

CITY OF CHICKAMAUGA
STATE OF GEORGIA

ORDINANCE NO. 229

AN ORDINANCE TO REGULATE OUTDOOR SIGNS WITHIN THE CITY OF CHICKAMAUGA; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES PROVIDED BY LAW

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Chickamauga, Georgia; and

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt regulations regarding outdoor signs.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CHICKAMAUGA, GEORGIA, AS FOLLOWS:

§4.15 Sign Regulations

a) **Purpose:** Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City without difficulty and confusion, to maintain the attractiveness of the community, and to protect property values therein. The City establishes these regulations governing the display of signs to:

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1. Promote and protect the public health, safety and general welfare.
2. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs.
3. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision.
4. Promote signs, which are compatible with their surroundings.

b) **Applicability of Other Code/Ordinance Requirements:** If any provisions of the sign regulations are found to be in conflict with any other provision or requirement of any other applicable governmental law, ordinance, resolution, rule, or other governmental regulation of any kind, the more restrictive rule or standard shall take precedence.

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c) **Definitions:** The following words, terms and phrases, when used in this Section,

shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame and Sidewalk Signs: A ground sign whose support structure is not imbedded in the ground. These signs are usually, but not always, placed along the sidewalk or road frontage (not on public right of way) of a business to advertise specials, events, etc.

Awning Sign: A sign located on a roof-like cover extending before a place as a shelter and which may be used, in lieu of a wall sign, to advertise the business name.

Banner: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic or fabric of any kind with only such material for a backing.

Billboard Sign: A stanchion sign with a sign area between 600 and 700 square feet.

Business Sign: See "On-site sign."

Construction Sign: A sign erected and maintained on premises announcing the proposed or existing construction of a building or project.

Directory Sign: A serial sign which identifies the names of businesses, offices, professionals, industries or other entities located within a planned center, strip shopping center, mall, group development project or similar grouping of buildings. Directory signs shall consist of not less than two (2) vertical structural supports.

Double-faced Sign: A sign which has two (2) display areas opposite each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Flashing Sign: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date shall not be considered as flashing signs.

Ground Clearance: The distance in vertical feet from the ground, sidewalk or other surface to the lowest point of the sign face or sign structure, whichever is lower.

Ground Sign: A sign whose support structure is embedded in the ground and is wholly independent of a building for support.

Height of Sign: The vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher.

Illuminated Sign, Direct: A sign illuminated by an internal light source.

Illuminated Sign, Indirect: A sign illuminated by an external light source directed primarily toward the sign.

Marquee: A roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

Marquee Sign: A business sign suspended from the ceiling of a marquee. A minimum ground clearance of seven and one-half (7 1/2) feet shall be maintained.

Nonconforming Sign: A sign (1) that was in existence as of the date of enactment of Section 4.15 of the City of Chickamauga Zoning Ordinance; and (2) that meets all of the legal requirements when erected; but (3) does not meet all of the legal requirements of Section 4.15 when enacted.

Off-site Sign: A sign, which is not located upon the premises of the business or entity indicated or advertised by such sign. This includes products advertised in conjunction with a business entity.

On-site Directional Sign: A sign located upon the premises of a business for the purpose of directing traffic.

On-site Sign: Any notice or advertisement, pictorial or otherwise, which directs attention to the name of a business or to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located. Also a business sign.

Political Sign: A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office.

Portable Sign: Any sign, whether on its own trailer, wheels or otherwise, which was designed and manufactured so that it can be transported from one (1) place to another.

Real Estate Sign: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

Roof Sign: A sign mounted upon any portion of the roof of a building or structure including the upper slopes of a gambrel or mansard roof or any variations of such roofs. Signs mounted on the lower slope of a gambrel or mansard roof shall be considered wall signs.

Serial Sign: A sign, which contains individual panels arranged vertically or horizontally or both in rows between two (2) vertical supports, each panel identifying a separate business. Also, a sign which is made of a single large panel on which the names of individual businesses are painted or attached vertically or horizontally in rows identifying separate businesses. Serial signs may be wall or ground signs. Ground signs shall have a minimum of two (2) vertical supports.

