

ARTICLE III. - SIGN REGULATIONS¹⁴¹

Footnotes:

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Editor's note— An [ordinance adopted on June 17, 2013](#), has been treated by the editor as superseding former Art. III, §§ 5-180—5-189, in its entirety. Former Art. III pertained to similar subject matter and derived from Ord. No. 98-009, § 1, 8-24-98; Ord. No. 2000-21, 10-23-00.

Sec. 5-180. - Purpose and findings.

The Toccoa City Commission finds that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and as a detriment to property values and to the city's overall public welfare as an aesthetic nuisance. By enacting this article, the city commission intends to:

- (1) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Protect the public health, safety, and welfare;
- (3) Reduce traffic and pedestrian hazards;
- (4) Maintain the historical image of the city; finding that the development in the historic district, Main Street district area and along Currahee Street from Hill Street to Nassau Street and along Tugalo Street from North Big A Road to Short Street and along Falls Road; the compactness of buildings and businesses in these districts; the geometry of public road intersections is unique from other areas of the city due to its history, architecture, cultural heritage and integrity; its substantial contribution to the economic vitality that these areas should be preserved and the appearance of the historic downtown and surrounding area, improved thereby assuring that signs are properly integrated with and harmonious to the buildings and sites in the historic downtown;
- (5) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (6) Promote economic development;
- (7) Ensure the fair and consistent enforcement of sign regulations; and
- (8) Balance the commercial and public interest with the intent to maintain aesthetically pleasing thoroughfares in the city.

([Ord. of 6-17-13, § 1](#))

Sec. 5-181. - Definitions.

Aggregate sign area shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

Animated sign shall mean a sign with animated characters and/or text that uses action, changing colors, flashing lights, changes in intensity, blinking, or video is prohibited.

Area of a sign/sign area shall mean the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border, emblem, logo and trim but excluding the base, apron, supports, and other structural members.

Awning sign shall mean a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

Banner means a sign, with or without characters, letters, illustrations or ornamentation, applied to cloth, paper, vinyl, or fabric of any kind with only such material for backing. Banners are to be considered temporary signs. Temporary signs are allowed 30 days in a six month calendar period.

Billboard shall mean any sign with a sign area exceeding 150 square feet. Billboard signs are prohibited in the historic district, Main Street tax district and along Currahee Street from Hill Street to Nassau Street and along Tugalo Street from North Big A Road to Short Street and along Falls Road.

Double-faced sign shall mean a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Double-stacked billboards shall mean a billboard structure in which multiple display panels are set above one another and may also be known as stackmount billboards.

Electronic Message Board Sign shall mean a sign that presents its message through illumination of intermittent or moving lights, forming letters, numbers or symbols of the message. The message may be static or move across the sign. See Section 13 for requirements to allow control of the installation of electronic signs.

Flag shall mean any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization. Flags are exempt from regulation.

Freestanding sign shall mean a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or stanchion signs. A freestanding sign shall have a maximum of 150 square feet.

Historic district means the city's zoning district historic district (B-III) and central business district (CBD) as established in the zoning ordinance of the City of Toccoa, as amended, and as such boundaries are established on the official zoning map, Toccoa, Georgia, as may be amended from time to time.

Illuminated sign shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign provided there shall be no signs containing flashing lights.

- (1) *Internally illuminated sign:* Any sign that is illuminated by an artificial light source from within the sign structure or comprising any or all of its sign face.
- (2) *Externally illuminated sign:* Any sign that is partially or completely illuminated at any time by an artificial light source that illuminates the face of the sign from outside the sign structure, i.e., the light source is separate from but directed toward the face of the sign.

Main Street District Area means the city's Main Street District Area as established by the Toccoa City Commission by ordinance in June 1990 or as subsequently amended.

Marquee sign shall mean a structure that typically is a covering with changeable advertising, such as the theatre marquee.

Monument sign shall mean a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies. Monument signs shall not exceed six feet in height.

Multiple message billboard shall mean a billboard that is an automatic changeable copy sign and presents two or more displays on its sign face in alternating or random sequence by changing the message or copy on the sign electronically or by rotation of panels or slats.

