

ARTICLE 11 SIGNS

Section 1101. Findings.

1101.1. Signs Perform Several Beneficial Functions.

Signs provide directional and information messages in aid of safe wayfinding. Signs provide a visual, place-based medium by which to express both commercial and noncommercial messages. Signs are an effective, easily available, and cost-efficient way to inform consumers and aid their decision-making. As for political speech, signs are often the only effective and cost-efficient devices available to express opinion or support of political candidates and referenda.

1101.2. Signs are an Economic Investment.

Signs represent an economic investment that brings economic value to businesses. They provide a point-of-purchase means for attracting consumers who are not otherwise familiar with the geographic area. And they provide assistance in making consumer selections among alternative choices. Furthermore, signs help certain locations work from a profitability standpoint that would otherwise likely fail without adequate signage. Signs that are designed with proper size, height, placement, and lighting with appropriate legibility can promote traffic safety.

1101.3. Sign Regulations Promote Public Safety.

Sign regulations achieve public safety rationales not achieved by the standard building code. Without a sign ordinance, signs can pose a clear danger to public safety. It has long been recognized that signage controls are needed to promote traffic safety and avoid traffic accidents.

Signs too close to the road can impair visibility and cause traffic accidents. The placement of signs can interfere with the sight of motorists trying to exit a driveway onto a public road. Without regulation, signs can be placed dangerously close to rights-of-ways in locations where they might be struck by an oncoming vehicle using the road or having to veer off the road. These sign regulations contain location and other time, place, and manner restrictions that serve substantial public purposes of traffic safety.

Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. To the extent that signage captures sight and attention, it distracts motorists. The regulation of signs is needed to ensure that signs can be read for their many beneficial public purposes but in a way that does not impair visibility and cause traffic accidents. Location, height, size, type, and other regulations contribute toward these substantial public purposes of promoting public safety.

Signs, if unregulated, can confuse motorists by mimicking traffic safety signals and signs. Motorists might confuse signs that contain flashing or blinking red, green, or yellow lights with roadway traffic signals. Signs constructed of shapes like an octagonal "stop" sign might also impair public safety by confusing the motorist. Therefore, there is a substantial public purpose served in prohibiting signs that mimic or would be confused with traffic safety signals and signs. Unregulated signage can also degrade the utility and reduce the visibility and effectiveness of public safety signs.

Limitations on window signs can increase visibility from outside a building and thus deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and thus increase public safety of commercial areas through a reduction in crime potential.

1101.4. Sign Regulations Promote Public Health.

Characteristics of the roadside landscape may influence the stress levels of motorists. Commercial signage contributes to the experiences of motorists. A study has shown that roadside blight can contribute to high stress levels of motorists (Meg Maguire, Ray Foote, and Frank Vespe. 1997. "Beauty As Well As Bread." *Journal of the American Planning Association* 63, 3: 317-328). Unregulated signage can contribute to the clutter and lack of organization in the wayfinding system of a community and thereby negatively influences the stress levels of motorists. Height, size, place, and other sign regulations serve substantial public purposes of bringing order to the wayfinding system that may help to avoid undue stress levels of motorists.

1101.5. Sign Regulations Promote the Public Welfare.

Signs can degrade property values. A principal purpose of land use regulations, including sign controls, is to protect and preserve property values. As planner Fred Bair notes, "There is no question that signs may affect the character of districts and the value of buildings, or that they are not appropriate in different parts of a town" (Bair Jr., Frederick H. 1979. *Planning Cities*. Chicago: American Planning Association, pp. 244-254).

The size, height, materials of construction, location, condition, and attributes of signs can have an impact on surrounding and nearby land uses. For instance, if signs were unregulated, large, and tall signs could be erected in the city's single family residential districts. Such signs, if erected, would be out of character with residential neighborhoods and could result in the lowering of property values for residential use. As another example, blighted signs and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can contribute to an overall image of blight and a reduction of property values in declining areas, if not addressed and removed via sign controls. Sign regulations are needed to ensure that signage is compatible with its surroundings and does not take away from the character of particular districts.

Signage is a form of advertising. All other advertising mediums are regulated. There is little in the way of federal and state regulation of signs, despite a significant presence by the federal government in the regulation of other forms of communication. Signage is a type of advertising that cannot be turned off or rejected by the consumer, like other forms of communication. For instance, radio and television advertisements can be avoided by turning off the radio or television. With regard to signs, however, motorists must keep eyes open to drive and cannot block out signs from their peripheral vision. Absent federal and significant state regulation, it is in the public interest for local governments to control signage.

