

STATE OF GEORGIA

TOWN OF TYRONE

ORDINANCE

NO. 2009- 006

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF TYRONE, GEORGIA; TO ENACT NEW PROVISIONS PERTAINING TO SIGNS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF THE TOWN OF TYRONE WITH REGARD TO SIGNS (CHAPTER 6 OF TITLE VI) IS HEREBY AMENDED AS FOLLOWS:

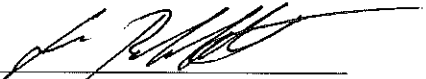
Section 1. By deleting Chapter 6, pertaining to signs, in its entirety, and by replacing it with a new Chapter 6, to be numbered and read according to the document attached hereto as Exhibit "A".

Section 2. All other ordinances in conflict with this ordinance are hereby repealed. No ordinance shall be construed so as to compel the Town of Tyrone to grant any approval or any permit for development which violates any provision set out

herein.

SO ENACTED this 21st day of May, 2009.

MAYOR AND COUNCIL OF THE
TOWN OF TYRONE

By: 
Don Rehwaldt, Mayor

(SEAL)

ATTEST:


Nancy Goedker, Town Clerk

Approved as to form:

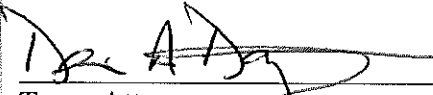

Town Attorney

EXHIBIT "A"

TOWN OF TYRONE SIGN ORDINANCE

Date of Adoption: May 21, 2009

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TOWN OF TYRONE SIGN ORDINANCE

ARTICLE I. IN GENERAL.

Section 6-6-1. Title. This ordinance shall hereafter be known and cited as the "Town of Tyrone Sign Ordinance".

Section 6-6-2. Purpose and intent. The Mayor and Council for the Town of Tyrone understands that signs are an integral part of the ability of every person to exercise their right to freedom of speech. It is however, important to understand that there is a fundamental need to protect the Town of Tyrone (the "Town") as a whole from the unchecked proliferation of unregulated signage. It is with this understanding in mind that the Mayor and Council of the Town of Tyrone provides the following purposes for the regulation of signage:

1. To encourage the effective use of signs as a means of communication in the Town;
2. To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
3. To improve pedestrian and traffic safety;
4. To minimize the possible adverse effects of signs on nearby public and private property;
5. And to enable the fair and consistent enforcement of these sign restrictions.

This sign ordinance is adopted under the zoning authority of the Town of Tyrone in furtherance of the more general purposes set forth in the zoning ordinance.

Section 6-6-3. Definitions. Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the Town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in Article III. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

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

2. *Awning/canopy sign.* Any sign that is a part of, or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. **(Prohibited)**
3. *Banner.* Any sign of lightweight fabric or similar material that is intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Banners can be either a freestanding sign or a wall sign.
4. *Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. **(Prohibited)**
5. *Bench sign.* Any sign painted on or otherwise attached to a bench or other seat placed on or off a public right-of-way or meant to be seen by the public. **(Prohibited)**
6. *Billboard.* A freestanding sign larger than sixty (60) square feet used for the display of posters, printed or painted advertising matter. **(Prohibited)**
7. *Canopy/awning sign.* See Awning/canopy sign.
8. *Changeable copy sign.* A sign on which the message changes more than eight (8) times per day. **(Prohibited)**
9. *Drive-thru sign.* A wall or freestanding sign at a drive-thru facility.
10. *Flag.* Any fabric or bunting containing distinctive colors, patterns, or symbols.
11. *Flashing sign.* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. **(Prohibited)**
12. *Freestanding sign.* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
13. *Grade.* For the purpose of measuring sign height, grade shall be the natural ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street; in which case, height shall be measured from the centerline elevation of the adjoining street. (See Section 6-6-33.)
14. *Illuminated sign, external.* A sign illuminated by an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes, or alternates.
15. *Illuminated sign, internal.* A sign illuminated by an internal light source. **(Prohibited)**