Mural shall mean a sign which is considered purely decorative in nature and content, and does not include advertising by picture or verbal message and is exempt from sign regulations, but requires a certificate of appropriateness (COA), if located in the historic district.

Neon shall mean neon signs are luminous-tube signs that contain neon or other inert gases at a low pressure. Applying a high voltage (usually a few thousand volts) makes the gas glow brightly. They are produced by the craft of bending glass tubing into shapes.

Non-conforming sign shall mean any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection and is being properly maintained; which will be reviewed by the planning department.

Parcel shall mean a separate tax unit of real property on county real estate records.

Parapet wall shall mean an extension of the wall at the edge of a roof, terrace, balcony, or other structure.

Portable sign shall mean a sign which is not permanently affixed. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. Portable signs are prohibited except in the industrial zoning districts MI and MII which are limited to 90 calendar days at a business address, no more than twice per year.

Roof sign shall mean a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building. Unless otherwise granted by a variance or a non-conforming sign, roof signs are not permitted within the city.

Sandwich board signs shall mean a temporary A frame or easel sign mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces. The sandwich board sign lists specials or the menu of the establishment. Said sign must be located in front the business served. Sandwich board signs are allowed in B-III district and do not require a sign permit. The sandwich board sign cannot be greater than two feet wide and three feet high.

Sign shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. Signs do not include the interior of buildings, but do include window signs visible from the exterior. Signs do not include merchandise and pictures or models of products incorporated in a window display; nor works of art painted on a window or wall which in no way identify a product located on the premises nor the posting of business hours.

Sign board signs shall mean building identification signs that are permitted along the signable area of each building façade. The maximum aggregate size of such signs shall not exceed an area of one-half square foot of building frontage; provided however, that the aggregate size of such signs along a single façade shall not exceed an area of 30 square feet within the residential zoning districts nor 90 square feet for the balance of the historic district.

Stanchion sign shall mean a freestanding sign mounted on one or more poles set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles. A stanchion sign shall have a maximum of 150 square feet.

Temporary sign shall mean a display or banner with or without a structural frame that is not permanently attached to a building, structure or the ground and is intended to be displayed for a limited time. Temporary signs are allowed 30 days in a 6 month calendar period.

Trailer sign shall mean any sign mounted on wheels or designed to be mounted on wheels that may be moved from one location to another. Trailer signs are prohibited.

Wall sign shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

Window sign shall mean a sign installed flush with or on a window and intended to be viewed from the outside. Window signs shall be limited to one sign per window and shall exceed no more than thirty percent of the window area.

([Ord. of 6-17-13, § 2](#))

Sec. 5-182. - Permits.

All signs allowed by this article, except those exempted from obtaining a permit shall require a permit issued by the city prior to posting, displaying, substantially changing, or erecting a sign in the city. Substantially changing specifically includes any change of design, color, wording or logos (defined to mean signs that are changed on more than 50 percent of the total surface area). Signs that are substantially changed must obtain a new permit.

([Ord. of 6-17-13, § 3](#))

Sec. 5-183. - Standards for approval (application information).

Applications for sign permits required by this article shall be filed by the sign owner or the owner's agent with the planning department of the City of Toccoa. The application shall be for a specified location within the corporate limits of Toccoa and shall describe and set forth the following:

- (1) The street address of the property upon which the sign is to be located and a plat map of the property, drawn to scale, showing all existing structures, including existing signage and which bears an indication of the proposed location of the sign.
- (2) The aggregate area for all signs on the parcel.
- (3) The name(s) and address(es) of all of the owner(s) of the real property upon which the subject sign is to be located.
- (4) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.
- (5) Name, address, phone number of the sign contractor.
- (6) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.
- (7) The distance of the sign from the closest adjacent sign in either direction.
- (8) The size of the parcel on which the sign is to be placed.
- (9) The length of the building, if applying for a wall sign.
- (10) GPS location.
- (11) Rendering or scaled drawing of the proposed sign.
- (12) Historic district requirements. If the property or business is located in the historic district then, historic preservation commission approval is required. All signs within the historic district shall require review and approval by the HPC through the issuance of a certificate of appropriateness (COA) prior to the issuance of a permit or the erection of said sign.
- (13) If the plans, specifications, and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this article and the city building and electrical codes, where applicable, a sign permit shall be issued.
- (14) A sign permit shall become null if the sign for which the permit was issued has not been completed within a period of six months after the date of permit issuance.