Signs derive their value in part from public improvements. Businesses exist and prosper in part because consumers have access to their locations via public rights-of-ways. Businesses locate, and signs are constructed, because of the access the community provides to business locations. The public way creates much of the value for the person erecting the sign, and visibility from the public way is what creates the problems which give rise to the need for sign controls. Because

the public way contributes to value, the public therefore has a right, and indeed an obligation, to control the problems that arise from creating that value.

Unregulated signs adversely impact public investments. Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize streetscape investments.

1101.6. Sign Regulations Promote Fair Competition Among Businesses.

Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses because business owners often feel compelled to erect larger and more costly signs to outdo their neighboring businesses. Such competition among business for visibility can result in too many signs, to a point of diminishing returns where individual business signs are not adequately visible. The competition for visual recognition can if unregulated defeat the purpose of the signs, which is to carry a message, usually a commercial one. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business in the sea of advertising devices.

1101.7. Sign Regulations Advance Community Aesthetics.

Sign regulations promote and ensure the aesthetics of the community. The concept of public welfare is broad and inclusive, and the values it represents are spiritual as well as physical, aesthetic as well as monetary. Sign regulations serve the substantial public purposes of ensuring that the community is beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled (*Berman v Parker* 348 U.S. 26, 75 S. Ct. 98, 99 L. Ed. 27 1954).

Sign regulations help communities maintain and protect the unique character of the community. The appearance of the community, which is substantially influenced by signs, is essential to the city's long-term economic viability and helps determine how residents and visitors alike perceive it. Sign controls, including regulations that go beyond simple size, height, location, and manner restrictions, are necessary to improve the visual character and quality of life of the community.

1101.8. Electronically Variable Changeable Copy Signs.

Electronically variable changeable copy signs, which allow operators to change the content or copy of signs from remote locations in a matter of seconds, have been shown to create possible threats to public safety. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit signs that change messages every few seconds compel motorists to notice them, and they lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorist's attention, the motorist will look at the sign and not at the road. Electronically variable changeable copy signs are also a threat to public safety because of their brightness, making them visible from great distances. Due to their nature of brightness and changing displays, electronically variable changeable copy signs are more distracting than signs which do not vary the message. Some such signs could, if unregulated, have the appearance of large, plasma-screen televisions. An electronic LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be

extremely bright since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction. For these reasons, it is the intent of the City Commission to allow electronically variable changeable copy signs only to the extent that they meet acceptable criteria that will protect the public interest. The City Commission specifically relies on the following study, among others, as empirical and professional justification for imposing these regulations: Scenic America. "Billboards in the Digital Age: Unsafe (and Unsightly) at any Speed." *Scenic America Issue Alert 2 Electronic Signs.*"

Section 1102. Objectives.

The objectives of this Article include but are not limited to the following:

1. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
2. To guard against an excess of large, aesthetically unappealing, intense signs which cause visual blight on the appearance of the city. Visual blight adversely affects the aesthetic quality of life and traffic safety in the city for residents, businesses, pedestrians, and persons in vehicles.
3. Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
4. Promote economic development.
5. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
6. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.
7. Eliminate excessive and confusing sign displays.
8. Preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

Section 1103. Definitions.

For the purposes of this Article, certain terms and words are hereby defined. As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandoned sign: A sign that no longer identifies or advertising a location, product, or activity conducted on the premises on which the sign is located. For purposes of this definition, a business or activity shall be considered to have "ceased operations" when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a specifically designated period.

Accessory ground sign: A secondary ground sign, smaller in area than a principal ground sign, which is permitted by this Article and which is unrestricted as to its content.

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness or color; this definition does not include a "swinging sign" as defined by this Article, nor does it include "electronically variable changeable copy sign" as defined by this Article.

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed. The display of a street address on a ground sign, wall, or window sign as required by this Article shall not be computed in determining the maximum allowable area of ground, wall, or window sign.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, and illuminated visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this Article, awning signs shall be considered wall signs.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind with only such material for a backing. For purposes of this Article, a banner is a sign.

Building marker: Any sign cut into a masonry surface or made of bronze or other permanent material and which includes the name of a building and date or incidental information, about its construction.

Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered wall signs for the purposes of this Article.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered wall signs for the purposes of this Article.

Canopy sign: A sign on a canopy. For purposes of this Article, a sign on a canopy is a wall sign.

Directory sign: A wall sign which is allowed on a premise with more than one tenant or occupants of a building.

Double-faced sign: A sign which has two (2) display areas 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. For signs less than 50 feet in height, only the largest display face shall be used in computing allowable

sign area. For signs 50 feet in height or greater, the area of each sign face shall be measured and allowed as herein provided.