16. ***Kiosk.*** A small, freestanding structure requiring a building permit which may have more than two (2) surfaces. **(Prohibited)**
17. ***Lot.*** A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
18. ***Marquee, marquee sign.*** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Any sign attached to, in any manner, or made a part of a marquee.
19. ***Moving sign.*** A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts. **(Prohibited)**
20. ***Mural.*** A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, or depicting a scene or event of natural, social, cultural, or historic significance. **(Prohibited)**
21. ***Nonresidential zoning district.*** The following are considered nonresidential zoning districts within this ordinance: O-I, E-I, M-1, M-2, C-1, C-2, C-3, PUD, and LUC.
22. ***Out-of-store marketing device.*** An out-of-store marketing device is any device upon which a sign is placed which is intended to display messages outside of a primary building on a site zoned for commercial uses. Examples of out-of-store marketing devices include: fuel pumps, menu boards, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.
23. ***Pennant, streamer.*** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. **(Prohibited)**
24. ***Permanent sign.*** Any sign which, when installed, is intended for permanent use. Each lot shall be allowed only one permanent freestanding sign of a type and construction as to not be easily or readily removed from the lot on which it has been erected.
25. ***Permit.*** A sign permit reviewed, approved, and issued by the Town of Tyrone.
26. ***Person.*** Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
27. ***Portable sign.*** Any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T- frame sign. Sandwich board signs, balloons used as signs, umbrellas used for advertising; and signs

attached to or painted on vehicles which prevent the vehicle being used in its intended purpose and that are legible from the public right-of-way are also considered portable signs. **(Prohibited)**

28. **Principal building.** The building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
29. **Public sign.** 1) Any sign erected for the benefit of the public by a governmental entity for informational purposes including, but not limited to, identifying or providing direction to public telephones, restrooms, locating hazardous or dangerous areas, conditions, events, or identifying the location of underground utility facilities; 2) A sign erected by a governmental agency to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, historic place, hospital, or other use, facility, or attraction; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.
30. **Residential zoning district.** The following are considered residential zoning districts within this ordinance: AR, CR-1, CR-2, CR-3, R-52, R-50, R-48, R-46, R-44, R-42, DR-15, MPH, TR, and RMF.
31. **Roof sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. **(Prohibited)**
32. **Seasonal display.** Any item displayed for the purpose of celebrating a specified cultural, or religious event (e.g. Christmas, Easter, Thanksgiving, July 4th, New Year's, Hannukah, Kwanzaa).
33. **Sidewalk, sandwich, or A-frame sign.** A sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided.
34. **Sign.** Any device, fixture, placard, or structure affixed to, or suspended by, a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
35. **Suspended sign.** Any sign used in a multi-tenant building which is suspended from any part of the building.
36. **Temporary sign.** Any sign that is used temporarily and is not permanently mounted.
37. **Town Manager.** The person, officer or official whom the Mayor and Council has designated for the enforcement of this ordinance, or his or her designee.

38. **Wall sign.** Any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building, or structure.
39. **Window sign.** Any sign, picture, symbol, or combination thereof, that is placed within ten (10) feet inside a window or upon the window panes or glass either inside or outside the building, and is visible and legible from the exterior of the structure.

Section 6-6-4. Powers and duties of personnel. The Town Manager is hereby authorized and directed to administer this ordinance. Unless otherwise specifically provided by resolution of the Town of Tyrone Mayor and Council, the enforcement of this ordinance shall be within the jurisdiction of the Town of Tyrone.

Sections 6-6-5 to 6-6-10 Reserved.

ARTICLE II. PERMITTING.

Section 6-6-11. Permits required.

A. Applications for signage. Applications for sign permits required by this ordinance shall be filed with the Town of Tyrone during normal business hours and shall include the following:

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

B. Review and notification. Review of an application deemed to be complete by the Town of Tyrone and notification to the applicant of either approval or denial shall in no case extend for a period of time exceeding thirty (30) days from the date of the Town of Tyrone's receipt of the completed application. Notification to the applicant can be made either by certified mail return receipt requested, by fax to the number provided on the application, or by hand

delivery on or before the thirtieth (30th) day after the Town of Tyrone's receipt of the application. Should the process exceed thirty (30) days, it shall be deemed that the application is approved and the Town of Tyrone shall issue a permit to the applicant. Issuance of a permit shall in no way prevent the Town of Tyrone from later declaring the sign to be illegal if the structure fails to substantially comply with the specifications submitted in the application or some new information of illegality is discovered.

Section 6-6-12. Denial, revocation, suspension and appeal.

A. Compliance. The Town of Tyrone shall deny all applications for signs that do not comply with this ordinance. Written notification to the applicant listing the reasons for denial shall be provided as set forth in Section 6-6-11(B).