([Ord. of 6-17-13, § 4](#))

Sec. 5-184. - Time for consideration.

The city shall process all sign permit applications within 30 business days of the city's actual receipt of a completed application and accompanying sign permit fee. The planning department of the city shall give notice to the applicant of the decision of the city by hand delivery or by mailing a notice, by first class mail, to the address on the permit application on or before the 30th business day after the city's receipt of the completed application and fee. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the city fails to act within the 30 business day period, the permit shall be deemed to have been granted.

([Ord. of 6-17-13, § 5](#))

Sec. 5-185. - Denial and revocation.

- (a) *Procedure.* The city shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this article, are incomplete applications, or applications containing any false material statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, the planning department staff shall revoke the permit. Should the city deny a permit, the reasons for the denial are to be stated in writing and mailed by first class mail or via hand delivery to the address on the permit application on or before the 30th business day after the city's receipt of the application. Any application denied and later re-submitted shall be deemed to have been submitted on the date of re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined, and the applicant is granted a public hearing before the Toccoa Planning Commission. The applicant will be given at least ten days written notice of the time, place and purpose of the hearing, with a statement of the reason for the denial of the permit application, or the revocation of a permit. "Due cause" is the violation of the provisions of this article, state or federal law related to signage, or the submission of an incomplete application or an application containing false material statements.
- (b) *Appeal.* If the permit is denied, the sign is not to be erected during the appeal process. An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the planning commission to the city commission upon filing of written notice of an appeal with the city clerk within ten business days of the planning commission's decision. Such appeal shall be considered by the city commission at the next commission meeting held after the city's receipt of the written notice of appeal, provided that 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 city commission thereafter. The city commission shall make a final decision no later than 30 days from the date of the hearing.
- (c) In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the city commission, he or she may petition for writ of certiorari to the Superior Court of Stephens County as provided by law.

([Ord. of 6-17-13, § 6](#))

Sec. 5-186. - Permit expiration.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

If the owner of the sign permit moves, the owner of the permit and/or the owner of the real estate must remove said permitted sign and all sign supports within 30 days, provided it will ultimately be the

responsibility of the owner of the real estate to ensure the sign face and all posts, columns, or supports are removed from the property within 30 days of the permittee moving or closing business.

([Ord. of 6-17-13, § 7](#))

Sec. 5-187. - Fees.

The cost of a permit shall be \$75.00 per business. The permit fees shall be amended from time to time by the city commission and such amendments shall be incorporated and made part of this Code.

([Ord. of 6-17-13, § 8](#))

Sec. 5-188. - Prohibited signs.

The following types of signs are prohibited throughout the city:

- (1) Animated signs;
- (2) Electronic message boatel signs are permitted only in the following areas:
 - a. Big A Road beginning at its intersection with Doyle Street and continuing in a southeasterly direction to the corporate limits of the City of Toccoa;
 - b. Currahee Street (U.S. Highway 123) from the eastern most corporate limit to the western most corporate limit, excluding properties located within the Main Street District area;
- (3) Signs on public rights of way other than publicly owned or maintained signs;
- (4) Window signs which exceed 30 percent of the window area;
- (5) Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80;
- (6) Signs which simulate an official traffic control or warning sign or hide from view any traffic or street sign, signal or public service sign;
- (7) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing;
- (8) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic;
- (9) Signs that are more than six square feet, attached to or painted onto a vehicle parked on or adjacent to and visible from a street for the purpose of advertising onto said street, except signs advertising the vehicle for sale;
- (10) Roof signs;
- (11) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve, utility pole, or other structure except as set forth herein;
- (12) Multiple message billboards;
- (13) Double stacked billboards;
- (14) Signs which emit smoke vapor, particles or odor;
- (15) Portable signs;
- (16) Trailer signs;
- (17) Signs painted directly on exterior walls for a building or structure located in the historic district, provided that such signs may be allowed subject to the following condition: the sign is located

and applied to the flat smooth façade of a building in a manner that permits removal or painting over, without defacing, obscuring or otherwise leaving an unsightly appearance;