Electronically Variable Changeable Copy Sign: A sign, display, or device that results in the display of messages or information by the use of a matrix of electric lamps (e.g., digital, LED (light emitting diode) or similar or refined display technology), movable discs, movable panels, movable slats, light apertures, or other methods, which allows the message change to be actuated by a control mechanism rather than manually changing of message; It is characteristic of such signs that the copy, sequence of messages, and the rate of change can be electronically programmed and can be modified by electronic processes to produce different messages or display different information.

Flag: a piece of fabric, usually rectangular in shape, of distinctive design that is used as a symbol or as a decoration, attached to a pole by some means, and designed to be raised and lowered.

Frontage, building: The width in linear feet of the front exterior wall of a particular establishment.

Frontage, road: The distance in linear feet of each lot where it abuts the right-of-way of any public street.

Ground sign: A permanently affixed sign which is wholly independent of a building for support (i.e. freestanding). A ground sign may consist of more than one sign face, provided all such sign faces are attached to or integrated into one sign structure, pylon, or pole.

Height of sign: The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a translucent panel.

Inflatable sign: Any sign that is or can be filled with three (3) cubic feet or more of air or gas.

Licensee: A person and/or entity erecting a sign on property of the owner and/or permittee.

Marquee: A roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of a building.

Marquee sign: A sign painted on, attached to, or hung from a marquee. For purposes of this Article, marquee signs shall be considered wall signs.

Master signage plan: A plan establishing parameters for the size, location, design, and color of signs on a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Nonconforming sign: Any sign which lawfully existed on the effective date of this Article but which does not conform to the provisions of this article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string,

rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this article, pennants are "signs."

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. 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 (i.e., a changeable copy sign). Even though the wheels or supports of such sign should be removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall retain its character as a portable sign.

Portico: A porch or walkway, open to the outside air that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. A portico is considered a "canopy" for purposes of this Article.

Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Article.

Projecting sign: A sign projecting more than fourteen (14) inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located.

Roof sign: A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Sidewalk sign: A movable sign not secured or attached to the ground or surface upon which it is located.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this article, the term "sign" includes "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign face: That part of a sign that includes any writing, representation, emblem, figure, or character and/or message, the content of which is not regulated by this Article, together with the frame or other material surrounding said writing, representation, emblem, figure, or character and/or message, excluding the sign structure directly attached to the ground such as a monument support, pylon, or pole.

Streamers: See "Pennants."

Subdivision or multi-use sign: A freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or light industries or combination thereof.

Temporary sign: A sign of a nonpermanent nature and erected for a limited duration.

Trailer sign: Any sign mounted on wheels and that may be moved from one location to another.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall does not project more than fourteen (14) inches from the outside wall of such building or structure, or if on an awning, canopy, or portico, is flush with the material of said awning, canopy, or portico.

Windblown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this Article, windblown devices are "signs."

Window sign: A sign installed on or within two (2) feet of an exterior window or door and intended to be viewed from the exterior of the building. Displays which show products or depict services sold on the premises are not to be classified as window signs.

Section 1104. Authority and Scope.

This Article is adopted pursuant to authority vested in the City of Cornelia pursuant to its city charter and home rule powers. This ordinance is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this Article. It is not the intent of this Article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, or other non-content based restriction implied in this Article. It is not the intent of this Article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this Article. These regulations shall not be construed as limiting the message content of any sign.

Section 1105. Applicability.

All signs erected, placed, established, painted, created, or maintained within the City shall be in conformance with this Article.

Section 1106. Exemptions.

The following shall not be considered signs and shall not be governed by this Article, except that they shall be subject to the same size and height restrictions as all other signs permitted under this ordinance:

1. Street address identifiers and building identification numbers on multi-tenant buildings which are essential to the location of such buildings
2. Signs not oriented or intended to be legible from a public right-of-way, private road, driveway, or other private property
3. Signs located more than two (2) feet inside a building
4. Building markers and integral decorative or architectural features or works of art without moving parts or lights
5. Traffic safety and traffic directional signs installed within the right-of-way of a public street
6. Traffic safety and traffic directional signs located along private roads, driveways, and in off-street parking lots that are installed per the requirements of the City Engineer and which do not exceed four (4) square feet each.

Section 1107. Noncommercial Messages.

Any sign allowed by this Article may contain a lawful noncommercial message. Noncommercial messages shall be regulated by this Article only as to the size, height, location, design, or other non-content based consideration.

