located at the designated entrances to a residential subdivision, a multi-family development, or a nonresidential subdivision (such as an office park or industrial park).

(b) Sign Structure.

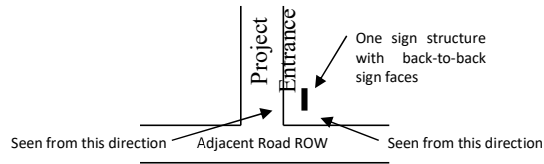
All project entrance sign faces shall be mounted on a monument sign structure or a decorative wall, either of which must be faced with brick or stone.

(c) Project Entrance Sign Installations.

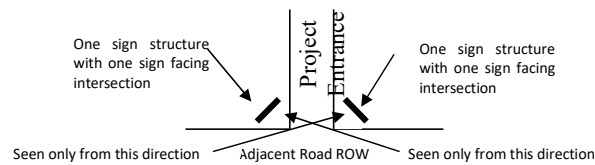
- (1) Designs for project entrance signs are classified as two types:

Sec. 8-20. - Project Entrance Signs.

- a. Single Sign Installation: A project entrance sign designed as a single sign structure with two back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.



- b. Dual Sign Installation: A project entrance sign designed as two separate sign structures, each with a single sign face individually oriented toward the intersection so as to be viewed from only one direction on the road adjacent to the development, and each located on opposite sides of the project entrance.



- (2) All project entrance signs must be placed in an acceptable easement authorized exclusively for signage, not within the right-of-way of a public street, including within the center island of a divided entrance street. However, no project entrance sign may be placed closer than 5 feet to the right-of-way.

(d) Entrances to Subdivisions.

- (1) A subdivision may have a single or a dual project entrance sign installation at any entrance into the subdivision from an adjoining street outside the subdivision.
- (2) If a dual sign installation is planned, one project entrance sign may be placed on each corner lot flanking the entrance.

(e) Entrances to Un-Subdivided Developments.

In addition to any principal freestanding signage allowed on a lot, if any, a multi-family development or a residential or nonresidential condominium project may contain project entrance signs as follows: a single or a dual project entrance sign installation is allowed at any entrance into the development from an adjoining street outside the development, in accordance with the provisions for such signs on [Table 8-C](#) ~~Table 8-C~~.

(f) Illumination.

Sec. 8-20. - Project Entrance Signs.

- (1) Any project entrance sign may be lighted by external illumination. If floodlights or other incandescent bulbs are used, they may not be directed onto the street or toward vehicular traffic. If neon tubes are used, they must be shielded from view.
- (2) Internal illumination and variable message signs may be used for office park or industrial park subdivisions only.

Table 8-C: Project Entrance Signs—By Land Use

	Residential Use		Nonresidential Use
	Single-Family Subdivision ¹¹	Multi-Family Development ¹²	Office or Industrial Park (subdivision)
Project Entrance Signs			
Max. number of Project Entrance Signs per development	1 single or dual sign installation at each entrance into the subdivision	1 single or a dual sign installation at each entrance into the development	1 single or a dual sign installation at each entrance into the subdivision
Max. number per project entrance	2 signs in a dual sign configuration at each entrance	2 signs in a dual sign configuration at each entrance	2 signs in a dual sign configuration at each entrance
Max. sign face area ¹³	32 sq. ft. each	32 sq. ft. each	32 sq. ft. each
Max. sign height	6 ft.	6 ft.	6 ft.
Sign Characteristics			
Animated	Not allowed	Not allowed	Not allowed
Changeable copy: Manual	Not allowed	Not allowed	Not allowed
Changeable copy: Multiple Message	Not allowed	Not allowed	Not allowed
Changeable copy: Variable Message	Not allowed	Not allowed	Allowed
Illumination, external	Allowed	Allowed	Allowed
Illumination, internal	Not allowed	Not allowed	Not Allowed
Illumination by exposed bulbs or neon tubes	Not allowed	Not allowed	Not allowed

¹¹ Includes one-family dwellings, townhouses and manufactured homes on individual lots.

¹² Includes all residential developments occupying a single property in common, such as apartments, condominiums, manufactured home parks, and nursing homes.

¹³ If two signs are planned, signs shall be symmetrical in size and shape and shall not exceed 32 square feet each.

Sec. 8-21. - Special Exception for Highway Signs.