- (18) Signs with revolving or rotating beams of light located in the historic district;
- (19) Flying Signs and paraphernalia or inflatable signs except as used by legally constituted governmental agencies and authorities are prohibited;
- (20) Pennants and streamers;
- (21) LED light strips around windows; and
- (22) Hand written signs.

([Ord. of 6-17-13, § 9](#))

Sec. 5-189. - Restrictions in residential zoning districts.

Other than subdivision entrance signs allowed under section 5-190, parcels located in residential zoning districts shall not contain signs having an aggregate sign area greater than 15 square feet. No individual sign shall exceed six square feet in sign area in a residential zoning district. Signs having a height of greater than five feet above the grade level of the centerline of the adjacent street to which the parcel on which the sign is located shall not be located in residential zoning districts. Signs meeting the standards of this section are exempt from permitting requirements. Animated and electronic message board signs are prohibited in residential zoning districts.

([Ord. of 6-17-13, § 10](#))

Sec. 5-190. - Residential subdivision entrance signs.

Platted residential subdivisions consisting of more than two parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of six feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than 25 square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

([Ord. of 6-17-13, § 11](#))

Sec. 5-191. - Height requirements.

The following height requirements shall be adhered to:

- (1) Except as otherwise provided, no sign in a commercial or industrial zoned district shall exceed 35 feet in height at the highest point on the sign as measured from grade level of the adjacent street.
- (2) Monument signs shall not exceed six feet in height.
- (3) All sign heights shall be measured from the grade level of the adjacent street to which the property on which the sign is located has access. The level of the ground shall not be altered in such a way as to provide additional sign height.
- (4) Signs shall not be mounted higher than 18 feet in the historic district, Main Street tax district and along Currahee Street from Hill Street to Nassau Street and along Tugalo Street from North Big A Road to Short Street and along Falls Road.

([Ord. of 6-17-13, § 12](#))

Sec. 5-192. - General size, sign characteristics, and location requirements in non-residential districts.

- (a) *Location.* No freestanding sign may be located within 30 feet of the intersection of street right of-way lines extended.
- (b) *Location.* No sign shall be located on any building, fence or other property belonging to another person without the written consent of the owner, and as permitted under the provisions of this article.
- (c) *Billboard signs.*
 - (1) Billboard signs shall not exceed 50 feet above road grade. Billboard signs shall not exceed 50 feet in height or maximum surface area is 160 square feet per side. Maximum height to top of billboard is 50 feet above existing road grade.
 - (2) Billboard signs shall only be located on parcels in commercial zoning areas (in B-II).
 - (3) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.
 - (4) No billboard sign shall be located within 1,000 feet of another billboard sign.
 - (5) No billboard sign shall be located within 500 feet of residential zoned parcels.
 - (6) No billboard sign shall be located within 500 feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, historic district, or cemetery; provided, however, that such sign may be located within 500 feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the 500 foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.
 - (7) No billboard sign shall be erected to a height in excess of 50 feet above grade.
 - (8) One two-sided billboard is permitted per commercial lot (double stacked billboards are prohibited).
- (d) *Stanchion signs.*
 - (1) Stanchion signs for parcels exceeding three acres shall not exceed a sign area of 150 square feet.
 - (2) Stanchion signs for parcels less than three) acres, but equal to or greater than 30,000 square feet shall not exceed a sign area of 150 square feet.
 - (3) Stanchion signs for parcels less than 30,000 square feet in size shall not exceed a sign area of 100 square feet.
 - (4) Stanchion signs shall only be located on property in commercial or industrial zoning areas and shall be limited to one such sign per parcel per street frontage.
- (e) *Monument signs.* Monument signs shall not exceed 50 square feet of total area, which shall include signage and structure, and shall be limited to one such sign per parcel per street frontage. Monument signs shall not exceed six feet in height.
- (f) *Wall and awning signs.*
 - (1) Wall and awning signs shall not project above the surface of the parapet wall.
 - (2) Wall signs shall not project laterally beyond the exterior façade of the buildings. Awning signs shall not project beyond the building face by more than four feet.
 - (3) Wall and awning signs shall be regulated as follows: For single tenant and multi-tenant occupancy with less than 100 linear feet of building frontage, 1.5 square feet per linear foot of building frontage, to a maximum of 100 square feet per business. For multi-tenant (commercial

