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**A RESOLUTION FOR THE CITY OF MACON AND BIBB COUNTY, GA
AMENDING CHAPTER 25 OF THE COMPREHENSIVE LAND DEVELOPMENT
RESOLUTION FOR THE CITY OF MACON AND BIBB COUNTY, GEORGIA WITH
REGARDS TO ELECTRONIC GRAPHIC DISPLAY SIGNS.**

WHEREAS, the Macon-Bibb County Planning and Zoning Commission wishes to preserve the aesthetic nature of its community; and

WHEREAS, the Macon-Bibb County Planning and Zoning Commission finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs should be controlled since signs have a direct and substantial impact on traffic safety, pedestrian safety, and community aesthetics; and

WHEREAS, the Macon-Bibb County Planning and Zoning Commission recognizes that a great percentage of signs that provide an unsafe distraction to motorists can be corrected by sensible quality control through adequate maintenance, inspection and operational guidelines; and

WHEREAS, if left uncontrolled, electronic graphic display signs constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001 and The Role of Driver Inattention in Crashes: New Statistics from 1995; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents;

NOW, THEREFORE BE IT RESOLVED that the Macon-Bibb County Planning and Zoning Commission, assembled in regular session, hereby adopts the following amendment to the Comprehensive Land Development Resolution for the City of Macon and Bibb County, Georgia as follows by:

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1) Deleting Section 25.01 in its entirety and replacing it with a new Section 25.01 to be worded as follows:

Section 25.01. Intent

The intent of this chapter is to protect the health, safety, and general welfare of the public by establishing standards for the design, size, number, location, illumination and maintenance of all signs and sign structures not located within a building. Signs, by their very nature, are intended to draw attention to the message being displayed and, thus, distract and draw attention. The Commission determines that such distractions represent substantial public safety risks.

The Commissions intentions and purposes in enacting these regulations are to permit signs compatible with their surroundings, prevent sign congestion and to create a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, while at the same time recognizing its First Amendment obligation to permit commercial and non-commercial advertisements. The Commission finds that these regulations directly advance the stated purposes for these regulations and such regulations are narrowly tailored to serve the Commissions interests.

These regulations are not intended to, and do not restrict the content of sign messages and do not apply to signs located on public property including rights-of-way. The placement, regulation and enforcement of signs located on public land, including public rights-of-way, shall be in accordance with the laws and regulations of the State of Georgia, Bibb County and the City of Macon.

2) Inserting a new Section 25.02 [1.1] to be worded as follows:

[1.1] *Ambient Light.* Surrounding or environmental light that is everywhere equally intense and no directionality, e.g. sunlight, streetlights, or light trespass from lighted signs, etc.

3) Inserting a new Section 25.02 [1.2] to be worded as follows:

[1.2] *Animation.* Motion or action designed to create spontaneous or lifelike movement. (i.e. flickering of candles, waving of flags, bursts from fireworks, any other simulation of lifelike movement or qualities.)

4) Deleting Section 25.02 [13] in its entirety and replacing it with a new Section 25.02 [13] to be worded as follows:

[13] *Reader Board.* A sign or portion thereof that displays information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually with characters, letters, or illustrations without altering the face or the surface of the sign

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- 5) Inserting a new Section 25.02 [5.1] to be worded as follows:

[5.1] *Dissolve*. A mode of message transition on an Electronic Graphic Display (EGD) sign accomplished by varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

- 6) Inserting a new Section 25.02 [5.2] to be worded as follows:

[5.2] *Electronic graphic display sign*. A sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without information (text), defined by a small number of matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects. All signs whose message is displayed by light emitting diodes (LED), fiber optics, or light bulbs, are considered EGD signs, even if they only contain text

- 7) Inserting a new Section 25.02 [5.3] to be worded as follows:

[5.3] *Electronic Message Center*. An electronically activated sign whose message content, in whole or in part, contains only text and may be changed by means of electronic programming.