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

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

D. Appeals. Any individual whose application has been denied or a permittee whose permit has been revoked may appeal the decision of the Town Manager to the Mayor and Council upon filing a written notice of an appeal with the Town Clerk within ten (10) business days of notification of denial or revocation. Such appeal shall be considered by the Mayor and Council at the next Council meeting held after the Town's receipt of the written notice of appeal, provided that the notice of appeal is received a minimum of five full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of the Mayor and Council thereafter. In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the Town Council, he or she may petition for writ of certiorari to the superior court as provided by law.

Section 6-6-13. Inspection. A representative of the Town shall inspect each sign or other advertising structure regulated by this ordinance from time to time for the purpose of ascertaining whether such structure is safe and lawful. If a sign is deemed to be in need of repair, the owner shall have ten (10) days from the date of written notice from the Town, in which to repair or remove such sign. Missing letters from a raised letter or changeable copy sign, peeling paint from a painted sign, burned out/inoperative light emitting devices, etc., shall constitute a need for repair.

Section 6-6-14. Signs which require no permit.

A. Public signs. Signs erected by a public officer in the performance of his/her duties, including but not limited to: public notices, safety signs, danger signs, traffic and street signs, memorial plaques, and historical markers shall be exempt from the provisions of this ordinance.

B. Exempt signs. The following types of signs shall be exempt from the permit requirements of Section 6-6-11 and shall not count toward the maximum aggregate sign area limits provided in Sections 6-6-62, 6-6-72, and 6-6-74:

1. Numeral displayed for the purpose of identifying property location not to exceed 8" in height;
2. Seasonal displays located outside the public right-of-way;
3. Flags (see Sections 6-6-66 and 6-6-78);
4. Signs at the rear entrance of a business not to exceed one (1) square foot;
5. Window signs (see Sections 6-6-64 and 6-6-74);
6. Door signs not to exceed one (1) square foot;
7. Banners in residential zoning districts;
8. Out-of-store marketing device (see Section 6-6-77);
9. Residential freestanding signs (see Section 6-6-62); and
10. Nonresidential temporary signs (see Section 6-6-72(E)).

Section 6-6-15. Prohibited signs and devices. The following signs shall be prohibited under this ordinance. Such signs include, but are not limited to:

1. Animated or flashing signs;
2. Rotating, animated signs, or any sign which requires either natural or artificial wind current or energy for motion or gives the appearance of movement;
3. Portable or trailer display signs when not attached to a motor vehicle;
4. Signs on courtesy benches, trash cans, and similar devices on which advertising is displayed;

5. Search lights, beacons, or similar devices;
6. Roof signs;
7. Pennants, streamers;
8. Attention-getting devices, including but not limited to balloons (including all inflatable air signs) and lights, shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
9. Signs or other advertising structures that contain obscene or indecent material;
 - a. Material is obscene if either, or both, of the following apply:
 - (1) To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or
 - (2) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined in subparagraphs 1 through 5 of this paragraph: (1) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (2) acts of masturbation; (3) acts involving excretory functions or lewd exhibition of the genitals; (4) acts of bestiality or the fondling of sex organs of animals; or (5) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship;
 - b. Material is indecent if the sign depicts the following portions of human anatomy: (1) Any portion of the female breast below the top of the areola; (2) Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;
10. No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, umbrella or other similar devices;
11. Kiosks;
12. Changeable copy signs;
13. All signs attached to light poles, power poles or trees (when in the right-of-way);
14. Any privately-owned sign located within or partially within a road right-of-way;

15. Billboards; and

16. Murals.

Sections 6-6-16 to 6-6-20 Reserved.

ARTICLE III . ENFORCEMENT.

Section 6-6-21. Violations, penalties.

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

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

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

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

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

Section 6-6-22. Nonconforming signs.

A. Nonconforming existing signs. A freestanding or wall sign for which a sign permit was issued which was in existence on *MAY 21, 2009*, or which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this ordinance, shall be considered a nonconforming sign. Such a sign shall be allowed to remain in place and be maintained (provided that no action is taken which increases the degree or extent of the nonconformity) until there is a change of business name (single business), a change of complex name (multi-business), or the sign and/or supporting structure is

totally destroyed as a result of vandalism or any act of the owner or any person acting on behalf of the owner. In the case of a change of ownership where the business name and existing signage (face and structure) remain the same, said sign shall be allowed to remain in place.

