REFERENCE NO. 20110268
ORDINANCE NO. 7533

AN ORDINANCE

AMENDING, the Comprehensive Development Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Division 714, paragraph 714.03 Signs exempt from permit regulations, is hereby amended as follows:

714.03 Signs exempt from permit regulations

The following classes of signs are exempted from permit requirements, but other limitations, regulations, and requirements (such as setback from right-of-way or signs not to constitute a hazard) concerning such signs remain applicable.

A. Announcement signs. Limit two with an aggregate area of no more than 4 square feet. Restricted to business hours, open/close, credit card acceptance or other incidental information. Must be in window of business being advertised.

B. Signs, notices, traffic signs, official flags and emblems erected by or on order of governmental jurisdictions.

C. National flags and flags of political subdivisions, including the official flag of the United States, State of Georgia, Cobb County, or the City of Marietta that are attached to a flagpole mounted on the ground or to flagstaffs attached to the façade of a structure.

D. Traffic movement and internal directional signs not to exceed 4 square feet per sign face and 2 feet in height. Limited to one per curb cut. No advertising text may be affixed.

E. Temporary political campaign signage (including posters and advertisements) limited to 32 square feet per sign area and there shall be no more than two sign faces per road frontage. Any political signage that does not meet these requirements shall be required to obtain a sign permit and follow those restrictions set forth for that type of sign. All signs must be removed within 5 days of the last day that the candidate's name or that issue appears on a ballot for a primary, runoff, general or special election. All such signs are prohibited (a) within any public right-of-way, (b) on any public property or building, (c) on any private property unless the owner thereof has given permission.

F. Delivery receptacles for mail and newsprint deliveries.

G. Construction/development signs when placed at a location under construction or alteration, not to exceed 15 square feet in residential districts or 50 square feet in non-residential districts. All such signs shall be removed from site upon issuance of certificate of occupancy.

H. Real estate signs shall be limited to one per property road frontage and shall be removed within 5 days of the sale or lease of the property.
   1. Real estate signs in developed residential districts are limited to the sale of property, shall be no more than 6 square feet in size, and shall be removed 5 days after the sale or lease of the property. In undeveloped residential districts, real estate signs are limited to the sale of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property.
   2. In non-residential districts, real estate signs are limited to the sale or lease of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property.

I. Real estate directional signs, one per property road frontage not otherwise dedicated for other signage allowance, limited to 6 square feet in developed residential districts and 32 square feet in undeveloped residential districts or non-residential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property for which directions are provided.

J. Window signs are permitted in nonresidential districts subject to those standards, which apply to wall signs. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building. No more than 50% of the windows of a business shall be used to display window signs and the signage in a single window shall not account for more than 50% of a window face.

K. Building addresses and emergency information.

L. Inflatable devices or balloons.

M. Temporary-local directional signs (T-LDS).
   1. Definition. T-LDS are short-term signs that direct attention to or convey directions through the use of words, symbols, arrows or otherwise, to a temporary or non-permanent event or happening such as a church or community gathering, yard sale, moving sale, estate sale or the sale of an individual house. TLDS do not include off-premise outdoor advertising signs, nor signs as defined under the WSDS.
   2. Zoning districts. T-LDS shall be allowed in all zoning districts. However, T- LDS in residential zones shall only provide direction to residential real estate for sale or to a noncommercial place or event.
   3. No permit required. T-LDS do not require a permit or a permit fee.
   4. Sign area. T-LDS may be single or double faced. Each face may be up to four square feet.
   5. Height. T-LDS shall not exceed three feet in height.
   6. Construction. T-LDS shall be mounted on an independent single or double pole device. T-LDS shall not be affixed in any manner to trees, natural objects, streetlight poles,

utility poles, federal, state or county signs or poles, or other permanent signs or sign structures. T-LDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No such sign shall be made of paper.

7. Location. No T-LDS shall be located closer than one foot from the right-of-way. T-LDS must be on private property with permission of the owner. No T-LDS shall be located beyond a one-mile radius of the ultimate location to which it provides direction.

8. Number. A maximum of four T-LDS are allowed for any location to which the T-LDS provide direction. A maximum of one T-LDS per event or property for sale may be located upon any one lot.

9. No more than 3 events may be held annually at any location.

10. Identification on sign. Each T-LDS shall be legibly marked with the name and telephone number of the sign owner. This information must be written in weatherproof ink or paint upon at least one face of the T-LDS and in letters of at least one-half inch in height. All T-LDS shall display legibly the date and address of the activity and/or event. Any T-LDS that does not contain the above information shall be subject to immediate removal by code enforcement personnel and/or other such remedies provided by this article.

