

MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino, David Hardegree, and Zack Arnold

Date: June 17, 2024

Re: *Text Amendment T24-03. Amendment to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29, Billboards*

Text Amendment to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29 (b)(1)(f), Billboards, to add:

“(f). Shall be set back at least six hundred and sixty one (661) feet from the right-of-way of Interstate Highway 75.”

This amendment would permit the applicant to install static billboard at 2337 Hwy 411.

The closest billboards to this proposed area are at 2197 Hwy 411 (Christian Fellowship Church) which is approximately 2,600 feet to the south, and at 2471 Hwy 411 (Sunoco Gas Station) which is approximately 2,760 feet to the north. Both are static billboards. The billboard at 2471 Hwy 411 (Sunoco Gas Station) is visible from Interstate Highway 75, but pre-dates the zoning ordinance, therefore it is in a “legal non-conforming” status.

Staff is not opposed to the amendment.

Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville

Case Number: T24-03
Date Received: 5-24-23

Public Hearing Dates:

Planning Commission July 7th 5:30pm 1st City Council July 18th 7:00pm 2nd City Council Aug 1, 2024 7:00pm

APPLICANT INFORMATION

Applicant <u>Rich Flournoy</u> <small>(printed name)</small>	Office Phone _____
Address <u>175 Pine Grove Rd - Suite 125</u>	Mobile/ Other Phone <u>770-815-8599</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>Richard@flournoyholdings.com</u>
<u>Jack Howard</u> Representative's printed name (if other than applicant)	Phone (Rep) <u>719-323-7467</u>
 Representative Signature	Email (Rep) <u>Jack@flournoyholdings.com</u>
Signed, sealed and delivered in presence of	Applicant Signature 
 Notary Public	My commission expires: <u>11/14/2026</u>



1. Existing Text to be Amended:

Article II, Section 20-29, Subsection (b)(1)(f)

Existing Text Reads as Follows: "Shall not be visible from or located along Interstate Highway 75"

2. Proposed Text:

Proposed Text Reads as Follows: "Shall be set back at least six hundred and sixty one (661) feet from right-of-way of Interstate Highway 75"

(Continue on additional sheets as needed)

3. Reason(s) for the Amendment Request: The existing section 20-29 (b)(1)(f) was implemented over twenty years ago and the reasoning behind the verbiage was to preserve the veiwscope of the city. However, the current verbiage of "visible from or located along" presents a subjective and arbitrary criterion that creates a grey area within the city ordinance. There currently is not a clear definition for "along" or "visible" form I-75. Regarding being "visible" from I-75, does that mean the billboard face/advertisement cannot be read or visible from I-75 or does it refer to any part of the
(Continue on additional sheets as needed)