Sidewalk Signs: See "A-Frame and Sidewalk Signs."

Swinging Ground Sign: A sign suspended from a horizontal structural support supported by vertical structural steel columns or wooden posts.

Swinging or Projecting Wall Sign: A sign projecting more than eight (8) inches from the outside wall of any building upon which it is located and suspended from supports.

Temporary Sign: A sign of nonpermanent nature, not permanently attached to the ground or other permanent structure. All such signs shall be removed within ten (10) days after the purpose for which the sign is intended to advertise has been accomplished.

Wall Sign: A sign painted on, applied to or mounted to the wall or surface of a building or structure, the sign display surface of which does not project more than twelve (12) inches from the outside wall of such building or structure. The total lettering on one (1) wall of a building or structure shall constitute one (1) wall sign. Signs shall not project above the top edge of a wall or above or below the front wall, edge or face of a marquee.

Window Sign: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Zoning Administrator: The zoning administrator of the City of Chickamauga.

d) Prohibited Signs: The following signs shall **NOT** be permitted:

1. Except in the downtown C-2 zoning district where building walls abut public rights-of-way, no signs other than those signs erected by public governmental agencies or signs required by law, shall be placed on or overhang any portion of public rights-of-way or other public properties.

2. Any Banner, pennant, or streamer or other device set in motion by the atmosphere, except on a temporary basis erected not more than thirty (30) days before a civic event inside the city, and removed within two (2) working days after the event.
3. Signs with lighting that causes glare and unsafe conditions.
4. Signs which are in imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words, excepting construction signs and barricades;
5. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
6. Any sign now or hereinafter existing which no longer advertises a bona fide business, campaign or service or product sold.
7. Signs on top of buildings or hanging over from the top.
8. Real estate or other residential signs in excess of eight (8) square feet in size.
9. Any Portable signs: including those which are plastic faced with lighted interiors such as rent signs, except they may be used for events of business grand openings and legitimate "Going Out of Business" sales. A maximum of thirty (30) days of usage is allowed. Only one (1) Portable sign may be used on the entire premises, and the size of such sign shall not exceed thirty-two (32) square feet. The sign shall be placed so as not to obstruct the view of motorists, create a safety hazard or be located upon any public right-of-way.
10. Signs, which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80.
11. Any signs which advertise any activity, service or product prohibited by the laws or regulations of the United States or the State of Georgia or by ordinances or resolutions of the City of Chickamauga.

e) General Restrictions on All Sign types:

1. No sign shall be erected or maintained unless it is in compliance with the regulations of this Ordinance.
2. No signs, except traffic signs and signals and informational signs erected by a public agency, are permitted within any street or highway right-of-way, except as allowed by paragraph c1 above.

3. Signs shall be arranged so that they do not obstruct visibility for drivers or pedestrians; or hide from view any traffic or street sign, signal or public service sign.
4. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
5. Awning Signs, if used, will contain only the name of the business the awning is attached too.
6. Signs will not obstruct the view of any officially designated historical site or monument, or any parkland area.
7. Illumination devices shall be so placed and so shielded that light from the sign itself will not be directly cast into any residence or sleeping room in any district or the eyes of an automobile or vehicular driver.

f) Requirements for Specific Sign Types:

1. Signs of work under construction: One non-illuminated sign not exceeding fifty (50) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial, selling and development agencies is permitted upon the premises of any work under construction alteration, or removal. Such signs shall be removed upon completion of construction.
2. Temporary development signs: Temporary signs, not exceeding forty (40) square feet in area, advertising a land development on the premises of the development. Such signs shall be spaced not less than 300 feet apart. They shall be removed when seventy-five (75) percent of the development is completed and replaced with a permanent sign identifying the development.
3. Private directional signs: Signs advertising the location of and direction to premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided the size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length.
4. Hanging Signs: shall be a minimum of 8'6" above the sidewalk and project no more than 3 feet from the face of the building. The area of the sign shall be no more than 5 square feet. .
5. Serial/Pylon/Freestanding Signs: For shopping centers and multi-tenant buildings that contain the name of the shopping center not to exceed 25 square feet and the names of each business located therein not to exceed 4 square feet each. The sign must be a minimum of 10 feet off the road

pavement or curb (but not on any right-of-way) and must be a minimum of 8'6", and a maximum of 15 feet above the ground, unless approved by the Planning Commission.