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

Section 6-6-23. Removal of unlawful or dangerous signs.

A. Removal. The Town may order the removal of any sign in violation of this ordinance by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.

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

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

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

D. Reclamation/fees. Following such removal or repair, the Town may collect the costs as set by the Mayor and Council for any reclaimed signs. Signs not claimed will be destroyed after fourteen (14) days.

Section 6-6-24. Prohibited placements of posters, signs and advertisements.

This Ordinance is adopted with knowledge of the presence of O.C.G.A. §16-7-58 which provides for the regulation of posters, signs and advertisements in the State of Georgia. O.C.G.A. §16-7-58 is set out in its entirety as Exhibit "A" which is attached to this Ordinance. This Ordinance shall be enforced while giving full effect to O.C.G.A. §16-7-58.

Sections 6-6-25 to 6-6-30 Reserved.

ARTICLE IV. CONSTRUCTION AND MAINTENANCE STANDARDS.

Section 6-6-31. Sign location.

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

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

Section 6-6-32. Measurement of sign area. The area of a sign shall mean and shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open space(s) or color(s), forming an integral part of the display or used to differentiate such.

Section 6-6-33. Measurement of sign height. The height of a sign shall be computed as to the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

Section. 6-6-34. Construction standards.

A. Town codes. All signs permitted under this code shall be constructed and maintained in accordance with the applicable Town building codes. The Town may remove after due notice per Section 6-6-23, any sign which shows neglect or becomes dilapidated.

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

C. Illumination of signs. Signs, when illumination is permitted, may only be illuminated externally.

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

Sections 6-6-35 to 6-6-40 Reserved.

ARTICLE V. RESTRICTIONS BASED ON LOCATION.

DIVISION I. GENERALLY.

Section 6-6-41. Zoning districts.

A. Signs by zoning district. Sign standards by district apply to all zoning districts in the Town of Tyrone. The districts are defined herein as being either residential or nonresidential.

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

C. Nonresidential zoning districts. Nonresidential zoning districts allow for both nonresidential and residential uses and as such will be governed by the respective articles of this ordinance based on the approved use. For all unimproved nonresidential property the single business sign regulations shall apply (see Section 6-6-72). For all residential uses permitted in the nonresidential zoning district, the sign regulations for those uses shall be determined to be under Article V, Division II Residential Districts of this ordinance.

Sections 6-6-42 to 6-6-60 Reserved.

DIVISION II . RESIDENTIAL DISTRICTS.

Section 6-6-61. Signs allowed within residential zoning districts. The following signs shall be allowed in all residential zoning districts:

1. Freestanding signs (see Section 6-6-62);
2. Window signs (see Section 6-6-64);
3. Signage during construction (see Section 6-6-65);

4. Flags (see Section 6-6-66);
5. Numeral displayed for the purpose of identifying property location not to exceed 8" in height;
6. Seasonal displays located outside the public right-of-way; and
7. Banners.

Section 6-6-62. Residential Freestanding Signs.

A. Number, size and height of signs. Lots located in a residential zoning district shall be allowed no more than four (4) freestanding signs not to exceed six (6) square feet each sign. Signs shall not exceed four (4) feet in height. Sign structures shall not exceed five (5) feet in height. For purposes of determining the maximum height of signs and sign structures, the measurements shall be taken from the grade level of any adjacent street or the grade level of the lot, whichever is higher. Banners shall not be exempt from this section. The freestanding signs allowed in this subsection shall be temporary signs as that term is defined in this ordinance. However, one of the four signs allowed in this subsection may be a permanent sign. No permit shall be required.

B. Subdivision Signs. Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to forty (40) square feet and six (6) feet in height. If used in conjunction with a wall, the wall shall not exceed five (5) feet in height. The decorative facade, including post and/or columns, shall not exceed seven (7) feet in height. No more than two (2) signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the Home Owners Association (HOA) and shall not be allowed to be on private property. A permit shall be required.

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

D. Multi-family parcels. For any multi-family residential property, the number of allowable freestanding signs shall not exceed eight (8) signs not more than six (6) square feet each. Such developments shall also be entitled to two (2) permanent signs at the entrance to the development as regulated in Section 6-6-62(B). The property owner shall be responsible for all signage posted on the property. Notwithstanding any provisions within this subsection to the contrary, signs within the DR-15 zoning district shall be regulated in the same manner as single family residential zoning districts are regulated. For purposes of this ordinance, a DR-15 shall not be considered to be a multi-family zoning district. A permit shall not be required.