**REQUIREMENTS FOR FILING
AN APPLICATION FOR TEXT AMENDMENT(S)
CITY OF CARTERSVILLE, GA**

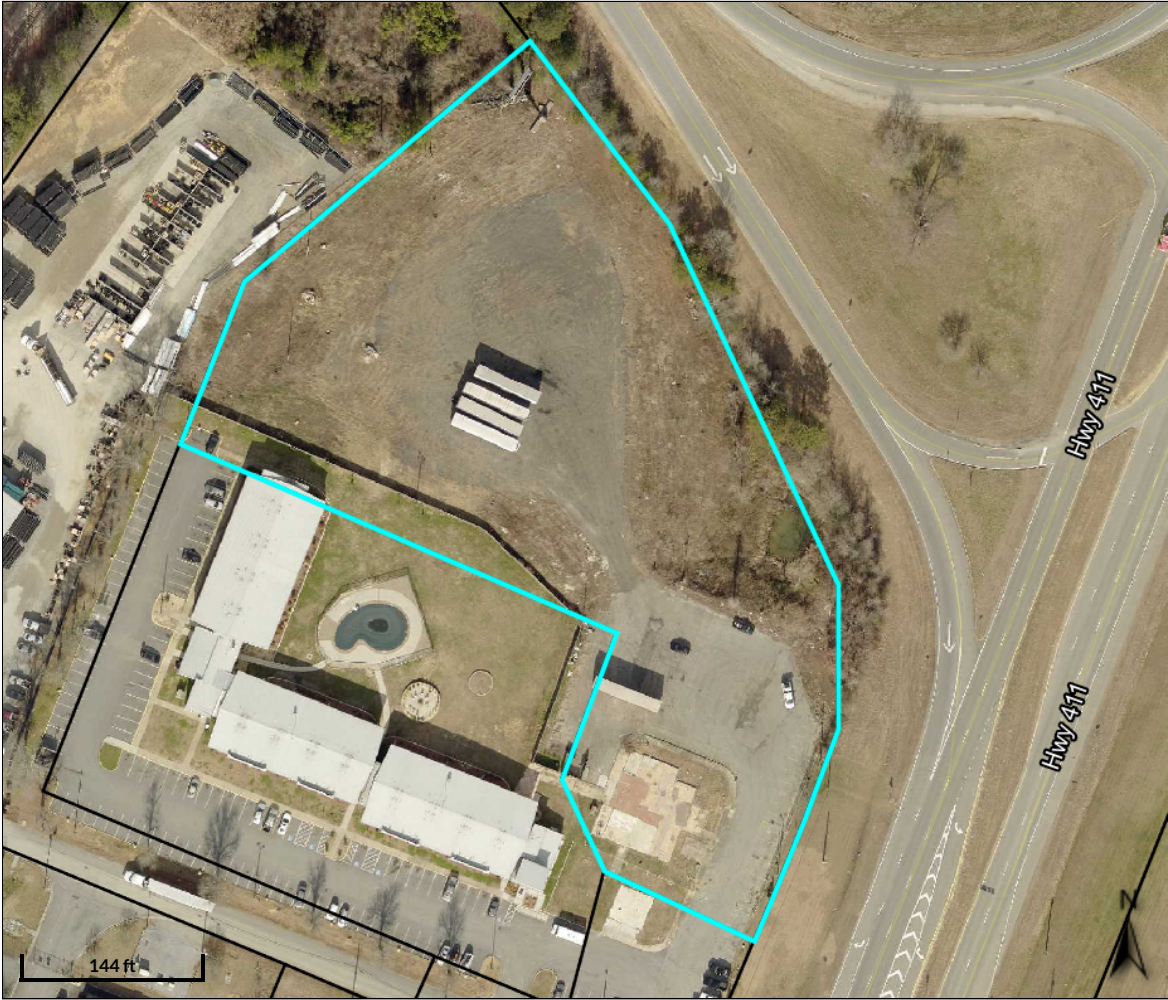
Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2nd Floor. Cartersville, GA 30120.

Requirements

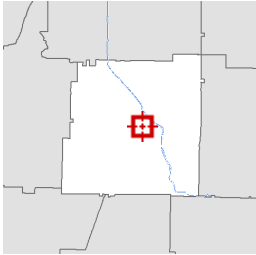
- 1. Completed Application:** Include all signatures. Complete items 1, 2 and 3.
- 2. Filing Fee:** A non-refundable filing fee of \$400.00 must accompany the completed application.
- 3. Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **Requirement 4** below. If this option is requested, there is an additional, non-refundable fee of \$50.00 which covers the cost of the newspaper ad and Publication affidavit.
- 4. Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 4** above:
 - a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

Text Amendment – Section 3 Continued

billboard structure itself. Additionally, by not defining the terms “along” and “visible”, it is currently not possible to apply for a variance. The Georgia Outdoor Advertising Control Act 32-6-72/73 uses a distance of six hundred sixty (660) feet from the nearest right-of-way as a delineating criteria for billboards along Interstate Highway 75. This distance was established based off a study that was performed by the DOT that determined the distance at which the human eye could read a six hundred (600) square foot billboard face while traveling along the highway. By amending the text to “shall be set back at least six hundred and sixty one (661) feet from right-of-way of Interstate Highway 75,” the city is now equipped with a structured criteria to enforce. Furthermore, the original intent of preserving the view scape of the city will still be met when you couple in the additional ordinances of height and billboard face square footage restrictions.



Overview

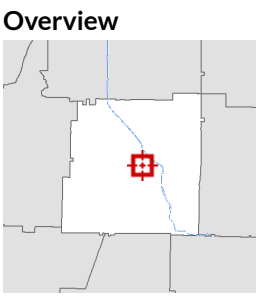


Legend

- Parcels
- Roads

Parcel ID	C049-0004-007	Alternate ID	36461	Owner Address	FLOURNOY HOLDINGS LLC
Sec/Twp/Rng	n/a	Class	Commercial		PO BOX 2737
Property Address	2337 HWY 411	Acreage	3.75		CARTERSVILLE, GA 30121
District	Cartersville				
Brief Tax Description	LL 238 239 D5 TR 1 PLAT 59-283				
	<i>(Note: Not to be used on legal documents)</i>				