6. Wall signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - (a) Signs on the front surface of a building: The total area of signs on the exterior front surface of a building shall not exceed twenty-five (25) percent of the front surface of the building.
 - (b) Signs on the side and rear surface of a building: The total area of signs on a side or rear surface of building shall not exceed fifty (50) percent of the exterior side or rear surface of the building respectively.
 - (c) Projecting signs: Wall signs attached flat against a wall may extend not more than twelve (12) inches from the wall.
 - (d) Signs attached at an angle to a wall: Signs attached at an angle to a wall may extend outward from the wall of a building not more than five (5) feet.
7. Temporary public service announcements: Temporary signs on private land regarding events of school, religious, charitable, civic, fraternal, political, and similar organizations provided such signs shall not exceed sixteen (16) square feet in area and shall not be closer than any right-of-way line of public street. Such signs shall not be erected more than forty-five (45) days prior to the event and shall be removed within ten (10) days after the end of the event.
8. Number of Signs: Signs over six (6) feet in height (excluding wall signs) shall be no less than five hundred (500) feet apart, except each deeded lot is authorized to have one sign if closer than five hundred (500) feet from the next sign. Back-to-back or "V" signs are authorized. Side-by-side signs facing the same direction are prohibited. Sign displays may not be placed one above the other.
9. Height and other restrictions for outdoor advertising signs:
 - (a) Signs made of metal or wood are preferred over plastic signs.
 - (b) The total area of façade signs shall not exceed one (1) square foot per lineal foot of building width facing the street.

- (c) Freestanding signs along streets with speed limits of 40 mph or less should be small, low 'monument-type' signs (less than 5 feet high) integrated into the landscape using trees and shrubs
- (d) Freestanding signs along highways with speed limits of 45 mph or more should be less than forty (40) sq. ft. in size and no more that fifteen (15 feet high).
- (e) Internally lighted signs should be used only with opaque backgrounds so that only lettering is visible at night.

g) Signs Exempt from Permit Requirements: No sign permit is required for the following types of signs:

1. Real estate signs, political signs, or personal type signs (for rent, yard sale, etc) under eight (8) square feet and less than six (6) feet in height placed on private property.
2. Professional nameplates not exceeding two square feet in area attached to building and non-illuminated (see Home Occupation Article 5).
3. Signs erected for any governmental agency, school, or library.
4. Address numbering located on buildings or mailboxes.
5. Seasonal displays and decorations not advertising a product, service or entertainment.
6. Window or Wall signs under eight (8) square feet.

h) Permit Requirements: No signs except those listed in section g. above shall be erected, painted on a wall, hung, placed, or structurally altered without a permit from the Zoning Administrator. The sign permit fee shall be listed in the Zoning Administrator's Office. Applications for sign permits shall be filed with the Zoning Administrator by the owner(s) of the real property upon which the sign is located. The property owner(s)' names, addresses and telephone numbers shall be listed on the application. The application shall be accompanied by a drawing or plans drawn to an appropriate scale showing:

1. The precise proposed location of the sign.
2. Area of each sign face in square feet excluding the support structure;
3. Dimensions of each sign face, and foundation including materials used.
4. Dimensions of all structural members and description of materials used. Wooden components shall not be less than four (4) inch by four (4) inch nominal size in cross-section size and shall be of pressure-treated or rot-resistant wood;