- (a) Lots which are zoned CCS, CGN, CHV or PDC and which have at least 400 feet of frontage on a Federal Interstate Highway may be approved for a highway sign as a special exception under the provisions and procedures for special exceptions in the Procedures and Permits Article.
- (b) Such highway signs shall be limited to one freestanding sign on the property with a maximum area of 400 square feet. The height of the highway sign shall not exceed 65 feet. The maximum setback from any Federal Interstate Highway is 150 feet. The minimum setback from any Federal Interstate Highway is 60 feet. The minimum setback from any other public street right-of-way or property line is 40 feet.
- (c) Changeable Copy Signs.
 - (1) Highway signs that are multiple message signs or variable message signs must comply with all requirements of Sec. 8-5(b) and Sec. 8-5(c), respectively, in addition to any less restrictive requirements of the Georgia Outdoor Advertising Law (O.C.G.A. § 32-6-52 et seq.) or the Georgia Department of Transportation.
 - (2) A multiple message or variable message sign may be erected as two back to back sign faces, provided that both sign faces shall be part of the same sign structure and are not more than 24 inches apart, measured from any point on the sign faces; and the angle of separation between the faces does not exceed 10 degrees. No sign faces shall be stacked one on top of the other or placed side by side.
- (d) No animated sign shall be approved as a special exception for a highway sign.

Sec. 8-22. - Master Sign Plans.

Master Sign Plans may be submitted by a property owner or their authorized representative for pre-approval of permits for permanent signs. The Master Sign Plan must comply with the requirements of this Section.

- (a) Master Sign Plans shall illustrate all proposed permanent signs for which sign permits will be required under Sec. 8-7 in sufficient detail so as to provide knowledgeable review and design specificity. Master Sign Plans shall show, describe or illustrate all signs proposed to be located on a lot or within a development (and the buildings and structures related thereto).
- (b) For a planned center (as defined herein), the entire development must be included in the Master Sign Plan.
- (c) Master Sign Plans must include:
 - (1) Location.

An accurate drawing to scale showing the position of the sign or signs in relation to nearby buildings or structures (including other signs), driveways, parking areas, property and right-of-way lines, and any other limiting site features. The drawing must

be drawn to "site plan" standards consistent with the Procedures and Permits Article, and must show or note (as applicable):

- a. The location and size of all other signs on the parcel that are proposed to remain;
- b. For freestanding signs, the distance in feet to the nearest property line or street right-of-way line, and to the nearest existing freestanding sign proposed to remain; and
- c. The distance in feet from the location of the nearest proposed freestanding sign(s) to the closest residentially zoned property within 500 feet.

(2) Sign Structure Specifications.

- a. An accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign or signs to the building or ground. The drawing shall specifically include the size of the sign structure(s) and sign face area(s), height of the sign(s), and construction materials to be used.
- b. For any sign for which a building permit is required, the drawing shall be an engineered structural drawing designed to all Building Code requirements.

(3) Design.

- a. The Master Sign Plan shall include such drawings and specifications as may be required by the Planning and Zoning Director to clearly illustrate the design elements of the sign or signs, including the construction materials, size, letter style and color of all elements of the sign(s), including the sign structure, the sign face, and background surfaces.
- b. The plan shall also show landscaping details meeting the requirements of this Article, including the extent of the designated landscaping area, the location of specific landscape materials, and the botanical and common name of plants by location on the plan.

(d) Approval.

- (1) A Master Sign Plan depicting signs that conform to all requirements of this Article may be approved administratively by the Planning and Zoning Director.
- (2) A Master Sign Plan depicting signs that exceed or modify one or more requirements of this Article must be approved by the Planning Commission.
 - a. Following review of a complete application by the Planning and Zoning Department, the plan will be placed on the agenda of the next available Planning Commission meeting.
 - b. If approval is denied by the Planning Commission, the applicant may appeal within 30 calendar days of the denial to the Zoning Board of Appeals in accordance with the provisions for a hardship variance under the Appeals Article of this Zoning Ordinance.

Sec. 8-23. - Issuance of Permits for Permanent Signs.

- (3) Upon approval, the Master Sign Plan shall supersede any conflicting restrictions and regulations of this Article for the property to which it pertains and shall not be adversely affected by any subsequent amendments to this Ordinance.
- (e) Recordation of approved Master Sign Plan.
 - (1) The Master Sign Plan as approved must be recorded by the owner in the office of the Clerk of Superior Court and a copy of the approved Master Sign Plan, as recorded, must be filed with the Planning and Zoning Director and the Building Official prior to issuance of a sign permit for any part of the development or premises.
 - (2) The recorded Master Sign Plan must be included in any sale, lease or other transfer of right of occupancy affecting any part of the development or premises to which the Master Sign Plan applies.
 - (3) All tenants of the property or development, whether an owner, lessee, subtenant, purchaser or other occupant, must comply with the approved Master Sign Plan.