- 1107.1. No lot shall have more than three (3) flags at any one time.
- 1107.2. Directory signs, as defined by this Article, shall not exceed four (4) square feet each.
- 1107.3. Holiday lights and decorations shall be removed within a reasonable period following the holiday season to which they pertain.
- 1107.4. No sign shall be illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, and general welfare of residents and occupants of adjacent property or which reasonably creates a hazard to operators of motor vehicles. The illuminated portion of each such sign may not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured from 150 feet from the sign face.
- 1107.5. No sign shall be erected or located within the public right-of-way, unless such signs are permitted according to state law. No sign shall be attached to traffic signs, utility poles, or guy wires.
- 1107.6. No sign shall be attached to any tree.
- 1107.7. No sign shall be placed in such a manner that it obstructs the vision of pedestrians or traffic in a public right-of-way, private road, or driveway leading to a public right-of-way.
- 1107.8. No sign shall be attached to or painted on a vehicle of any type and conspicuously parked for more than 48 hours on commercial property in proximity to a street so as to have an effect similar to that of a sign.

Section 1108. Prohibited Signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the city, except as otherwise specifically provided by this Article:

- 1108.1. Abandoned signs.
- 1108.2. Animated signs.
- 1108.3. Inflatable signs.
- 1108.4. Portable signs.
- 1108.5. Roof signs.
- 1108.6. Sidewalk signs.
- 1108.7. Pennants, streamers, and windblown devices.
- 1108.8. Signs which imitate an official traffic sign or signal. This includes signs with colored lights and with shapes similar to those for traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs.
- 1108.9. Trailer signs.
- 1108.10. Strobe lights attached to or included in any sign.
- 1108.11. Signs attached to or painted on vehicles of any type which are conspicuously parked

for more than 48 hours on commercial property in proximity to a street so as to have an effect similar to that of a sign.

1108.12. Signs attached to fences.

Section 1109. Nonconforming Signs.

1109.1. Replacement and Modification.

A nonconforming sign shall not be replaced by another nonconforming sign. The substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted. The refacing or retrofitting of an existing nonconforming sign, in whole or in part, with an electronically variable message sign is prohibited.

1109.2. Repairs and Maintenance.

No structural repairs, change in shape, or size shall be permitted except to make the sign comply with all requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the nonconforming sign comply with the requirements of this Article.

1109.3. Duration and Continuance.

Nonconforming signs which met all requirements of this Article when erected may stay in place until one of the following conditions occurs:

- (1) The business, entity, or activity advertised ceases at that location;
- (2) The deterioration of the sign or damage to the sign makes it a hazard; or
- (3) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the Zoning Administrator, are required to restore the sign.
- (4) No conforming sign shall be permitted to be erected on the same property with an existing conforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

Section 1110. Permits.

1110.1. Building Permit Required.

It shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a building permit, if required by the Building Code as adopted by the city, for said sign. The applicant for a building permit shall submit application materials as specified by the Building Official, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with the Building Code.

1110.2. Electrical Permit Required for Illuminated Signs.

For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit, if required by applicable city code. The applicant for an electrical permit shall submit application materials as specified by the Building Official.

1110.3. Sign Permit Required.

Except as specifically excluded or exempted from the provisions of this Article, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the city without first having obtained a sign permit. For purposes of this Article, application for a sign permit and a building permit shall be made simultaneously, and unless otherwise specified on the sign permit, approval of a building permit shall constitute issuance of any required sign permit for said sign.

1110.4. Exemptions from Sign Permit.

Any sign which is specifically exempted from the requirements of this Article shall be exempt from the requirement to obtain a sign permit. In addition, window signs and all signs four square feet or less in area shall be exempt from a sign permit.

1110.5. Sign Permit Application.

Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Zoning Administrator upon forms furnished by said office. The application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this Article.
- (b) A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign, all drawn to an engineering or architectural scale.
- (c) The street address of the property upon which subject sign is to be located and the proposed location of subject sign on the subject property, and the suite number, where applicable.
- (d) A survey or tax plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the street right-of-way and street pavement.
- (d) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face. The application must also show the location and amount of existing signs and their locations.
- (e) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.
- (f) Name, address, phone number and business license number of the sign contractor.
- (g) The Zoning Administrator may require additional information as a part of the application to insure compliance with this Article.

1110.6. Process for Issuing Sign Permits.

The Zoning Administrator is required to issue sign permits upon submission by an applicant, and processing by the City, of a completed written application that meets all requirements of this Article. Applications shall be processed as quickly as possible. In the event that an application is not approved or denied within thirty (30) days of the City's actual receipt of a completed written application, then in that event the permit shall be deemed approved.

