

Adopted Amendments  
Official Code of Cobb County  
Chapter 106  
Chapter 134  
Public Hearing Dates  
August 25, 2009 – 7:00 pm  
September 8, 2009 – 9:00 am  
September 22, 2009 – 7:00 pm  
Dirty Copy

Cobb County Community Development  
191 Lawrence Street  
Marietta, GA 30060  
[www.cobbcounty.org](http://www.cobbcounty.org)

Sec. 106-3. Utility accommodations in rights-of-way.

(a) Adopted. The 1988 Utility Accommodation Policy and Standards manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except Appendix B (Permit Forms and Supporting Documents), promulgated by the State of Georgia Department of Transportation, ~~as may be amended from time to time~~, is adopted by reference and incorporated in this article as if fully set forth herein, subject to all amendments and modifications contained in this article. A copy of the manual shall be maintained at the offices of the director of transportation or his designee and the clerk of the board of commissioners and open for public inspection.

(b) Amendments. The 1988 Utility Accommodation Policy and Standards manual promulgated by the state department of transportation, ~~as may be amended from time to time~~, adopted in section 106-3(a) is amended in order to equate state definitions and provisions with their appropriate and equivalent county counterparts, such that a policy shall be implemented to reflect the intent and effect of the state right of way policy as it would logically apply to unincorporated county's rights-of-way, including but not limited to the following:

(1) Substitutions.

Commissioner: Director, county department of transportation.....

(Ord. of 1-23-01)

Editor's note: An ordinance of January 23, 2001, amended the Code by repealing former § 106-3, and adding a new § 106-3. Former § 106-3 pertained to pavement cuts and utility work; permission, restoration and obstructions; and derived from a motion of February 8, 1966, No. IX; a motion of September 26, 1967, No. 24; and the Code of 1977, § 3-23-5.

State law references: Similar provisions, Georgia Constitution, Art. 9, Sec. 2, Para. 3; O.C.G.A. §§ 32-4-42(6), 36-1-20; State Department of Transportation's Utility Accommodations Policy and Standards (1988).

## ARTICLE VI. SIGNS

## DIVISION 1. GENERALLY

## Sec. 134-311. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Animated illumination or effects means illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition does not include signs which indicate only time and/or temperature, provided that such time and/or temperature signs do not change or alternate messages more than 12 times a minute or electronic message signs as permitted within.~~

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Animated Signs means a sign which contains the appearance of movement to depict action or to create a special effect or scene, including any *Electronic Sign* which contains anything other than static messages or changes its message more often than permitted by this ordinance.

~~Electronic sign means a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.~~

Electronic Sign means a sign whose message may be changed at intervals by computer controller, microprocessor controller or by remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type panels or screens, including devices known as commercial electronic message signs and similar devices.

Face means the surface of the sign that displays the message.

~~Flashing includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.~~

Flashing means a pattern of changing light illumination where the light intensity alternates suddenly during display of a message for the purpose of drawing attention to the sign. The term "flashing" excludes Electronic Signs which are operated in conformity with this ordinance.

Frame Effect means a visual effect on an Electronic Sign which depicts movement, fading, mosaic flips, wipes, or other changing effects associated with the transition from one static message to another.

Freestanding sign means a self-contained sign which is ~~wholly~~ physically independent of any building or other structure, including a portable display sign; but not including any off-premises outdoor advertising sign, any canopy sign, any residential subdivision/development sign, any sign for a nonresidential use in a residential zone, any sign designated under section 134-372 or temporary signs.....

Interactive Sign means a sign where the message displayed is changed or modified as a result of the exchange of information or instructions between the sign and a person viewing the sign, or is otherwise designed to modify the message displayed based upon the identity of a specific individual viewing the sign.

Lot means contiguous parcels of land,.....