Sec. 8-23. - Issuance of Permits for Permanent Signs.

- (a) Sign Permits for Permanent Signs; When Required.
 - (1) The Building Official is authorized to issue a sign permit for any permanent sign, whether for the construction, creation or installation of a new sign or for modification of an existing sign, provided all requirements of this Article are met.
 - a. One application and sign permit may include multiple signs on the same zoned lot.
 - b. Any sign that has been approved within a Master Sign Plan must conform to the provisions, design requirements and restrictions of the Master Sign Plan in order to be issued a sign permit.
 - (2) Except for signs that are exempt from the requirements of this Article or are exempt from permitting under Sec. 8-23(b), below, a sign permit must be issued by the Building Official before a permanent sign may be:
 - a. Erected or relocated;
 - b. Attached to, suspended from, or supported on a building or structure; or
 - c. Altered, enlarged, or materially improved or modified (including the addition of or replacement of any part of a sign face with an electronic changeable copy sign).
 - (3) Any sign using electrical wiring and connection shall require an electrical permit. Certain signs may also require the issuance of a building permit under the city's Building Code.
 - (4) A sign permit, as well as any needed electrical or building permit, must be issued prior to the construction or placement of the sign.
- (b) Permanent Signs Exempt from Permitting.

Sec. 8-24. - Issuance of Permits for Temporary Signs.

- (1) The following signs may be erected or placed without securing a sign permit, provided that each is located and maintained in accordance with the provisions of this Article and all other applicable codes and regulations.
- (2) Exemption from the requirement for a sign permit does not exempt any sign from requirements to obtain an electrical or building permit if applicable under those respective codes.
- (3) The exemptions are:
 - a. Any sign listed on [Table 8-A](#) under Sec. 8-16 as being allowed without issuance of a sign permit (indicated by a "P" on the table).
 - b. Miscellaneous freestanding signs allowed under this Article that are 4 square feet in area or smaller, unless such signs require issuance of a building or electrical permit.
 - c. Miscellaneous building signs allowed under this Article, unless such signs require issuance of a building or electrical permit.
 - d. Flags meeting the standards of this Article do not require a sign permit for the flag. Flags mounted on a flagpole may require a building permit for the permanent flagpole itself.
 - e. Any sign exempt from regulation under the provisions of Sec. 8-10.

Sec. 8-24. - Issuance of Permits for Temporary Signs.

(a) Temporary Sign Permits; When Required.

- (1) The Building Official is authorized to issue a sign permit for any temporary sign provided all requirements of this Article are met. A temporary sign permit must be issued by the Building Official for those signs so indicated under Sec. 8-12(f) before a temporary sign may be placed on a property, except for temporary signs that are exempt from permitting under Sec. 8-24(b), below.
- (2) Pre-permanent principal business signs. The Building Official is authorized to issue a temporary sign permit for a sign for a new business while awaiting delivery and installation of the permanent principal sign on the property, under the following provisions:
 - a. The sign permit cannot be issued prior to the issuance of a Certificate of Occupancy for the new business' premises, and shall become null and void upon the installation of the permanent signage for the business or 6 months from the date of issuance of the Certificate of Occupancy, whichever occurs first.
 - b. Except for permanent sign construction and materials requirements, the pre-permanent sign must conform to all other requirements applicable to a principal sign, such as number, placement, size and height.

Sec. 8-25. - Application for a Permanent or Temporary Sign Permit.

- (3) Any temporary sign allowed to use electrical wiring and connection shall require a sign permit and an electrical permit, both of which must be issued simultaneously.

(b) Temporary Signs Exempt from Permitting.

The following types of temporary signs, as described in Sec. 8-12, may be erected or placed without securing a temporary sign permit or payment of a fee, provided that each is located and maintained in accordance with the provisions of this Article:

- (1) Temporary signs allowed during the offering for sale or lease of a building or premises are exempt from permitting.
- (2) Temporary signs allowed during an election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance are exempt from permitting.
- (3) Except for banners and special business promotion signs, all other temporary signs less than 16 square feet in area are exempt from permitting.

Sec. 8-25. - Application for a Permanent or Temporary Sign Permit.