shopping center with 100 linear feet or more of building frontage), each tenant, two square feet per linear foot of building frontage to a maximum area of 150 square feet per business.

- (4) The maximum awning sign height shall be seven feet above the sidewalk or grade level.
- (5) Wall signs shall only be located on property in commercial or industrial zoned areas.
- (6) Each building tenant shall be limited to one wall or awning sign on each street facing the wall.

(g) *Electronic Message Board Signs. Sign Characteristics.*

- (1) Electronic message board signs must be installed with a monument base. The monument base shall not exceed eight feet in height and ten feet in length, which includes the base.
- (2) The message board portion of an electronic sign shall not exceed 20 percent of the monument sign face, limiting the maximum electronic screen area to 9.6 square feet.
- (3) Pitch (resolution) will be limited to no more than 34mm, requiring the height of the letter size to be between 12 inches and 5½ inches.
- (4) The words in the electronic message are limited to no more than two lines of text at a time.
- (5) The electronic message may contain no video.
- (6) The border of the sign may not have any changing effect unless the border is integrated with the static message.
- (7) To prevent glare to oncoming traffic, all electronic signs shall appropriately adjust brightness by 30 percent as ambient light levels change. At all times, light intensity shall not be unreasonably bright to jeopardize the safety of the motoring public.
- (8) Each fixed message displayed shall remain fixed for at least ten seconds. The transition from one display to another shall be accomplished in two seconds or less.
- (9) Scrolling rate of electronic signs must travel at a rate between 16 and 32 light columns per second.
- (10) Only one electronic sign shall be allowed to face the same direction. This allows back-to-back or V-type formation signs.
- (11) Sign location distance from right-of-way. In order to facilitate visibility to vehicular traffic, no sign may be placed any closer than 10 feet from the highway right-of-way.
- (12) Sign location restrictions. Changing signs, electronic message board signs and digital changeable copy signs shall be permitted solely in city districts zoned commercial. Such signs are restricted to the following locations:
 - a. Big A Road beginning at its intersection with Doyle Street and continuing in a southeasterly direction to the corporate limits of the City of Toccoa.
 - b. Currahee Street (U.S. Highway 123) from the eastern most corporate limit to the western most corporate limit, excluding properties located within the Main Street District area.
- (13) This provision does not include rotating signs that revolve no faster than five revolutions per minute.

(h) *Maximum aggregate sign area.* Parcels may contain more than one freestanding sign, provided that:

- (1) Parcels exceeding three acres shall be allowed a maximum aggregate sign area of 300 square feet for the entire parcel.
- (2) Parcels less than three acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign area of 180 square feet for the entire parcel.
- (3) Parcels less than 30,000 square feet in size shall be allowed a maximum aggregate sign area of 100 square feet for the entire parcel.