Measurement Condition means establishing a brightness level for electronic signs by recording an ambient light reading for the sign at the designated measurement distance, using a foot candle meter while the electronic sign is off or displaying all black. The foot candle meter should be aimed directly at the electronic sign at the appropriate pre-set distance (as established in this ordinance). A follow up recording should then be performed while all lights are illuminated white.

Noncommercial message means copy that.....

Sec. 134-313. General Regulations

(e) ~~Electronic signs.~~

- ~~(1) — Electronic signs may only be used to advertise activities actually conducted on the property on which the signs are located or to present public service information.~~
- ~~(2) — No message may be displayed for less than one second.~~
- ~~(3) — No message may be repeated at intervals of less than two seconds.~~
- ~~(4) — No segmented message may last longer than ten seconds.~~
- ~~(5) — No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 light columns per second.~~
- ~~(6) — Electronic signs shall meet the same installation and permitting requirements and inspections as set out for electrical signs and all other signs.~~
- ~~(7) — Electronic signs shall not be allowed in residential zones.~~

(o) Electronic Signs. Electronic Signs may be used in accordance with the following provisions, provided that legal nonconforming off premise outdoor advertising signs shall not be converted to electronic signs except in accordance with the provisions of Section 134-318.1.

(1) The following shall apply to all electronic signs:

a. Electronic signs shall only be used as free standing signs and shall not be allowed as canopy, wall or awning signs as defined in this ordinance.

b. Electronic signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.

c. Electronic Signs must operate within brightness levels as established in this ordinance.

d. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

e. The owner of said electronic sign shall provide to the Code Enforcement Division Manager, information for a 24 hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any

time more than 50% of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.

f. In the course of processing a complaint, the staff of Cobb County may request a certification of the brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within twenty four (24) hours of a request by the staff of Cobb County, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at owner's expense.

g. Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this ordinance.

h. Any electronic sign that does not comply with this ordinance may re-permit the sign in accordance with the operational standards listed above at no charge until December 31, 2011.

i. No electronic sign shall utilize, house or contain any interactive features or components, or function as an interactive sign.

j. Electronic signs shall not be allowed in residential zones.

(2) Electronic Signs located on non-residentially zoned property: Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on non-residentially zoned property, provided that each such electronic sign shall comply with the following requirements in addition to and in conjunction with those specified in 134-313 subsection (1) hereinabove:

a. Must be located on a property/lot with at least 200 feet of public road frontage on one road (If abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that may be permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.

b. Electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than 2 electronic sign areas per sign.

c. Each individual static message must be displayed for not less than twenty (20) seconds.

d. Electronic signs located on non-residentially zoned property may not operate at brightness levels of more than 0.20 foot candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.

e. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.1 foot candles above ambient light levels (at measurement conditions) as measured at the nearest portion of such residential structure.

Sec. 134-318. Off-premises outdoor advertising signs.

(a) Effective the date of adoption of the ordinance from which this article is derived, off-premises outdoor advertising signs are prohibited.

(b) Off-premises outdoor advertising signs legally existing on such date may be continued, even though such signs do not conform to this section. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed.

(c) No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six months.

(d) Unless a specific exception is stated in this article, no sign shall be located on or within 100 feet of a lot used for a church, school, park, cemetery or any lot zoned for residential use.

(e) Notwithstanding any other provision of this article, no off-premises outdoor advertising signs shall be erected or maintained if any part of the sign or sign structure is visible from the main traveled way of the Lost Mountain scenic highway within unincorporated areas of the county, being State Highway 120, also known as Dallas Highway, from the line between Cobb and Paulding Counties to the line between the county and the City of Marietta. See 1986 Ga. Laws, page 535. This subsection shall also apply to any other road declared

historic, scenic or natural after the adoption date of the ordinance from which this article is derived.  
(Ord. of 1-26-99)