- (a) An application for a sign permit (and accompanying building or electrical permit, if required) shall be made using the forms provided by the Building Official, shall be filled in with all information required, and shall be submitted in the number of copies as required. Incomplete applications will be returned to the applicant within 5 days without further review as though no application had been received.
- (b) An application for a sign permit for a permanent or temporary sign must include the following:
 - (1) The type and description of the sign.
 - (2) The street address of the property upon which the sign is to be located and the proposed location of such sign on such property. In the absence of a street address, a method of location acceptable to the Building Official shall be used. The location of the sign must be shown on a survey prepared by a licensed surveyor.
 - (3) The name and address of the owner of the real property upon which the sign is to be located.
 - (4) Written consent of the owner or his agent of the real property upon which the sign is to be located granting permission for the placement or maintenance of such sign.
 - (5) Name, address, phone number and business license number of the sign contractor, if applicable; otherwise, the name, address and phone number of the person responsible for placement of the sign.
 - (6) If applicable, a copy of a "determination of no hazard to air navigation" approved by the Federal Aviation Administration (FAA).
- (c) Sign permit applications for a permanent sign shall be accompanied by a dimensioned scale drawing of each proposed sign: a site plan and elevation for freestanding signs, or a drawing

Sec. 8-26. - Process for Sign Permit Approval.

of the facade of the building showing proposed placement of each building sign. The drawing must include:

- (1) The square foot area of each sign face and the height of the sign structure; ~~and:~~
- (2) Pertinent information such as wind pressure requirements and display materials in accordance with the city's Building Code.

~~(2) No sign permit application for a ground or freestanding sign shall be considered complete without a site plan, drawing to scale and/or survey, clearly illustrating the proposed sign location on the property and distance to any adjacent rights-of-way, being submitted with the permit application.; and~~

- ~~(3) Any other information that the Building Official may require to ensure compliance with this Article or in the exercise of sound discretion in acting upon the application.~~

(d) Any person performing new electrical work relating to signs must apply for an electrical permit and hold a valid electrician's trade license issued by the State of Georgia to perform such work. If the electrical wiring exists from a previous sign and no new electrical wiring is necessary for illumination, the sign company may connect the electrical service after inspection and concurrence by the Building Official.

(e) Use of Foreign Languages.

- (1) For any sign for which a sign permit is required that uses words in a language other than English, the English translation of the sign shall be provided on the sign permit application. Business names must be included on the sign in English as well as street numbers using Arabic numerals.
- (2) Nothing in this Section shall be construed to prohibit the use of foreign words or characters as long as they do not contain obscene language or advertise an illegal activity.

(f) Sign Permit Fees.

- (1) Fees for all types of sign permits shall be as set forth in the city's adopted schedule of fees.
- (2) The sign permit fee shall be required of all signs requiring issuance of a sign permit under Sec. 8-23 or Sec. 8-24. A separate fee shall be charged for any required building or electrical permit. The exemption from sign fees does not waive compliance with the sign provisions of this Article including, but not limited to, all size, height and location restrictions.
- (3) If a permit is not obtained prior to installation, each applicable permit is subject to a surcharge of twice the normal fee.

Sec. 8-26. - Process for Sign Permit Approval.

Upon acceptance of a complete and proper application, the following procedure will be followed for issuance of a sign permit.

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Sec. 8-26. - Process for Sign Permit Approval.

- (a) If the plans, specifications and intended use of the proposed sign or part thereof conform in all respects to the applicable provisions of this Article and the Building Code and Electrical Code, as applicable, a sign permit shall be issued.

- (b) Review time period.

- (1) The application will be reviewed and a sign permit will be issued or denied within the following time periods:

- a. For a permanent sign: 30 days.
- b. For a temporary sign: 10 days.

- (2) If no decision is made by the Building Official within the applicable time period, then the permit shall be deemed to be denied.

- (c) If after review and investigation by the Building Official, it is determined that the application fails to meet the applicable provisions of this Article or the building or electrical codes, the permit shall be denied, and the Building Official shall notify the applicant in writing of the denial and reasons for denial.

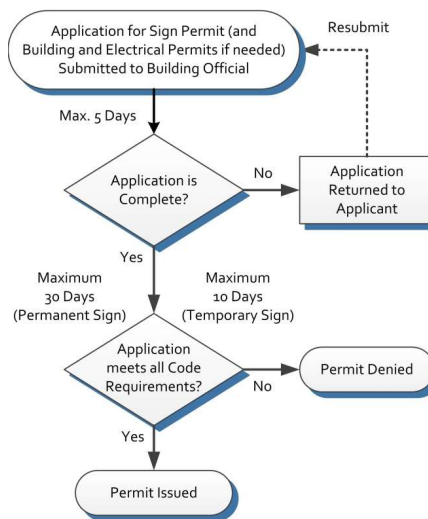
- (d) Inspection.