11. Placement and Removal. A T-LDS shall not be placed on the property more than seven days prior to the event to which it provides direction, and shall be removed within 24 hours after the event is over. It shall be the sign owner's responsibility to remove the sign. This provision shall require removal of any real estate T-LDS providing direction to a subdivision or other real estate for sale within ten days of the closing of the sale of that property, or the last lot of the subdivision.

12. Enforcement and penalties.

    a. Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roadways.

    b. Removal of signs without notice. The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; (ii) poses an immediate threat to the life or health of any members of the public; or (iii) the sign does not have a permit and is in violation of this article. In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to anyone or combination thereof of the following: (i) to the owner of the sign; (ii) to the erector of the sign; (iii) to the property owner upon which such illegal sign is located; or (iv) to the person or to the business entity who procured the erection of the sign.

    c. Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.

    d. Penalties. Violators are subject to penalties as identified in Section 714.07.H

<u>Section 2:</u> Division 714, paragraph 714.05(E) is hereby amended as follows:

714.05 Special conditions

E. *Temporary Signs.* Temporary signs shall be allowed in nonresidential districts and multi-family districts for a period not to exceed 30 consecutive days and are further limited to 60 total days annually at any location:

1. Only one temporary sign may be displayed on a lot at a time.
2. The permit number and expiration date shall be affixed to each permitted temporary sign.
3. Temporary signs may only be located upon a building face that abuts a public street or designated access drive.
4. Detached signage will not be permitted as temporary signs.
5. In shopping centers and shared commercial buildings, individual tenants may be entitled to one temporary sign to be displayed on a building face which abuts a public street or designated access drive.
6. A permit must be obtained for all temporary signs.
7. Banners shall be subject to all dimensional standards that apply to wall signage and are only allowed as temporary signs.
8. Detached signage in conjunction with seasonal sales may be permitted from Nov. 15 - Jan. 1. Such signage shall be limited to 8 feet in height, 50 square feet in area and shall be located at least 12 feet from any property line.
9. Inflatable advertising device(s) greater than two (2) feet in diameter will only be permitted on roofs of buildings (less than 35 feet in height above the roof from its highest point). Approval from the Fire Department is required for any gas-filled figure.

<u>Section 3</u>: Division 714.06(A), Prohibited signs, is hereby amended by adding the following:

714.06 Prohibited signs

A. The following signs are prohibited in all zoning districts:
   1. Pylon signs
   2. Signs, fliers, bills, posters, or any other such object placed upon or affixed to sidewalks, curbs, or public rights-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way. These signs shall be removed immediately upon notice by the Development Services Department. Any damage or defacement resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For purposes of enforcement, the responsible party shall be deemed to be the party benefiting or intending to benefit from the advertisement, notice or message that is required to be removed.

3. Signs attached to a fence, fence post, tree, tree trunk, street sign, or utility pole or painted on or otherwise attached to a rock or other natural objects.
4. Signs, which emit sound, odor, or visible matter such as, smoke or vapor.
5. Flashing or blinking signs, or signs using varying light intensity, electronic message boards, signs that contain tri-vision panels or other changeable faces, LCD, LED or plasma panels or screens, or any similar electronic signage devices or technology.
6. Rotating signs or animated signs involving motion of the body of the sign.
7. Neon signs with visible tubing, neon borders, neon bands, or similar structures.
8. Signs that advertise an activity that is illegal under local, state, or federal laws or regulations.
9. Signs which are erected or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevent free passage from one part of a roof to any other part thereof, or attached in any manner to a fire escape.
10. Portable display signs or trailer display signs.
11. General advertising or off-premise signs located on property which has an existing sign.
12. Nongovernmental flags, pennants or other nonpermanent displays attached together or to a building, vehicle or other object by rope, string, wire or other device.
13. Abandoned or dilapidated signs.
14. Air and gas filled devices greater than two (2) feet in diameter, except as permitted under other provisions of this ordinance [see Sect 714.05(A.9)].
15. Roof signs or signs where a portion of the sign extends above the roof of the building where the sign is located.
16. Signs in residential zones shall not be internally illuminated but may use external illumination to provide adequate visibility.

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

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Brian Binzer, AICP
Director of Development Services

Approved as to Form:

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Doug Haynie, City Attorney

Approved by City Council:

DATE:_____May 11, 2011_____

APPROVED:

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Steve Tumlin, Mayor

ATTEST:

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Stephanie Guy, City Clerk