Sec. 134-318.1. Reduction in Number of Off-Premise Outdoor Advertising Signs

- (a) *Purpose:* The Board of Commissioners finds that all off-premise outdoor advertising signs in unincorporated Cobb County are legal non-conforming uses, and consistent with the provisions of Sec. 134-346 Non-Conforming Signs, it is the desire of Cobb County that such non-conforming uses be permitted to continue, but that they be reduced over time. Despite this intent, the number of legal non-conforming off-premise outdoor advertising signs has not been materially reduced in a significant fashion. The Board of Commissioners further finds that the development of Electronic Signs provides a valuable opportunity to enhance the utilization of existing signage within Cobb County, although such Electronic Signs must be properly regulated to insure they do not constitute a traffic hazard or otherwise negatively impact the aesthetics of Cobb County. As such, the Board of Commissioners finds that the modification of a limited number of existing legal non-conforming static signs to Electronic Signs, in exchange for a reduction in the overall number of non-conforming off-premise outdoor advertising signs constitutes a benefit to Cobb County in regard to traffic safety and aesthetics.
- (b) *Exchange Ratio and Permitting:* Notwithstanding any other provision of this ordinance, any existing legal non-conforming off-premise outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment and not located within 500 feet of a residence may be modified to an Electronic Sign face(s) or panel(s) provided that the applicant remove from within Cobb County not less than three (3) legal non-conforming off-premise outdoor advertising sign face(s) or panel(s) of equal or greater square footage to that sign being converted to an electronic sign.
- (c) *Determination Criteria:* Provided, in determining the exchange ratios: (1) multiple sign panels may be combined to satisfy the necessary sign face or panel removals; (2) two (2) sign faces or panels not less than 300 square feet shall equal one sign face or panel of 672 square feet in size; (3) for purposes of the installation an electronic sign face or panel 672 square feet in size, the applicant may remove five (5) sign panels not less than 300 square feet in size to comply with the removal requirements.
- (d) *Eligibility Criteria:* In order to be eligible for exchange credit, the entire above-ground sign structure upon which the sign faces/panels to be

exchanged are located must be removed. The applicant will be issued a provisional permit to upgrade the designated sign to an Electronic Sign upon identifying the locations to be removed and otherwise showing compliance with the provisions of this section relating to electronic signs, but shall not be issued a building permit to complete the upgrade until such time as the exchanged sign(s) are actually removed.

- (e) Construction: The final permit shall provide that except for the replacement of the sign face(s) with the Electronic Sign Panel, and any associated structural improvements or reconstruction required by current building codes for such signs, the designated sign shall not be moved to another portion of the property, increased in size or height, or otherwise modified in a manner which increases the non-conformity of the structure unless a variance is first obtained to permit such modification.
- (f) Regulation: In addition to the provisions of Section 134-313(o)(1) of this ordinance, each off premise outdoor advertising electronic sign shall conform to the following:

- (1) Each individual static message must be displayed for not less than ten (10) seconds.
- (2) Off premise outdoor advertising electronic signs may not operate at brightness levels of more than 0.30 foot candles (under measurement conditions) above ambient light levels as measured at the following distances:

ELEC SIGN SQ. FEET DISTANCE

<u>&lt; 100sq.ft.</u>	<u>100'</u>
<u>101sq.ft - 300sq.ft.</u>	<u>150'</u>
<u>&gt; 300sq.ft.</u>	<u>250'</u>

- (3) The owner of said electronic off premise outdoor advertising sign shall arrange for an annual certification of the light intensity showing compliance by an independent contractor and provide said certification to Cobb County.
- (4) No electronic off premise outdoor advertising sign shall be located within 5,000 feet of another electronic off premise outdoor advertising sign on the same side of the road (pole to pole), nor shall any electronic off premise outdoor advertising sign be located within 1,000 feet of another electronic off premise outdoor advertising sign facing the same direction.

(5) Where located on a state controlled route, each off-premise outdoor advertising Electronic Sign must comply with all Georgia Department of Transportation rules and regulations applicable to Electronic Changeable Message Signs where not in conflict with this Ordinance.

(g) Public Service:

(1) Owners of off-premise outdoor advertising Electronic Signs are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information.