Section 1111. Variances.

1111.1. Authority to Grant Variances. The Board of Adjustment shall have the authority to grant such variances, subject to compliance with applicable provisions of Article 15 of the zoning ordinance, from the terms of this Article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Article will, in an individual case, result in unnecessary hardship, so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship only upon a finding by the Board of Adjustments that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography which are not applicable to other lands or structures in the area; and
- (b) The application of this Article to this particular piece of property would create an unnecessary hardship and/or the property owner/applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Such conditions are not the result of any actions of the property owner and/or the applicant; and
- (e) The requested variance is the minimum variance necessary to allow the property owner/applicant to enjoy the rights commonly enjoyed by others similarly situated; and
- (f) Granting the variance would not confer on the property owner/applicant any significant privileges which are denied to others similarly situated; and
- (g) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic; and
- (h) Granting the variance would not cause substantial detriment to the public good nor impair the purposes or intent of this Article.

1111.2. No Variance if Prohibited.

No variance may be granted for a sign or structure that is prohibited by this Article.

1111.3. Authority.

The Governing Body shall have the authority to grant concurrent variances to this Article, upon application, subject to compliance with applicable provisions of Article 13 of this zoning ordinance relative to concurrent variances. In cases where an application for sign variance is not filed as a concurrent variance or as an application on certificate of appropriateness, it shall be considered and acted upon by the Board of Adjustment.

Section 1112. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the

necessary maintenance within that time, the Zoning Administrator shall cause a citation to be issued. The Zoning Administrator may cause to be removed after notice pursuant to this section any sign which shows gross neglect, is dilapidated, or in the opinion of the Building Official poses an imminent threat to public safety. It shall be unlawful, after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Zoning Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Section 1113. Sign Height.

1113.1. Residential Ground Signs. The maximum height of any ground sign regulated by this Article shall be three (3) feet in the R-1, R-1A and R-1B zoning districts except as otherwise specifically provided in this section.

1113.1 (A). Non-Residential Ground Signs.

- (a) The maximum height of any ground sign regulated by this Article shall be ten (10) feet in the O-P and CBD zoning districts, except as otherwise specifically provided herein.
- (b) The maximum height of any ground sign regulated by this Article shall be thirty (30) feet in the LI and HI zoning districts, except as otherwise specifically provided herein.
- (c) The maximum height of any ground sign regulated by this Article and located in the B-1 and B-2 zoning districts shall be thirty (30) feet where the area of sign is 100 feet or less and fifty (50) feet where the area of sign is more than 100 feet.

1113.1(B) Structural Design (if applicable).

Ground signs that exceed 35 square feet in area and that exceed six (6) feet in height above grade require structural drawings certified by a Georgia registered design professional. Structural drawing(s) plan review requirements are as follows:

- a. Drawings for each sign structure shall clearly specify the required materials, sizes, and locations for all structural components. Complete details shall be provided that clearly indicate the required connections between all structural components including anchorage to the foundation. Details shall also indicate required attachments of sign cabinets to the supporting structure.

- b. Sign foundation requirements shall be clearly indicated on the drawings including, but not limited to, footing size and reinforcement, 28-day compressive strength of concrete, anchor bolt size and embedment depth.
- c. Drawings for signs that require design by a Georgia registered professional engineer shall contain the following additional minimum design data:
 - i. Statement on drawings that the design complies with the current edition of the Georgia State Minimum Standard Building Code;
 - ii. Statement on drawings that the wind load design complies with ASCE 7 (minimum design loads for buildings and other structures);
 - iii. Basic wind speed (minimum 90 MPH 3-second gust), design wind pressure (PSF), exposure category (C);
 - iv. Minimum required soil bearing capacity (PSF); a Georgia Registered Professional Engineer shall certify that the soil bearing capacity meets or exceeds the minimum required soil bearing capacity as stated on the drawings and the owner/applicant shall submit this certification statement to the Building Official prior to the placement of the foundation.
 - v. Structural material specifications (including but not limited to ASTM designation, yield strength (KSI), and material grade, if applicable).
- d. Electrical permit, if applicable, as follows:
 - i. Drawings for each illuminated sign shall clearly indicate the electrical requirements including the size and location of the electrical disconnect the type and size of wire, the conduit size and estimated load.
 - ii. Electrical installations shall meet the requirements of the National Fire Prevention Association, National Electrical Code, as adopted and amended by the state of Georgia, and must be performed by a Georgia licensed electrician.
- e. Any application for a permit for Ground Signs shall include a survey prepared by a Registered Land Surveyor licensed in Georgia and said survey shall include the proposed location of the sign and its distance to all property lines and right-of-ways.
- f. Any sign located adjacent to a Georgia State Route, must obtain written permission from the Georgia Department of Transportation prior to submittal of an application for a permit for a Ground Sign; furthermore, any Ground Sign located within 1,000 linear feet of Georgia Highway 365, must obtain written permission from the Georgia Department of Transportation prior to submittal of an application for a permit for a Ground Sign
- g. Written agreement to indemnify and hold the City harmless for all damages, demands or expenses of every type which may, in any manner, be caused by the sign or sign structure.
- h. Other administrative or technical information needed as may be determined by the Building Official in the performance of his or her duties.

