

ORDINANCE NUMBER 3927-2016

**AN ORDINANCE AMENDING CHAPTER XXI (BILLBOARD SIGNS STANDARDS) OF THE LAND DEVELOPMENT CODE FOR THE CITY OF WOODSTOCK, GEORGIA.**

**Whereas**, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

**Whereas**, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

**Whereas**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

**Whereas**, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

**NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAIN:**

Section 1. The existing Chapter XXI of the Land Development Code for the City of Woodstock is hereby deleted and replaced by a new Chapter XXI (Billboard Sign Standards) which is attached hereto as Exhibit “A” and made a part hereof by reference.

Section 2. Where other provisions of the Land Development Code impose standards and conditions that are at variance with the provisions of this Chapter, the most stringent regulations shall control.

Section 3. Should any provisions 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 provisions specifically declare to be invalid. The Mayor and

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<sup>1</sup> Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

<sup>2</sup>O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

Counsel hereby declare 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 illegal, invalid or unconstitutional.

Section 4. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 23 DAY OF May, 2016.

1st Reading: 5/16/16 2nd Reading: 5/23/16

  
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DONNIE HENRIQUES, MAYOR

  
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RHONDA L. PEZZELLO, CLERK

# **EXHIBIT A**

## **CHAPTER XXI**

### **BILLBOARD SIGNS STANDARDS**

#### **ARTICLE I. GENERAL PROVISIONS**

##### **21.1.1. – Findings, purpose and intent.**

(a) The City of Woodstock finds that Billboard Signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, Billboard Signs are entitled to the protection of the law. In the absence of regulation, however, the number of Billboard Signs tends to proliferate, leading to cluttered and aesthetically blighted thoroughfares and highways. In addition, the competition among competing Sign owners for visibility of their Billboard Signs contributes to safety hazards for both vehicles and pedestrians and undermines the Billboard Sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

(b) Regulation of the size, height, number and spacing of Billboard Signs is necessary to protect the public safety, to assure compatibility of Billboard Signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.

(c) The City further finds that there is a substantial difference between signage erected by public authority and Billboard Signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signage identifying government buildings, virtually all government Signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public.

(d) The purposes of this Chapter VI Article I is to encourage the effective use of Billboard Signs as a means of communication within the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve traffic safety; to minimize the possible adverse effect of Billboard Signs on nearby public and private property; and to enable the fair and consistent enforcement of this Article.

(e) In considering the appropriate level of Billboard Sign regulation for the City of Woodstock, the Mayor and Council have considered planning studies, reports, news articles and related information from a variety of sources. The Mayor and Council have determined that Billboard Signs with electronic and LED display technology pose

unique and substantial hazards to traffic caused by a higher level of distractibility than non-LED Billboard Signs. In addition, Billboard Signs with electronic and LED display technology are inconsistent with the aesthetic standards established for major thoroughfares running through the City.

**21.1.2. – Interpretation generally.**

Words and phrases used in this Chapter shall have the meaning set forth in this Chapter. Words and phrases not defined by this Chapter, but defined in other City ordinances, shall be given the meanings set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Chapter, article and section headings or captions are for reference only and shall not be used in the interpretation of this Chapter. Any Sign permitted under this Chapter to contain commercial expression may also include noncommercial expression.

**21.1.3. – Authority for provisions.**

This Chapter is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Woodstock, the general police powers of Woodstock and other authority provided by federal, state or local laws applicable hereto.

**21.1.4. – Applicability.**

Billboard Signs shall be erected, placed, established, painted, created and maintained in accordance with the physical standards outlined in this Article and other applicable provisions of the Land Development Code.

**21.1.5. – Owner’s permission required for erection of Billboard Signs.**

No Billboard Sign shall be placed on any private property without first obtaining the consent of the owner or owner’s agent of the private property.

**21.1.6. – Compliance with technical codes and zoning.**

(a) All Billboard Signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the City shall conform with the requirements of the building and electric codes adopted by the City. Where the provisions of the building or electrical code and this Chapter conflict or overlap, the most stringent requirement shall prevail and be controlling.

(b) All Billboard Signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the City shall conform to the zoning ordinance of the City. In the event of conflict between the provisions of this Chapter and the zoning ordinance, the most stringent requirement shall prevail and be controlling.

**21.1.7. – Maintenance.**

(a) All Billboard Signs erected or posted in the City shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Article, at all times. All Billboard Signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame or structure.