- 8) Inserting a new Section 25.02 [5.4] to be worded as follows:

[5.4] *Fade*. A mode of message transition on an Electronic Graphic Display (EGD) sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

- 9) Inserting a new Section 25.02 [5.5] to be worded as follows:

[5.5] *Fixed Copy LED Sign*. A sign whose message consists of single color text, which is static but is capable of changing without altering the surface of the sign. Message changes are accomplished without scrolling, fading, dissolving. Such signs may not pulsate, flash, or contain any form of animation. Messages shall not change more than once in a 24-hour period.

- 10) Inserting a new Section 25.02 [6.1] to be worded as follows:

[6.1] *Frame*. A complete, static display screen on Electronic Graphic Display (EGD) sign.

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- 11) Inserting a new Section 25.02 [6.2] to be worded as follows:

[6.2] *Frame Effect*. A visual effect on an Electronic Graphic Display (EGD) sign applied to a single frame to attract the attention of viewers.
- 12) Inserting a new Section 25.02 [8.1] to be worded as follows:

[8.1] *Luminance*. Measure of the brightness of a sign face. Measured by nits or candelas per square meter (cd/sq.m) *See Section 25.02[9.2]*
- 13) Inserting a new Section 25.02 [8.2] to be worded as follows:

[8.2] *Message (pertaining to electronic signs)*. Text message, image, or combination thereof meant to be comprehended as a whole by the viewer. Each sentence or simple concept shall be deemed a separate message. A message can either be a static display or a display, which not fitting onto the screen all at once, is broken into parts that appear.
- 14) Inserting a new Section 25.02 [9.1] to be worded as follows:

[9.1] *Nit*. A luminance unit equal to one (1) candela per square meter (cd/sq.m) *See Section 25.02[8.2]*
- 15) Inserting a new Section 25.02 [9.2] to be worded as follows:

[9.2] *Off-site signs*. Any sign which advertises, promotes, endorses, encourages, advances, supports, sponsors, publicizes, and/or broadcasts a venture, enterprise, opportunity, undertaking, project, endeavor, goods, and/or services which is/are not located on the same property as the advertisement. All non-commercial ideas, opinions, and/or concerns are deemed located on the same premises as a sign advancing such speech; therefore, such speech does not fall within the definition of “off-site signs.”
- 16) Inserting a new Section 25.02 [10.1] to be worded as follows:

[10.1] *Pixel*. The basic unit of the composition of an image on an electronic sign.
- 17) Inserting a new Section 25.02 [14.1] to be worded as follows:

[14.1] *Scroll*. A mode of message transition on an Electronic Graphic Display (EGD) sign where the message appears to move vertically or horizontally across the display surface.
- 18) Inserting a new Section 25.02 [18.1] to be worded as follows:

[18.1] *Subtle*. Not immediately obvious or comprehensible; difficult to detect.

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- 19) Inserting a new Section 25.02 [20.1] to be worded as follows:

[20.1] *Transition.* The visual effect used on an Electronic Graphic Display (EGD) sign to change from one message to another.

- 20) Deleting Section 25.02 [22] in its entirety and replacing it with a new Section 25.02 [22] to be worded as follows:

[22] *Window signs.* A sign painted (including decals or similar process) directly on the glass of a window or mounted so as to be viewed through the window from the outside.

- 21) Deleting Section 25.03 [3] in its entirety and replacing it with a new Section 25.03 [3] to be worded as follows:

[3] *Reserved.*

- 22) Deleting Section 25.05 [1] in its entirety and replacing it with a new Section 25.05 [1] to be worded as follows:

[1] *Off-site signs,* except billboard signs as may be allowed under the provisions of these sign regulations. (See e.g. Sections 25.05[11] and 25.08).

- 23) Deleting Section 25.10 in its entirety and replacing it with a new Section 25.10 to be worded as follows:

Section 25.10 Standards for all Electronic Graphic Displays (EGD)

- [1] *Zoning Districts.* Electronic graphic display signs (EGD) signs shall be allowed as permitted uses in C-2, C-4, M-1, M-2, M-3, PDE- Non-residential uses, PDI, and PDC Districts.

Electronic graphic display signs (EGD) signs associated with a land-use that is a conditional use in non-historic Residential or Agricultural Districts shall be a conditional use. Any EGD in C-1 or C-5 districts shall be a conditional use. Electronic graphic display signs are prohibited in all historic zoning districts, SC, Special Commercial District and CBD-1 and CBD-2, Central Business Districts.