1113.2. Increase in Height of Ground Signs.

The maximum height of any ground sign established for the zoning district in which the sign is located shall apply, except that for properties situated below road grade may, if the maximum height permitted would prevent adequate visibility, may increase ground sign height by up to 12

feet above the grade of the road. A ground sign within 1,000 feet of a divided federal or state highway may be erected to a height not to exceed one-hundred (100) feet.

1113.3. Wall Signs.

No attached wall sign, except those exempted by this Article, shall exceed the height of the building on which it is placed.

Section 1114. Sign Setback.

No sign regulated by this Article shall be placed or erected closer than ten (10) feet of a city, county, state, or federal right-of-way.

Section 1115. Sign Allowances by Residential District.

1115.1. Number of Signs Limited.

Except as specifically provided otherwise, a property shall be limited to only one (1) sign of the type permitted, as provided in this Article.

1115.2. Types of Signs Permitted.

The types of signs permitted shall be as shown in Table 11.1, which also may show signs prohibited or conditionally permitted.

1115.3. Maximum Area of Sign.

The maximum area of signs permitted shall be as shown in Table 11.1.

1115.4. Illumination.

Signs in residential zoning districts shall not be internally illuminated. When allowed for a non-residential permitted use, such allowed sign be unlighted or if lighted shall be non-internally illuminated.

Section 1116. Sign Allowances by Non-Residential District.

1116.1. Number of Signs Limited.

Except as specifically provided otherwise, a property shall be limited to only one sign of the type permitted, as provided in this Article.

1116.2. Types of Signs Permitted.

The types of signs permitted shall be as shown in Table 11.2, which also may show signs prohibited or conditionally permitted in a particular zoning district.

1116.3. Maximum Area of Sign.

The maximum area of signs permitted shall be as shown in Table 11.2.

1116.4. Specific Provisions for Signs Within B-1 and B-2 Zoning Districts.

- (a) Within the B-1 and B-2 zoning districts, there shall be a minimum separation between signs with an area of sign of more than 100 square feet on either sign. Said separation shall be not less than 1500 feet.

- (b) The separation distance in subsection 1116.4(a). shall be measured as follows: a radial measurement from the support structure, pylon, pole or base of one sign to the support structure, pylon, pole or base of another sign.
- (c) For the purpose of determining distance between two or more signs, whether any given existing or permitted sign is within or without the corporate boundaries of the City of Cornelia shall not factor into whether a proposed sign complies with the distance requirements herein.

Section 1117. Additional Regulations.

Signs shall be subject to the requirements of Chapter 36 of the City of Cornelia Code of Ordinances. When the requirements of this Article and Chapter 36 conflict with one another, the more restrictive requirements shall apply.

1117.1. Banners. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than two (2) such fourteen (14) day periods being permitted per calendar year per lot.

- (a) In the case of lots which contain multiple Places of Business, each Place of Business shall be allowed a banner.
- (b) No two banners shall be permitted on a single parcel at any one time; therefore, each Place of Business must alternate.
- (c) Banners shall not be more than twenty-four (24) square feet.
- (d) No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet, or shall not extend more than five (5) feet above grade when on the ground
- (e) Banners must be affixed to a permanent structure other than another sign
- (f) Banners must be fixed in place along all sides so as not to move
- (g) Permits shall be obtained prior to the placement of a banner. The cost of the permit shall be \$50.00 with \$25.00 of the permit fee being returned after the required fourteen (14) day period; however, should the banner not be removed as required, the sign owner shall forfeit the entire permit fee amount and shall be subject to additional fees, fines or both.

1117.2. Hand Painted Signs.

- i. All hand painted signs must be done by a professional in some type of related trade dealing with graphics.
- ii. All hand painted signs must have the approval of the City Manager or his or her designee.