5. Overall height and width of the sign;
6. The ground clearance from the finished grade at the point of installation to the bottom edge of the lowest portion of a sign face or sign structure;
7. Setbacks from right-of-ways;
8. Method of illumination, if planned.
9. For any ground sign over six (6) feet in height from ground level or any hanging sign, the plans shall certify that the sign, its support structure, anchor bolts and foundation are designed to withstand fifty (50) miles per hour wind pressure requirements.
10. The Zoning Administrator shall render a decision approving or denying the permit application within thirty (30) days of a properly completed application being submitted. If the Zoning Administrator does not issue a decision within said thirty (30)-day period, the permit application shall be deemed approved.
11. The Zoning Administrator's decision shall be issued in writing and delivered by certified mail, return receipt requested to the applicant. If the application is denied, the decision shall set forth the reasons for the denial. The denial notice shall also set forth that the applicant is entitled to request a hearing before the City Planning and Zoning Commission within thirty (30) days of the applicant's filing of a timely appeal.

i) Maintenance and Appearance of Signs:

1. All signs shall be maintained in good condition as to present a neat and orderly appearance. The zoning administrator may cause to be removed, after due notice, any sign which shows gross neglect or becomes dilapidated, or if the ground area around it is not well maintained.
2. The zoning administrator will give the owner thirty (30) days written notice to correct the deficiencies or to remove the sign. The owner shall be entitled to request a hearing before the City Planning and Zoning Commission. If the owner refuses to correct the deficiencies or remove the sign, the zoning administrator will have the sign removed at the expense of owner.

j) Nonconforming Signs: Nonconforming Signs shall be permitted to remain erected except as follows:

1. If one (1) or more of the following conditions occurs, nonconforming signs shall be removed:
 - (a) The business advertised by the sign ceases operations.

- (b) The deterioration of the sign or damage to the sign makes it a hazard.
 - (c) The sign has been damaged or has deteriorated to such an extent that the cost to repair the sign will exceed fifty (50) percent of the value of the repaired sign. No structural repairs, change in shape, size or design shall be permitted except to make the sign comply with all requirements of this article.
 - (d) Notwithstanding the provisions of (b) and (c) above, if the damage to the Nonconforming Sign is due to conditions beyond the control of the owner, such as weather, the sign may be repaired.
2. A nonconforming sign shall not be replaced, by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or demountable material on nonconforming signs shall be permitted.
 3. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a sign shall be permitted except to make the sign comply with the requirements of this article.
 4. New signs related to legally established nonconforming uses of property may be erected provided they comply with the applicable provisions of this article.
 5. No conforming sign or advertising device shall be erected for the same establishment on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this article.
 6. The "owner" of a Nonconforming sign must submit a completed sign permit application to the Zoning Administrator within forty-five (45) days of the enactment of this Section 4.15. However, the owner shall not be required to pay the sign permit fee.
 7. No new sign shall be erected upon an old foundation, which is on a public right-of-way or would cause any part of the sign to overhang a public right-of-way, except as allowed in paragraph c1.

k) Revocation of Permit:

- (a) Violation of any provision of this Section 4.15 shall be grounds for revocation of the sign permit by the Zoning Administrator. The termination

of the sign permit does not in any way preclude the City from taking any other action authorized by law.

(b) If the Zoning Administrator makes a decision to revoke a sign permit, the Zoning Administrator shall provide written notice to the property owner by certified mail, return receipt requested, setting forth the reasons for the revocation, and the right of the property owner to request a hearing before the City Planning and Zoning Commission within thirty (30) days of the property owner's filing of a timely appeal.

l) Permit Expiration:

A sign permit shall be terminated if the sign for which the permit was issued has not been completed and installed within four (4) months after the date of issuance, unless an extension of time for good cause is granted by the Zoning Administrator. No refunds shall be made for permit fees paid for permits that expired due to failure to complete and erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be submitted and processed, and another permit application fee paid in accordance with the fee schedule applicable to that time.

m) The preamble of this Ordinance is hereby incorporated to this Ordinance as if set out fully herein.

n) The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

o) All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

p) The adoption date of this Ordinance is _____, 2005.

q) The effective date of this Ordinance is _____, 2005.

SO ORDAINED, this _____ day of _____, 2005.

CITY OF CHICKAMAUGA, GEORGIA

Mayor

Attest: _____
City Clerk