- (4) These limits shall include the area of any wall signs, window, free standing signs or billboard signs located on the parcel.
- (i) *Sign permits for liquor stores.* Sign permits for liquor stores must comply with state/city alcohol regulations.
- (j) *Industrial zoning districts MI and MII—Portable signs.* Portable signs in the industrial zoning districts are limited to 90 days at a business address, no more than twice per calendar year.
- (k) *Installation of signage.* No sign or sign structure or support shall be placed onto or obscure or damage any significant architectural feature of a building, including but not limited to a window or a door frame, cornice, molding, ornamental feature, or unusual or fragile material of property located in the historic district, Main Street district area and along Currahee Street from Hill Street to Nassau Street and along Tugalo Street from North Big A Road to Short Street and along Falls Road.
- (l) *Door signs.* Door signs are not to exceed one square foot and not more than one sign per door. Door signs do not require a sign permit.
- (m) *Marquee signs.* Marquis signs "shall only announce existing or future entertainment events or attractions. New or remodeled marquee signs shall not extend greater than eight feet from the façade of a building nor exceed a sign area of greater than 45 square feet. The height of a new or remodeled marquee sign shall not extend above the parapet wall of the building and the lowest point of the marquee sign shall not be less than ten feet above the established grade. Provided however, that where documented historic precedent exists for a theater marquee, such a historic precedent may be permitted to be recreated. Marquee signs located in the historic district require certificate of appropriateness (COA) approval.
- (n) *Installation.* Signs shall be mounted in such a way as to minimize damage to historic materials. On masonry buildings, bolts should extend through mortar joints and not through masonry units. On frame buildings, mounting brackets and bolts should be the minimal amount necessary to assure adherence to the surface and prevent excessive wood penetration.

([Ord. of 6-17-13, § 13](#))

Sec. 5-193. - Construction standards.

- (a) All signs for which a permit is required under this article shall be constructed and maintained in accordance with the provisions of the city building and electrical codes adopted by the City of Toccoa.
- (b) Signs for which a permit is not required under this ordinance that is constructed of degradable material may be posted for a maximum of 30 days unless replaced with another sign of the same material. Any such replacement signs may be posted for a maximum of 30 days.

([Ord. of 6-17-13, § 14](#))

Sec. 5-194. - Nonconforming signs.

- (a) Non-conforming signs shall be permitted until one of the following conditions occurs:
 - (1) The deterioration of the sign or damage to the sign makes it a hazard or unsightly; or
 - (2) The sign has been damaged by circumstances beyond the control of the owner to the extent that more than minor repairs are required to restore the sign; provided that signs damaged by Act of God and not due to the owner's action may be restored to their pre-damaged condition, provided that the useful life of the sign is not extended.
 - (3) Ten years from the date of the passage of the ordinance from which this article derives.

- (b) No structural repairs except those permitted pursuant to subsection (a)(2) above change in shape, size or design, shall be permitted except to make a non-conforming sign comply with all requirements of this article.
- (c) A non-conforming sign may not be replaced by another non-conforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (d) A nonconforming sign shall be removed or brought into conformance when a principal use existing at the time of the adoption of this section changes, subject to the following conditions:
 - (1) The sign shall be maintained in good condition.
 - (2) A nonconforming sign shall not be structurally altered except in conformance with the provision of this section and;
 - (3) A nonconforming sign shall not be re-established after damage exceeding 50 percent of the current replacement cost. After such damage, the owner of said sign shall bring the sign into conformance within one year after the damage or destruction occurs with the provision of this section or shall remove the sign.
- (e) Illegal signs located within a public right-of-way or on public lands.
 - (1) Signs and their supports, braces, guys and anchors, located illegally within any public right-of-way or on other public lands shall be removed by the signs' owners within 30 calendar days of adoption the ordinance from which this article derives.
 - (2) A code enforcement law officer shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.
- (f) Illegal signs not located within a public right-of-way or on public lands.
 - (1) A sign and its supports, braces, guys and anchors that did not lawfully exist under the city's regulations prior to adoption of the ordinance from which this article derives shall, within 30 days of adoption the ordinance from which this article derives, either be removed or be brought into conformance with all provisions of this article.
 - (2) Failure to remove such illegal sign and its supports, braces, guys and anchors or bring it into conformance following 30 days' notice to the owner or occupant of the property by the planning director shall authorize the city to remove the sign at the expense of the owner or occupant of the property.
- (g) Any sign and its supports that is located on property which becomes vacant and is unoccupied for a period of six months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 12 months or more. An abandoned sign is prohibited and is a violation of this article.
- (h) When any sign constitutes an immediate peril or danger to persons or property, the city marshal may require the condition to be remedied immediately, including removal of the sign if that is necessary to remedy the condition. For the purpose of this article, the word "remove" shall mean that the sign face and sign structure, including all posts, columns, or supports shall be taken down and removed from the property.