1117.3. Sign Materials.

Ground sign structure/base materials shall be constructed of brick or stone with a base of at least 4 (four) feet. Any sign panels on a sign shall have a uniform background color and material. All freestanding signs shall display the property address in numbers at least six (6) inches in height but not more than twelve (12) inches in height. The numerical address shall

not be considered part of the sign face and shall not count against the allowable sign square footage.

1117.4. Temporary Signs.

The limited duration of a Temporary Sign shall be ten (10) days with no more than two (2) such ten (10) day periods being permitted per calendar year per lot.

- (a) In the case of lots which contain multiple Places of Business, each Place of Business shall be allowed a "Temporary Sign".
- (b) No two "Temporary Signs" shall be permitted on a single parcel at any one time; therefore, each Place of Business must alternate.
- (c) "Temporary Signs" shall not be more than twenty-four (24) square feet.
- (d) No "Temporary Signs" shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet, or shall not extend more than five (5) feet above grade when on the ground.
- (e) "Temporary Signs" must be fixed in place along all sides so as not to move

1117.5. Projecting Signs.

To protect the public's health, safety and well being, all "Projecting Signs" over a public sidewalk or a sidewalk that may be privately owned but is used by the public, that has a clearance above the sidewalk less than ten (10) feet, require structural drawings certified by a Georgia Registered Design Professional; furthermore, "Projecting Signs" above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building and shall be shown on a required survey done by a Georgia Registered Land Surveyor. Stanchions or columns that support "Projecting Signs" shall be located not less than two (2) feet in from the curb line and shall be shown on the same required survey done by a Georgia Registered Land Surveyor.

1117.6. Languages.

In an attempt to further protect the public's health, safety and well-being by ensuring that everyone, including but not limited to, all public safety personnel recognize the contents of a business or structure prior to entering, should any sign contain a language other than English and other than the registered name of a business, additional non-English verbiage on all signs shall contain the same verbiage in English and it shall be of the same size or larger, color and font of the non-English language.

Section 1118. Electronically Variable Changeable Copy Signs.

1118.1. Purposes.

This Section establishes requirements associated with electronically variable changeable copy signs, including but not limited to the duration of message, transition time, light intensity, malfunction, and permitting, to ensure reasonable and safe standards are met.

1118.2. Zoning Districts Permitted.

Such signs shall only be permitted in the following zoning districts: O-P (Office-Professional District); B-1 (Neighborhood Business District); B-2 (General Business District); and CBD (Central Business District).

1118.3. Regulatory Allowance.

In zoning districts where permitted, electronically variable changeable copy signs may be permitted as (or part of) any permitted principal use ground sign, accessory ground sign, wall sign, multi-tenant occupancy ground sign, or window sign, subject to the area and height limitations imposed for the type of sign and according to the zoning district in which the sign is located, as specified in this Article.

1118.4. Nature of the Display.

Nothing in this Section shall be construed to permit or authorize the flashing or variation of light intensity of an individual message or the changing of colors on a sign; such flashing, variation or color change constitutes an "animated sign" as defined in Section 1103 of this Article and prohibited by Section 1108 of this Article.

1118.5. Duration of Message.

Every single individual display on such a sign shall remain fixed for at least ten (10) seconds.

1118.6. Transition.

- (a) Time: The transition time interval between messages shall be two (2) seconds or less.
- (b) Manner: There shall be no use of blinking, fading, rolling, shading, dissolving, or similar effects as part of the transition

1118.7. Illumination and Brightness.

- (a) The electronic portion of each such sign may not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured from 150 feet from the sign face.
- (b) Operation in excess of these brightness levels causes glare to persons operating motor vehicles on public ways and shall not be allowed. "Glare" is defined as light emitting from the sign with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.
- (c) If the electronic sign is located in the line of sight of a single family residence on a residentially zoned property, such electronic sign shall not operate, regardless of the square footage of the electronic display of the sign, at brightness levels of more than 0.10 foot candles above ambient light levels (at measurement conditions) as measured at the portion of the residential structure nearest the electronic sign.
- (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) Upon erection of a sign containing an electronic display, the owner shall provide written proof from an independent contractor that the sign complies with this section concerning brightness measurements, as appropriate. Such proof shall contain measurements taken both during daytime and nighttime hours. Such

measurements and proof shall be provided no less than yearly each year within thirty (30) calendar days of anniversary of the erection of the electronic portion of the sign. Additionally, if there is a complaint that the sign is brighter than specified under this section, as appropriate, the owner must take such measurements and provide another written certification, at the owner's cost, if requested to do so by the City. If any of the certifications indicate that the electronic portion of the sign exceeds the brightness levels stated in this section, as appropriate, the owner of the sign, within twenty-four (24) hours of a request by the City, shall turn off the electronic portion of the sign until the brightness of the sign is corrected, at the owner's expense, to comply with this section, as appropriate.