Section 6-6-63. Wall signs. Wall signs in residential districts shall be prohibited.

Section 6-6-64. Window signs. Window signs shall be allowed in all residential districts and shall not cover more than twenty-five (25) percent of the area of each window in which a sign is placed. Window signs may be placed in no more than four (4) windows of the residential structure.

Section 6-6-65. Signage during construction.

A. Number, size and height of sign. One (1) temporary sign shall be allowed on construction sites. A permit shall be required.

1. Duration. Said sign shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with the issuance of a Certificate of Occupancy/Completion or installation of a permanent sign, whichever occurs first.
2. Size. Said sign shall not exceed twelve (12) square feet in area nor five (5) feet in height.
3. Construction. Said sign may be a permanent sign as that term is defined in this ordinance. Any permanent sign constructed consistent with this subsection shall not exceed the duration restrictions in (1) of this subsection.

B. Additional sign. This sign is in addition to those signs listed in Section 6-6-62.

Section 6-6-66. Flags. Flagpoles shall not exceed thirty-five (35) feet in height. The flag(s) dimensions shall be proportional to the pole such that the hoist side of the flag(s) is not more than thirty-five (35%) percent of the vertical height of the flagpole.

Sections 6-6-67 to 6-6-70 Reserved.

DIVISION III. NONRESIDENTIAL DISTRICTS.

Section 6-6-71. Signs allowed within nonresidential zoning districts. The following signs shall be allowed in all nonresidential zoning districts:

1. Freestanding signs (see Section 6-6-72);
2. Wall signs (see Section 6-6-73);

3. Window signs (see Section 6-6-74);
4. Banners (see Section 6-6-75);
5. Signage During Construction (see Section 6-6-76);
6. Out-of-Store Marketing Device (see Section 6-6-77);
7. Flags (see Section 6-6-78);
8. Suspended signs (see Section 6-6-79); and
9. Sidewalk, sandwich, and A-frame signs (see Section 6-6-72).

Section 6-6-72. Freestanding signs.

A. Number, height and dimensions. Unless otherwise provided herein, each parcel is allowed one (1) permanent freestanding sign, not to exceed six (6) feet in height, ten (10) feet in width and not more than forty (40) square feet in area.

B. Multi-business parcel. Each parcel containing multi-businesses shall be entitled to display one (1) permanent freestanding sign. Individual business names are included in the total square footage. The maximum area of the sign shall not exceed seven (7) feet in height, ten (10) feet in width, and not more than sixty (60) square feet in area.

C. Illumination; permit. Freestanding signs may be externally illuminated. A permit shall be required.

D. Drive-thru signs. Signs as part of a drive-thru facility, not visible or legible by the traveling public shall not be regulated by this ordinance; however, no individual drive-thru sign may exceed forty (40) square feet.

E. Temporary signage. Each parcel containing a single business shall be allowed not more than eight (8) aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than twelve (12) aggregate square feet of temporary signage. No temporary sign shall be greater than four (4) feet in height. A permit shall not be required. Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this Section 6-6-72. The limitation on aggregate maximum square feet for temporary signage applies to sidewalk, sandwich, and A-frame signs. Sidewalk, sandwich, and A-frame signs may only be displayed during business hours.

F. Subdivision entrance/exit signs. Notwithstanding anything herein to the contrary, the area of signs at the entrance/exit of a subdivision shall be limited to forty (40) square feet and six (6) feet in height. If used in conjunction with a wall, the wall shall not exceed five (5) feet in

height. The decorative facade, including post and/or columns, shall not exceed seven (7) feet in height. No more than two (2) signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the Property Owners Association (POA) and shall not be allowed to be on private property. A permit shall be required.

Section 6-6-73. Wall signs. Wall signs shall be located on the principal building only. A permit shall be required.

A. Number. One wall sign shall be permitted per structure. In the case of structures which contain multiple businesses, each business is allowed a sign.

B. Location. No wall sign shall be placed on any roof or on top of any structure. In addition, no part of a wall sign shall be at an elevation higher than twenty-five (25) feet above the average ground level elevation along the side of the building on which the wall sign is installed. If a building has two (2) or more stories, no signs shall be installed at a level above the bottom of the second floor windows, unless the building is a multi-tenant office or multi-tenant commercial structure wherein tenants have primary, direct access from their space to the outside. This access must include outside walkways and stairways properly designed for public use.