- (1) The Building Official shall cause an inspection of a new permanent sign or for modification of an existing permanent sign in the sixth month after the issuance of the sign permit or at such earlier date as the owner may request.

- (2) As a result of the inspection:

- a. If the construction is complete and in full compliance with this Article and with the building and electrical codes, the Building Official shall validate the previously issued building permit identifying the sign(s).
- b. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void.
- c. If the construction is substantially complete but not in full compliance with this Article and applicable codes, the Building Official shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected.

Sign Permitting Process



Sec. 8-28. - Variances.

- d. If the deficiencies are not corrected by such date, the building permit shall lapse. If the construction is then complete, the Building Official shall validate the building permit as described above.
- (3) Failure to inspect the sign by the sixth month after issuance of the sign permit shall not validate the sign permit nor affect its status. In accordance with the city's other Codes, an electrical or building permit lapses automatically after 6 months unless renewed for an additional 6 months.

Sec. 8-27. - Appeals from Decision of Building Official.

- (a) It is the intention of this Article that all questions arising in conjunction with the administration, interpretation, and enforcement of this Article shall be initially determined by the Building Official. All decisions by the Building Official to deny an application for a sign permit shall be in writing and forwarded to the applicant within 30 days of the receipt of a completed application by the city.
- (b) Any decision by the Building Official to deny a sign permit application may be appealed to the Board of Zoning Appeals provided that a written notice of appeal is received by the Planning and Zoning Director within 10 days of the applicant's receipt of the Building Official's decision.
- (c) Once a notice of appeal is received, the matter shall be placed on the agenda of the next regular meeting of the Board of Zoning Appeals; provided, however, that the Board of Zoning Appeals shall decide the appeal within 30 days of the receipt of the written notice of appeal from the applicant or at its next meeting for which adequate notice may be given. The decision of the Board of Zoning Appeals shall be in writing, and shall be final.
- (d) Any person aggrieved by the decision of the Board of Zoning Appeals shall have the right to appeal in accordance with Title 5 of the Official Code of Georgia Annotated ~~of certiorari to the Superior Court~~ within 30 days after the written decision of the Board is received by the applicant.

Sec. 8-28. - Variances.

- (a) Variances from the provisions of this Article shall be applied for in accordance with the provisions regarding variances in this Zoning Ordinance of the city of Newnan.
- (b) Standards for Approval of a Variance for Signs.
In lieu of the standards for granting or denying variances set forth in the Appeals Article of this Ordinance, the following standards shall be applicable with respect to the granting or denial of variances under this Article. Variances from the provisions of this Article shall be limited to the following hardship situations:
 - (1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or

Sec. 8-28. - Variances.

- (2) Where visibility of a conforming sign from the public street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and
 - b. Such visibility obstruction was not created by the owner of the subject property; and
 - c. The variance proposed would not create a safety hazard to traffic.
- (c) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs, or greater size of sign, than would be allowed if the hardship did not exist or allow a type of sign which otherwise is not allowed in the zoning district involved.

Sec. 8-29. Noncommercial message permitted on all signs.

Any sign otherwise permitted by this Article may contain a noncommercial message in lieu of, or in addition to, a commercial message, provided that such sign complies with the size, height, area and other requirements applicable to such sign.

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Proposed changes to Article 13, Section 13-6 – Definitions (S)

SIGN. Any device, fixture, placard, object, design, display or structure that uses any color, form, graphic, illumination, symbol, or writing to attract the attention of or to communicate information of any kind to the public.

SIGN, FREESTANDING – Any sign attached to or an integral part of a completely self-supporting structure or supports that are placed in, or anchored in, the ground and that are independent from any building or other structure. The term “freestanding sign” includes but is not limited to the following:

POLE SIGN – A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and at least one such supporting stanchion or column is less than 20% of the width of the sign body.

COLUMN SIGN – A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each 20% of the width of the sign body or more.

MONUMENT SIGN – A freestanding sign in which the entire bottom of the sign body or the base of the sign structure is in contact with the ground along its entire length, and the base and any supporting columns are together as wide as or wider than the total width of the sign body.

See the Sign Regulations Article for additional specific sign definitions.