(b) All Billboard Signs and the premises surrounding them shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and overgrown grass.

**21.1.8. – Billboard Sign Requirements.**

(a) No Billboard Sign Face shall exceed fourteen (14) feet in height or forty-eight (48) feet in length. Billboards are limited to two (2) back to back faces. Two or more Sign Faces installed so as to be read from different directions of travel shall only be placed back to back in a parallel manner. No triangular or other multi-sided configuration of Billboard Signs is allowed.

(b) Billboard Signs are restricted to commercial and industrially zoned Parcels and are further limited to Parcels sharing a common property line with the right-of-way of Interstate 575.

(c) All Billboard Signs shall be oriented only toward I-575 and shall be erected no further than 100 feet from the right-of-way line of I-575.

(d) Billboard Signs shall be allowed to utilize Tri-vision Technology. Any existing Billboard Sign meeting the standards of this Article that is eligible for conversion to Tri-vision Technology shall require a permit for such conversion by the City.

(e) No Billboard Sign shall utilize LED or electronic display technology.

(f) No Billboard Sign shall be located within one thousand (1000) feet of another existing Billboard Sign.

(g) No Billboard Sign shall be located within five hundred (500) feet of single-family residentially zoned parcels and/or parcels designated for single-family residential use.

(h) No Billboard Sign shall be located with five hundred (500) feet in any direction of a public park, public playground, public recreational area, public forest, scenic area, or cemetery; provided, however, that such Billboard Sign may be located within five hundred (500) feet of such a use where the Billboard Sign is separated by buildings or other permanent physical obstructions so as to not be visible from the public park, public playground, public recreational area, public forest, scenic area or cemetery.

(i) Billboard Signs are limited to a height of fifty (50) feet above grade, measured from the ground at the point of installation of the supporting structure, and provided that such grade shall not be altered in any manner as to increase the allowable height of the Billboard Sign. Where the supporting structure of the Billboard Sign is located below the

grade of I-575, the fifty (50) foot height limitation shall be measured from the crown of the nearest adjacent travel lane of I-575.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **21.2.1. – Permits; Procedures.**

(a) Unless specifically exempted from obtaining a permit under provisions of this Chapter, no person shall erect, construct, replace, relocate or structurally alter any Billboard Sign within the City without first obtaining a Billboard Sign permit from the Department of Community Development. No permit shall be required to repaint or change the lettering of an existing conforming Billboard Sign, provided that no change of ownership of the entity displaying the message thereon has been made.

(b) Applications for permits shall be made upon forms provided by the City and shall contain or have attached thereto the following information:

- 1) Name, address and telephone number of the applicant.
- 2) Tax Parcel ID and address of building, structure, or Parcel to which or upon which the Billboard Sign is to be attached or erected. In the absence of a street address, a method of location that is acceptable to the Community Development Director shall be used.
- 3) Two accurate drawings showing the position of the Billboard Sign in relation to nearby buildings or structures, including other Billboard Signs, driveways, parking areas, and any other limiting site features (survey not required).
- 4) One accurate drawing to scale of the plans, specifications and method of construction and attachment of the Billboard Sign to the building or ground. The drawing shall be an engineered structural drawing designed to the International Building Code and shall specifically include the size of the Sign Area, overall height of the Billboard Sign, location of the Billboard Sign installation and its relation to existing rights-of-way and all driveways, a site distance diagram.
- 5) Name, address, telephone number and business license number of the person erecting the Billboard Sign.
- 6) Written consent of the owner or lessor of the building or land to which or upon which the Billboard Sign is to be erected.
- 7) The location and size of all other Billboard Signs on the parcel upon which the Billboard Sign is to be erected.
- 8) The size of the Parcel on which the Billboard Sign is to be erected.
- 9) If the Billboard Sign is to be lighted, an application for electrical permit meeting all standards of the City's electrical code.

- 10) The value of the Billboard Sign.
- 11) Such other information as the City shall require to show full compliance with this and other ordinances of the City.

(c) No review of the specific content of any proposed Billboard Sign shall be made or required.

(e) Each application for permit shall be accompanied by the applicable permit fees. Fees for permits shall be as fixed from time to time by resolution of the Mayor and Council.