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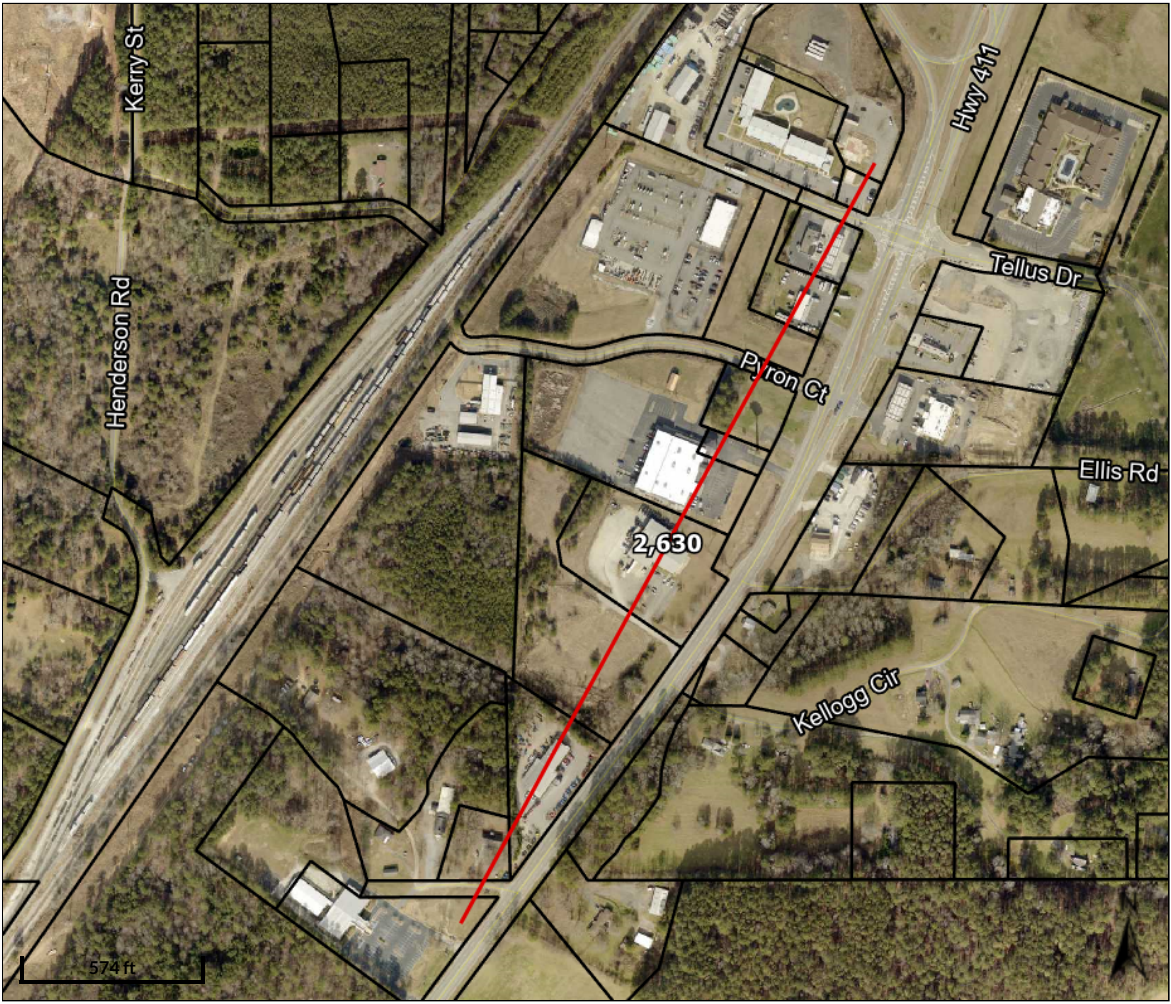


Legend
 □ Parcels
 — Roads

Parcel ID	C052-0002-002	Alternate ID	36471	Owner Address	US 411 LLC
Sec/Twp/Rng	n/a	Class	Commercial		11 WOODLAND DRIVE
Property Address	2471 HWY 411	Acreage	0.85		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL266 D5 S3 Sunoco				
	<i>(Note: Not to be used on legal documents)</i>				