- [2] *Area.* Signs permitted under this section shall be incorporated into a permanent freestanding sign and shall not exceed 25% of the sign's area or 50 square feet, whichever is more restrictive.

- [3] *Message.* Electronic Graphic Displays (EGD) shall only contain messages, changed through subtle transitions such as fading, where the method of transition is not noticeable, or scrolling. Neither the background nor message shall include animation, as define in Section 25.02[1.2]. Scrolling is a

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continuous action and is therefore, not considered a transition and is not subject to Section 25.10[4].

- [4] *Minimum Display Time.* When the message is changed via subtle transition, the message shall remain fixed for a minimum of 6 seconds, and message change shall occur in less than 2 seconds.
- [5] *Location.* Electronic Graphic Display (EGD) signs are prohibited on a building or any structural or architectural element of a building. EGD signs located within a building shall be oriented to be viewed by patrons within the building. Except freestanding menu boards for restaurants with drive-through windows, signs permitted by Section 25.14 are prohibited from being an Electronic Graphic Display (EGD).
 - (a) The outer edge of an EGD sign shall not be located within 500 feet of a structure with a residential use, or a Design Review District, excluding rights-of-way, as defined in section 27A.02.
 - (b) Any sign permitted under this section shall be located on an arterial or collector street or have frontage on an Interstate Highway. Placement of EGD signs must be adjacent to the arterial, collector, or Interstate Highway when property has frontage on multiple rights-of-way.
 - (c) The outer edge of any EGD sign shall not be located closer than two (2) feet to a public right-of-way.
 - (d) Sign location shall be reviewed by Traffic Engineer's office for traffic safety. A written opinion from the Traffic Engineer's office is required prior to issuance of zoning permit.
- [6] *Dimmer.* All EGD signs regulated by Section 25.10 shall be equipped with a photocell dimmer capable of achieving the requirements of Section 25.10 [9].
- [7] *Default Mechanism.* All EGD signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position should any malfunction occur.
- [8] *Audio.* EGD signs are prohibited from the use of audio capabilities.
- [9] *Brightness.* Electronic graphic display signs shall not exceed 5,000 nits during daylight hours. Brightness from dusk until dawn shall not exceed 500 nits. Photocell dimmers should be capable of changing the brightness based on ambient light due to weather conditions.

24) Deleting Section 25.12 [3] in its entirety and replacing it with a new Section 25.12 [3] to be worded as follows:

- [3] The source and design of the light or illumination emanating from a sign, including Electronic Graphic Displays or other devices shall be installed and/or

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shielded so that no light or illumination is angled or directed into a residential structure, or hinders the operation of motor vehicles.

25) Deleting Section 27.07 [3] in its entirety and replacing it with a new Section 27.07 [3] to be worded as follows:

[3] *Action by the Commission for Application for Conditional Use.* The Commission shall approve or disapprove the application for conditional use, except for signs, within forty-five (45) days, or defer same in accordance with the forty-five (45) day provisions of Section 27.12 [10]. If the application is approved, the zoning enforcement officer shall have fifteen (15) days in which to issue a special zoning permit provided that the application is complete and all other conditions of approval have been met by the applicant.
For applications for a conditional use for a sign permit, final action must be taken by the Commission at the next regularly scheduled hearing following submission to the Commission pursuant to Section 27.07 [1]. If the application is approved, the zoning enforcement officer shall have five (5) days in which to issue a special zoning permit provided that the application is complete and all other conditions of approval have been met by the applicant.

26) Inserting a new Section 27.11 [5] to be worded as follows:

[5] Variances for a sign shall be governed by the provisions of Section 27.07 [3].

LET THE SAME BE ADOPTED, THIS _____ DAY OF _____, 2010

**MACON-BIBB COUNTY PLANNING
AND
ZONING COMMISSION**

**DAMON KING
CHAIRMAN**

ATTEST: _____
**JAMES P. THOMAS
EXECUTIVE DIRECTOR**

I certify the foregoing Amendment was duly adopted by The Macon-Bibb County Planning and Zoning Commission on the date set out above and that the attached signatures are genuine.

This ____ day of _____, 2010.

Janice N. Jordan

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