C. Construction. All wall signs shall be safely and securely attached to the building wall, subject to the approval of the Building Official.

D. Size/calculation. One (1) wall sign for each business conducted on the premises shall be allowed. The allowable front wall sign area for each building shall not exceed one-half ($\frac{1}{2}$) square foot per linear foot of the front length of the building or portion thereof occupied. If the sign is a panel or box, the total area including background is included. If a sign consists of individual letters, each attached directly to a building or structure, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters.

Section 6-6-74. Window signs. No more than fifty (50) percent or thirty-five (35) square feet, whichever is less, of the total available advertising space (glass area) shall be used to display window signs. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside. This access must include outside walkways and stairways properly designed for public use. In no case shall any window signs be installed above the level of the second floor windows. No permit shall be required.

Section 6-6-75. Banners. Banners shall be allowed for a period not exceeding twenty-one (21) days with not more than four (4) such twenty-one (21) day periods being permitted per calendar year. There shall be only one banner displayed at a time.

A. Size. Banners shall not be more than thirty-two (32) square feet. A permit shall be required.

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

Section 6-6-76. Signage during construction.

A. Number, size and height of sign. One (1) temporary sign shall be allowed on construction sites. A permit shall be required.

1. Duration. Said sign shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with the issuance of a Certificate of Occupancy/Completion or installation of a permanent sign, whichever occurs first.
2. Size. Said sign shall not exceed sixteen (16) square feet in area nor five (5) feet in height.
3. Construction. Said sign may be a permanent sign as that term is defined in this ordinance. Any permanent sign constructed consistent with this subsection shall not exceed the duration restrictions in (1) of this subsection.

B. Additional sign. This sign is in addition to the signs allowed in Section 6-6-72.

Section 6-6-77. Out-of-store marketing device. One (1) sign shall be allowed on an out-of-store marketing device. Said sign shall not exceed two (2) square feet. The height of the sign shall not be more than two (2) feet above the device. No permit shall be required.

Section 6-6-78. Flags. Flagpoles shall not exceed seventy (70) feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than thirty-five (35) percent of the vertical height of the flagpole.

Section 6-6-79. Suspended signs. In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended sign per entrance used shall be allowed to identify the location of each tenant's premises. A permit shall be required. Suspended signs shall adhere to the following:

1. Does not exceed three (3) square feet in area;
2. Is uniform in size, material, color and shape and is placed in an equivalent

location to such other signs located on the same building; and

3. Maintains a minimum of nine (9) feet of clearance between the bottom of the sign and the walkway below.

Sections 6-6-80 to 6-6-90 Reserved.

ARTICLE VI. VARIANCES.

Section 6-6-91. Variances. 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 than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this ordinance shall be limited to the following hardship situations:

- A. Standards.
 - (1) 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, existing buildings or structures on a different lot; and
 - (2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.
- B. Variance applications shall be submitted to the Town Council and shall be heard under the same time frames and rules governing appeals under this ordinance.

Sections 6-6-92 to 6-6-100 Reserved.

ARTICLE VII. SEVERABILITY.

Section 6-6-101. Severability. Should any article, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the Mayor and Council for the Town of Tyrone that each article, clause and provision hereof be severable.

Sections 6-6-102 to 6-6-110 Reserved.

EXHIBIT "A"

O.C.G.A. §16-7-58. Prohibited placements of posters, signs, and advertisements.

(a) It shall be unlawful for any person to place posters, signs, or advertisements:

(1) On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights of way of public roads shall be governed by Code Section 32-6-51;

(2) On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; and, provided, further that no municipal, county, or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed or the number of signs which may be displayed on private property for which permission has been granted; or

(3) On any property zoned for commercial or industrial uses if the placement of such posters, signs, or advertisements conflicts with any zoning laws or ordinances.

(b) Any poster, sign, or advertisement placed in violation of paragraph (1) of subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public property or building, including without limitation law enforcement officers, may remove or direct the removal of the same.

(c) Each poster, sign, or advertisement placed in violation of this Code section shall constitute a separate offense.

(d) Any person who violates this Code section shall be punished the same as for littering under Code Section 16-7-43.