

Sec. 66-101. - Nonconforming signs.

Nonconforming signs that met all legal requirements when erected may stay in place until the deterioration of the sign or damage to the sign makes it a threat to public safety, and no repairs have been effected within five days of receipt of registered or certified notice from the director of planning and community development directing that immediate repairs are necessary to protect public safety. Nonconforming signs may not be enlarged or altered except as noted in sections 66-101(b), (c), and (d). Changes to sign copy shall not be considered an alteration for purposes of this section. Any sign removed shall not be replaced except in accord with the current requirements of this article.

- (a) A nonconforming sign adjacent to a public road that is subject to disassembly, razing or removal due to condemnation or state or county-initiated road work may be re-erected on the same lot so long as the height and sign face of the replacement sign is equal to or less than that of the removed sign.
- (b) Notwithstanding any provision in this article to the contrary, any non-conforming sign that is 20 feet or greater in height with a static or tri-vision sign face of no less than 12' x 24' (referred to as a "billboard" for purposes of this section) may be upgraded to an electronic message billboard, or serve as a basis for the erection of a new electronic message billboard at a different location in the county, upon compliance with the following:

(1) If the upgraded electronic message board is for erection at the same location as an existing billboard structure, then the following shall be required:

(i) to upgrade an existing billboard to an electronic message board, the owner of the existing billboard shall be required to remove two other existing billboards (to include sign face and support structure) within the jurisdictional boundaries of unincorporated Forsyth County for which the applicant has the authority to permanently remove;

(ii) a sign permit authorizing the upgrade shall be required. At a minimum, the sign permit application shall identify the location of the billboard to be upgraded as well as the location of the two billboards to be permanently removed, and shall also identify the structure height and square footage of the sign face of the two billboards to be removed, as well as the structure height and square footage of the sign face of the electronic message billboard to be installed. Following issuance of the authorizing sign permit, the applicant shall be required to remove the two billboards prior to installation of the upgraded electronic message billboard. Upon complete removal of the two identified billboard structures, a permit holder shall then be authorized under the same permit to install the electronic message billboard. The sign permit application required under this subsection may require any other information deemed necessary by the department.

(iii) the sign face of the electronic message board shall be no greater than 400 square feet, provided, however, that any electronic message billboard located adjacent to Georgia Highway 400, designed to be viewed by the motoring public along Georgia Highway 400, may be up to 672 square feet in size;

(iv) the height, from grade to top, of the upgraded electronic message board sign shall be equal to or less than the static or tri-vision sign it is replacing;

(v) the owner of the billboard structure to be upgraded shall enter into a standardized public safety/public service notification agreement with Forsyth County that will establish uniform daily time requirements for the display of Amber Alerts, Levi's Call and other public safety/public service messages. This agreement shall be binding upon the then current owner of the sign and any subsequent owner.

(2) If the electronic message board is for construction at a location other than the location of an existing billboard structure, then the following shall be required,

(i) an applicant for the construction of a new electronic billboard structure must remove four existing billboards (to include sign face and support structure) within the

jurisdictional boundaries of unincorporated Forsyth County that the applicant has the authority to permanently remove prior to construction of a new electronic message billboard;

(ii) in addition to the requirement in section 66-101(b)(2)(i), a new electronic message billboard may be constructed at a new location in unincorporated Forsyth County, only upon (a) confirmation of an existing ground lease or property ownership for the location where the new billboard is proposed to be constructed, (b) confirmation that the proposed location is zoned to a commercial or industrial zoning district, and (c) receipt of a conditional use permit for an electronic message billboard issued by the Forsyth County Board of Commissioners, based upon the following;

- (1) compliance with the conditional use permit process set forth in Unified Development Code ("UDC") 8-5.1, as applicable;
- (2) consideration by the Board of Commissioners of those factors identified in UDC 8-5.5(F)(2)(b)(ii)(a - e);
- (3) consideration by the Board of Commissioners of the following additional factors:
 - (a) distance from the nearest residential zoned or used property;
 - (b) distance from other billboards and/or electronic message boards;
and,
 - (c) aesthetic considerations, to include the suitability of a billboard given the character of the immediately surrounding area.

(iii) if a conditional use permit is approved for a new electronic message billboard, then an applicant shall be required to obtain a sign permit authorizing construction at the approved location. At a minimum, the sign permit application shall identify the pertinent conditional use permit approval, the location of the electronic message billboard to be constructed as well as the location of four billboards to be permanently removed, and shall further identify the structure height and square footage of the sign face of the four billboards to be removed, as well as the structure height and square footage of the sign face of the electronic message billboard to be constructed. Following issuance of the authorizing sign permit, the applicant shall remove identified four billboards prior to installation of the new electronic message billboard. Upon complete removal of the four billboard structures, a permit holder shall then be authorized under the same permit to construct the new electronic message billboard in compliance with the issued conditional use permit and the requirements of this article. The sign permit application required under this subsection may require any other information deemed necessary by the department.

(iv) the height of the new electronic message billboard, from grade to top, shall be no lower than 30 feet and no higher than 50 feet, except that adjacent to Georgia Highway 400, the height shall be no lower than 75 feet and no higher than 100 feet;

(v) the sign face of the new electronic message billboard shall be no greater than 400 square feet, provided, however, that an electronic message board located adjacent to Georgia Highway 400, designed to be viewed by the motoring public along Georgia Highway 400, may be up to 672 square feet in size;

(vi) the owner of the existing billboard structure or the applicant shall enter into a standardized public safety/public service notification agreement with Forsyth County that will establish uniform daily time requirements for the display of Amber Alerts, Levi's Call and other public safety/public service messages. This agreement shall be binding upon the then current owner of the sign and any subsequent owner

(3) Once an existing static or tri-vision sign billboard has been removed so as to justify an upgrade to, or construction of, an electronic message billboard under this subsection, the sign(s) so removed shall not be replaced and may not be used as a basis for any further upgrades or installations hereunder. Stating further, it is intended that during the application process for an

upgrade to, or erection of, an electronic message billboard under this subsection, that the existing static or tri-vision billboards identified to justify such will be permanently linked to the upgrade or erection such that those removed billboards shall not be used as a justification for any further electronic message billboard upgrades or installations.

- (c) Any non-conforming sign that does not meet the minimum height and sign-face square footage requirements set forth in section 66-101(b) shall not be entitled to upgrade to, convert to, or otherwise construct an electronic message board.
- (d) Notwithstanding any provision in this article to the contrary, a nonconforming sign adjacent to Georgia State Route 400 that exceeds 75 feet in height, as measured from the base of the sign or crown of the adjacent roadway, whichever is higher, shall be reduced to 75 feet in height as measured from the base of the sign or crown of the adjacent roadway if a vegetation management permit is issued for the sign by the State of Georgia.