(f) Upon the filing of an application for a permit, the Community Development Director or his designee shall examine all plans and specifications submitted, including electrical wiring and connections, and the premises upon which the Billboard Sign is proposed to be erected. The plans shall be reviewed for zoning compliance by the Department of Community Development and review by other officers and employees of the City may be obtained on an as-needed basis. Such review shall be completed within thirty (30) business days of submission of a completed Billboard Sign application. If it appears from review of the permit application and inspection of the site that the proposed Billboard Sign is in compliance with the requirements of this Chapter and all other ordinances and laws of the City, the Community Development Director or his designee shall issue a permit upon payment of permit fees no later than thirty (30) business days from receipt of the completed application.

(g) The City shall deny permits to applicants who submit applications for Billboard Signs that do not comply with the provisions of this Chapter, are incomplete, or contain any material false statements. Violation of any provision of this Chapter will be grounds for terminating a permit granted by the City for the erection of a Billboard Sign. Should it be determined that a Billboard Sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this Chapter, the Community Development Director or his designee shall revoke the permit. Should the Community Development Director or his designee deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before thirty (30) business days after the City received the application. Alternatively, the City may personally serve the Billboard Sign applicant with a copy of the written notice of denial within thirty (30) business days after the City's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

(h) No permit shall be denied or revoked, except for Due Cause as hereinafter defined, and after the applicant is given ten (10) days' written notice containing a statement of the reasons for the denial of the permit application or the revocation of a permit. "Due Cause" is the violation of any provision of this Chapter, or other applicable ordinances, state or federal law regulating signs, or the submission of an incomplete application or an application containing false material statements.

(i) An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the Mayor and City Council,

provided such appellant files a written notice of appeal with the City Manager within ten (10) business days of the Community Development Director's notice. Such appeal shall be considered by the Mayor and City Council for the City of Woodstock, Georgia at the next meeting held after the City's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of seven (7) business days before the next meeting. Appeal notices received within seven (7) days of a scheduled City Council meeting shall be heard at the next available meeting more than seven (7) days following receipt of appeal. The Mayor and City Council shall issue a written decision to the applicant no later than thirty (30) days following the close of the appeal hearing. Decisions of the Mayor and City Council to affirm the decision of the Community Development Director or to overrule the decision of the Community Development Director and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the City of Woodstock.

(j) In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the Mayor and Council, such applicant or permit holder may appeal same within the courts of the State of Georgia as provided by law.

(k) Any person commencing work on a Billboard Sign before securing the necessary permit from the Community Development Department shall be subject to double permit fees under the permit fee schedule.

#### **21.2.2. – Permit expiration.**

A Billboard Sign permit shall become null and void if the Billboard Sign for which the permit was issued has not been completed and installed within six (6) months after the date of issuance. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted Billboard Sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted Billboard Sign but the fabrication has not yet been completed, one six (6) month extension may be granted by the Community Development Director on the duration of the permit. Where a permit has expired for failure to erect the Billboard Sign, if an individual later desires to erect a Billboard Sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

#### **21.2.3. – Display of permit.**

The owner of the Billboard Sign shall be responsible for maintaining the permit for every Billboard Sign constructed, erected or maintained for which a permit is required by this ordinance. Such permit shall be kept on the premises served by the Billboard Sign and shall be exhibited promptly upon request of city officers and employees.

#### **21.2.4. – Non-conforming signs.**

(a) Billboard Signs that, on the effective date of this Ordinance, were approved and legally erected under previous Billboard Sign restrictions, and that became or have



become non-conforming with respect to the requirements of this Ordinance, may continue in existence subject to the remaining provisions of this Section.

- 1) No increase in size of the Non-Conforming Sign shall be permitted.
- 2) Existing Billboard Signs which were legally erected and which have become non-conforming and do not meet the setback requirements of this Ordinance due to road widening may be moved to meet the setback requirement of this Ordinance but shall not be increased in size, shape or changed in any manner except as to become conforming.

(b) Upon failure to comply with any requirement of this Section, the building official or his authorized agent may cause the removal of such Billboard Sign at the expense of the owner.

(c) A Non-conforming Sign shall not be replaced by another Non-conforming Sign, except that the substitution or interchange of poster panels, painted boards or demountable material on Non-conforming Signs shall be permitted.

(d) Minor repairs and maintenance of Non-Conforming Signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the Billboard Sign shall be permitted except to make the Billboard Sign comply with the requirements of this Ordinance; provided that Billboard Signs damaged by fire or act of God may be restored by their original condition.