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Legend

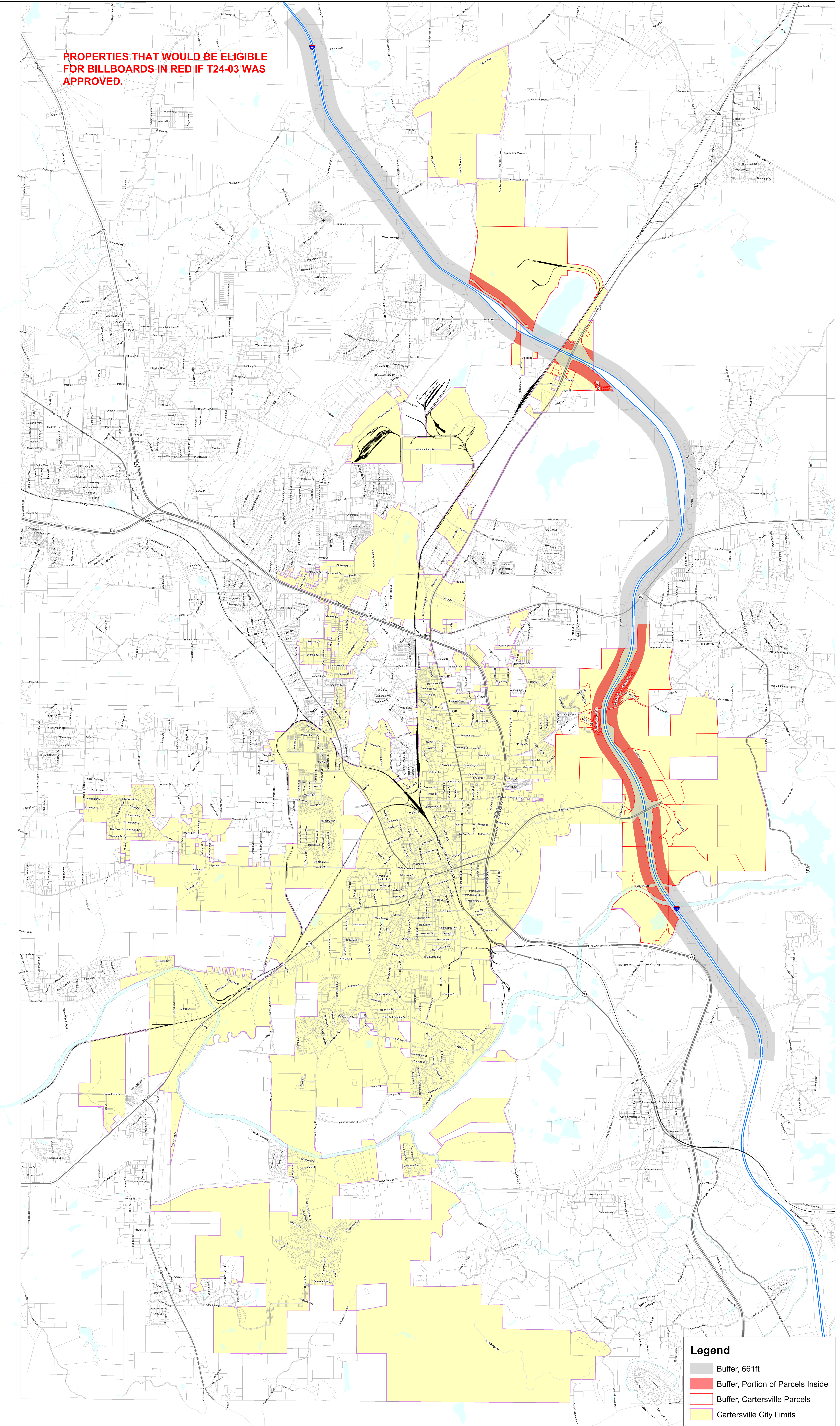
- Parcels
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PROPERTIES THAT WOULD BE ELIGIBLE FOR BILLBOARDS IN RED IF T24-03 WAS APPROVED.



Legend

- Buffer, 661ft
- Buffer, Portion of Parcels Inside
- Buffer, Cartersville Parcels
- Cartersville City Limits

Sec. 20-29. Billboards.

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
- (1) State Route 20.
 - (2) U.S. 41 and corresponding frontage roads.
 - (3) U.S. 411 and corresponding frontage roads.
 - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
 - (5) State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the GA Hwy. 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:
- (1) *General standards.*
 - a. Shall be allowed a maximum sign area of three hundred (300) square feet.
 - b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
 - c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
 - d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
 - e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
 - f. ~~Shall not be visible from or located along Interstate Highway 75.~~
 - f. Shall be set back at least six hundred and sixty-one (661) feet from the right-of-way of Interstate Highway 75.
 - g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.
 - (2) *Electronic billboards.*
 - a. Billboards which are directly illuminated, exhibit animation, blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one (1) of the following roads:
 1. State Route 20.
 2. U.S. 41 and corresponding frontage roads.
 3. U.S. 411 and corresponding frontage roads.
 4. West Avenue (beginning at, and including, the intersection with Henderson Drive and running southwest).
 5. State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the Georgia Highway 113 centerline and continuing west a distance of two thousand seven

hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).

6. Old Mill Road (beginning at the centerline of the Old Mill Road right-of-way intersection with the Erwin Street center line and continuing west a distance of one thousand (1,000) feet. Applicable to billboard signs existing as of July 26, 2022).
 - b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.
 - c. Any permit for an electronic billboard shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
 - d. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
 - e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. 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. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18; Ord. No. 20-22, § 1, 10-6-22)