([Ord. of 6-17-13, § 15.](#))

Sec. 5-195. - Variances.

Variations shall be limited to the minimum relief necessary. 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:

- (1) *Standards.*
 - a. 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
 - b. 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.
- (2) Variance applications shall initially be submitted to the city planning commission and shall be heard under the same time frames and rules defined in subsection 5-185(a). The applicant for a variance shall also be entitled to appeal as authorized by subsection 5-185(b) and (c).
- (3) The Toccoa Historic Preservation Commission, as established in the zoning ordinance of the City of Toccoa, shall have the authority given it by this article to review and make a recommendation to the city commission as to variance request for the erection of signs and other advertising devices within the historic district as established on the official zoning map, the Main Street district area and along Currahee Street from Hill Street to Nassau Street and along Tugalo Street from North Big A Road to Short Street and along Falls Road and as may be amended from time to time.

([Ord. of 6-17-13, § 16](#))

Sec. 5-196. - Exemptions from permit requirements.

The following types of signs shall be exempt from the permit requirements of section 5-182 and shall not count towards the maximum aggregate sign area limits provided in sections 5-189 and section 5-192(h):

- (1) Non-illuminated signs, having a sign area of less than 15 square feet, provided they are not located in the public right-of-way.
- (2) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed 30 percent of the available window space.
- (3) Numerals displayed for purposes of identifying property location and not exceeding four inches in height in residential districts and ten inches in height in nonresidential districts.
- (4) Seasonal displays located outside of the public rights of way that are erected for a maximum period of thirty days no more than twice a year.
- (5) Temporary signs to include banners, promotional signs, cannot exceed 40 square feet and cannot be erected more than 30 days during a six month calendar period.
- (6) Instructional/directional signs excluded must not exceed six square feet in area and three feet in height.
- (7) Drive thru menu and gasoline signs.
- (8) Kiosks.
- (9) Holiday lights and decorations.
- (10) Flags and insignia of any government religious, charitable, fraternal or other organizations.
- (11) Signs on private premises directing and guiding traffic and parking on private property.
- (12) Any sign with a total square area of two square feet or less.

- (13) Sandwich board signs.
- (14) Door signs.
- (15) Any other sign exempted by law.

([Ord. of 6-17-13, § 17](#))

Sec. 5-197. - Illumination.

- (a) Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination shall be constant and shall not change, flash, scroll or stimulate movement. For the purposes of this section only, except as otherwise described, the City of Toccoa adopts the Georgia Outdoor Advertising Law as it exists or as otherwise amended.
- (b) No sign shall be erected or maintained which:
 - (1) If illuminated, is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle;
 - (2) If illuminated, is illuminated so that it obscures or interferes with the effectiveness of an official traffic sign, device or signal;
- (c) If it is found that an electronic sign or any display or effect thereon causes glare or impairs the vision of the driver of any motor vehicle or otherwise interferes with the safe operation of a motor vehicle, then, the owner of the sign shall promptly and within not more than 48 hours reduce the intensity of the sign to a level acceptable to the planning department.

([Ord. of 6-17-13, § 18](#))

Sec. 5-198. - Enforcement and penalties.

- (a) All signs shall be maintained in good condition as to present a neat and orderly appearance. The city may, after due notice, issue a citation to any permittee for any sign which shows neglect or becomes noncompliant. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has not been properly maintained. The city shall give the permittee ten days to rectify the condition or remove the noncompliant sign before issuing a citation.
- (b) The city may issue a citation for violation of this article by any sign erected, altered, converted, or used in violation of this article.
- (c) If a person or business causes a sign to be erected without obtaining a permit, then that said person or business is in violation of this article and a citation can be issued.
- (d) Any person violating any provision of this article shall be liable for a fine of \$150.00 for each violation. Each day a sign is posted in violation of this article shall constitute a separate violation.

([Ord. of 6-17-13, § 19](#))

Secs. 5-199—5-210. - Reserved.