(e) Each Non-conforming Sign shall be registered within ninety (90) days of the enactment of this Ordinance by the Billboard Sign owner, and if it is determined that such Non-conforming Sign was legally erected under the prior ordinance, then a Billboard Sign permit shall be issued to the Billboard Sign owner without charge and the Billboard Sign shall be marked with a permit decal. Should the owner of a Non-conforming Sign fail to register such Billboard Sign with ninety (90) days from the enactment of this Ordinance, such failure to register shall be deemed a violation of this Ordinance, and such person shall be subject to citation in Municipal Court.

(f) Existing Billboard Signs on the property of newly annexed territory that were legally erected under the county ordinance which would become a Non-conforming Sign under this Ordinance upon annexation by the City shall be allowed to remain, provided such Billboard Sign shall be registered with the City within ninety (90) days of annexation.

(g) The Community Development Director or his designee shall be responsible for enforcement of the provisions of this Section. Notices of violation shall be provided to the Billboard Sign owner in accordance with the requirements herein.

#### **21.2.5. – Inspections.**

The Community Development Director or his designee shall periodically inspect each permanent and temporary conforming and non-conforming Billboard Sign in an attempt to ascertain whether the same is secure or insecure, and whether it is in compliance with the requirements of this Chapter or in need of repair. Responsibility for

the safety of Billboard Signs and security of their attachment or erection remains at all times with the Billboard Sign owner.

**21.2.6. – Signs requiring removal.**

(a) *Traffic hazards.* Any Billboard Sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the Community Development Director or his designee in consultation with the Chief of Police, shall be removed as provided herein.

(b) *Dangerous, dilapidated or defective Billboard Signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any Billboard Sign that is in a dangerous, dilapidated or defective condition. Any such Billboard Sign shall be removed or repaired by the owner of the premises or owner of the Billboard Sign. Upon failure of the owner to remove or repair a dangerous or defective Billboard Sign, the Community Development Director or his designee shall proceed as described herein.

**21.2.7. – Removal procedure.**

(a) The Community Development Director shall cause to be removed any Billboard Sign that he determines endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective Billboard Sign or a Billboard Sign for which no permit has been issued or which is otherwise in violation of this chapter. The Community Development Director shall prepare a written notice that shall describe the Billboard Sign and specify the violation involved. The notice shall state that if the Billboard Sign is not removed or the violation is not corrected within twenty (20) business days, the Billboard Sign shall be removed in accordance with the provisions of this Section.

(b) All notices by the Community Development Director shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date received if hand delivered or otherwise on the date delivered as shown upon the return receipt of the U.S. Postal Service.

(c) The notice shall be mailed to the owner of the property on which the Billboard Sign is located, the owner of the Billboard Sign, and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the Billboard Sign or on the premises.

(d) Any person having an interest in the Billboard Sign or the property may appeal the determination of the Community Development Director ordering removal or compliance by filing a written notice of appeal with the City Manager within ten (10) business days after receipt of the notice. Appeals will be handled as provided in this Ordinance.

(e) If the person to whom notice is directed fails to take corrective action within the time period prescribed, or if on appeal the City affirms the decision of the Community Development Director and the person fails to take corrective action or remove the offending Billboard Sign within the time period prescribed, then the Community

Development Director shall proceed to have the Billboard Sign removed or corrected to bring such Billboard Sign into compliance with this Chapter or to remove any unsafe condition.

(f) When it is determined by the Community Development Director that the Billboard Sign would cause imminent danger to the public safety and contact cannot be made with the Billboard Sign owner or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the Community Development Director shall document the unsafe condition and may correct the danger, with all costs being charged to the Billboard Sign owner or the property owner.

(g) If it shall be necessary for the Community Development Director to remove the Billboard Sign pursuant to the provisions of this Section, and it should be practicable to sell or salvage any material derived in the removal, the Community Development Director may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be use to offset the cost of removal to be charged to the Billboard Sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the Sign owner, if known, or if unknown, shall be deposited in the City Treasury and maintained for benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property the City. Where the proceeds derived from such sale are less than the costs of removal, such deficiency shall constitute a lien against the property on which the Billboard Sign is located. Such lien shall be collectable in the same manner as City property taxes.

(h) Any Billboard Sign removed by the Community Development Director pursuant to the provisions of this Section shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the Billboard Sign by the City shall constitute a lien against the property and shall be recoverable in the same manner as City property taxes. The cost of removable shall include any and all incidental expenses incurred by the City in connection with the Billboard Sign removal.