1118.8. Malfunction.

- (a) Such signs shall include a default designed to freeze a display in one still position if a malfunction or failure occurs.
- (b) Any such sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this ordinance within 24 hours.

1118.9. Permitting.

In addition to those requirements established in Section 1110 of this Article relative to permits for signs generally, the Zoning Administrator may require a drawing or schematic prepared by an illumination engineer showing the amount of light designed to emanate from the proposed sign at the highway or public road to which the sign is directed, and at any highway or public road to which the proposed sign is visible, showing measurements in footcandles. Said drawing or schematic shall if required show either isofootcandles (i.e., connecting points of equal light illumination levels, similar to a topographic contour) or a photometric grid with individual spot readings.

Table 11.1. Signs Permitted and Size Allowances in Residential Districts

(X = Not Permitted; C = Conditional Use; P = Permitted)

Note: Any number provided in the table below is square feet maximum permitted and is a sign permitted

Type of Sign/Use	A-1	R-1	R-1A	R-1B	R-2	TND
1. Principal use ground sign, lot containing a non-residential principal permitted use only	16	16	16	16	24	12
2. Ground sign unrelated to the primary or predominant purpose for which a lot is occupied and/or used	X	X	X	X	X	X
3. Accessory ground sign, single-family residential lot	4	4	4	4	4	4
4. Accessory ground sign, lot containing a non-residential or multi-family permitted principal use only (2 per lot permitted)	4	4	4	4	4	4
5. Wall sign, single-family residential lot	X	X	X	X	X	X
6. Wall sign, on building containing a non-residential permitted principal use only	4	4	4	4	4	4
7. Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	4	4	4	4	8	8
8. Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	4	4	4	4	4	4
9. Multi-tenant occupancy ground sign (not permitted for a single-family residential lot; 1 per lot containing multi-family or non-residential permitted use), in lieu of principal use ground sign allowed above	16	16	16	16	24	12
10. Subdivision or multi-use ground sign (2 per entrance to subdivision of permitted multi-use site)	36	36	36	36	36	36
11. Window sign, single-family residential lot (other than temporary wall or window sign during which a space, unit, building, or land is for sale, rent, or lease, or under	X	X	X	X	X	X

construction)									
12. Window sign, on building containing a non-residential permitted use	X		X	X	X	X	X		25% of window area
13. Other signs: per master signage plan approved as a part of a conditional use permit	C		C	C	C	C	C		C

Table 11.2. Signs Permitted and Size Allowances in Non-Residential Districts

(X = Not Permitted; C = Conditional Use; P = Permitted)

Note: Any number provided in the table below is square feet maximum permitted and is a sign permitted

Type of Sign/Use	O-P	B-1	B-2	CBD	LI	HI
1. Principal use ground sign, lot containing a non-residential principal permitted use only	24	50	100	X	100	100
2. Ground sign unrelated to the primary or predominant purpose for which a lot is occupied and/or used	24	100	200*	50	100	100
3. Accessory ground sign, single-family residential lot	4	4	4	4	X	X
4. Accessory ground sign, lot containing a non-residential or multi-family permitted principal use only (2 per lot permitted)	8	8	8	8	8	8
5. Wall sign, single-family residential lot	X	X	X	X	X	X
6. Wall sign, on building containing a non-residential permitted principal use only (maximum 2 signs per establishment, collectively not to exceed area shown)(percent of the wall or surface of a building or structure)	20%	25%	25%	25%	30%	30%
7. Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	12	16	24	12	36	48
8. Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	8	12	16	8	24	36
9. Multi-tenant occupancy ground sign, 1 per property frontage, in lieu of principal use ground sign allowed above	36 + 6 per occupant	72 + 8 per occupant	100 + 8 per occupant	36 + 6 per occupant	100	100
10. Subdivision or multi-use ground sign (2 per entrance to subdivision of permitted multi-use site)	36	48	100	36	100	100
11. Window sign, single-family residential lot (other than temporary wall or window sign during which a space, unit, building, or land is for sale, rent, or lease, or under construction)	X	X	X	X	X	X

12. Window sign, non-residential permitted use	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area
13. Directory (wall) sign, spaces or units with a single buildings	12	16	24	12	36	48
14. Other signs: per master signage plan approved as a part of a conditional use permit	C	C	C	C	C	C

* In B-1 and B-2 zones where the minimum separation between signs with an area of more than 100 square feet is limited pursuant to Section 1116.4, signs within the limited separation distance shall have a maximum area of sign of 100 square feet.