

ORDINANCE 13- 04

**ORDINANCE TO REPEAL THE SIGN ORDINANCE 11-03 and 12-03
OF THE CITY OF SKY VALLEY AND TO ENACT A NEW SIGN ORDINANCE**

WHEREAS, the City of Sky Valley deems it appropriate and necessary to enact a new Sign Ordinance and to repeal all previous ordinances regulating signs in the City of Sky Valley;

The Council of the City of Sky Valley hereby ordains:

I. The Code of Ordinances of the City of Sky Valley is hereby amended as follows:

Section 1. Purpose and Findings. The City of Sky Valley is enacting this ordinance to ensure that noncommercial messages are authorized with restriction only as to the size of such signage and to establish reasonable regulations for signage containing commercial messages. The City of Sky Valley finds that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance.

By enacting this amendment, the City of Sky Valley intends to:

- (a) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (b) Further the objectives of the City's comprehensive plan;
- (c) Protect the public health, safety, and welfare;
- (d) Reduce traffic and pedestrian hazards;
- (e) Maintain the resort image of the City;
- (f) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (g) Promote economic development; and
- (h) Ensure the fair and consistent enforcement of sign regulations.

Section 2. Definitions.

- (a) "Aggregate sign area" shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.
- (b) "Area of a sign/sign area" shall mean the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.
- (c) "Banner" shall mean a sign designed to advertise a special event or promotion made of paper, cloth, other fabric or non-durable material, and not designed to be permanent. Banner signs are non-illuminated.
- (d) "Billboard Sign" shall mean a large, flat panel designed to carry outdoor advertising.
- (e) "Corner sign" shall mean a sign attached to building corners or other permanent fixtures which extends at an angle from the corner or permanent fixture.
- (f) "Double-faced sign" shall mean a sign which has two (2) display areas placed back to back 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.

(g) "Freestanding sign" shall mean a sign securely affixed to a steel support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or stanchion signs.

(h) "Illuminated sign" shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

(i) "Monument sign" shall mean a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies

(j) "Non-conforming sign" shall mean any sign which does not conform to the provisions of this article.

(k) "Parcel" shall mean a separate tax unit of real property on county real estate records.

(l) "Portable sign" shall mean a sign, except as otherwise described in this section, that is not designed to be permanently affixed to any structure. A portable sign is designed to be moved from location to location and may or may not be illuminated.

(m) "Window real estate sign" shall mean an indoor sign with a maximum area of six (6) square feet used to advertise the sale or rental of real estate.

(n) "Sign" shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

(o) "Temporary sign" shall mean a sign announcing a location or relocation of a business or a sign advertising financing or construction of a new or remodeled facility or signs announcing a special event such as for charitable or public purposes (e.g., youth car wash).

(p) "Wall sign" shall mean a sign installed flush with or on a window and intended to be viewed from the outside.

(q) "Yard sale sign" shall mean a sign not to exceed 5 square feet advertising a yard sale.

(r) "Lot Identification sign" shall be for the purpose of identifying a lot location and shall be purchased through the City of Sky Valley.

(s) "Outdoor real estate sign" shall mean a yard sign used to advertise the sale or rental of real estate with a maximum area 8" x 10" and shall be purchased through the City of Sky Valley.

Section 3. Permits.

(a) Except as specifically provided in this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit.

(b) Any existing sign that does not have a permit on file issued by the City of Sky Valley is deemed to be an illegal sign.

(c) Any proposed alterations or relocation of a sign requires a new permit.

(d) Permits are not required for temporary signs.

(e) Commercial sign permits must be approved by the City Manager or his designee.

Section 4. Application.

Application for sign permits required in section 3(a) shall be filed by the sign owner, or his agent, upon forms furnished by the City of Sky Valley. The application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this article;
- (b) The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property.
- (c) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face.
- (d) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located;
- (e) Consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign; and
- (f) The details as to the sign content and colors.

Section 5. Expiration date.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 6. Fees.

No permit shall be issued until the appropriate application has been filed with the City Clerk and fees have been paid as provided below:

- (a) Except as provided herein there will be a \$50.00 dollar base fee plus \$1.00 per square foot for all commercial signs and billboards.
- (b) Yard sale signs \$0.00
- (c) Temporary signs \$0.00
- (d) Real estate signs \$0.00
- (e) Contractor signs \$0.00
- (f) Banners \$0.00

Section 7. Prior illegal signs.

- (a) Signs which were illegally erected or maintained with respect to prior ordinances; signs made of paper, cloth, or nondurable materials; signs located within a public right-of-way, and signs prohibited by this article shall be removed by the owner within ninety (90) days from the effective date of this section. Upon failure to comply with the requirements of this article, the code enforcement officer or his designee may cause the removal of such signs at the expense of the owner.
- (b) No sign erected shall be unsafe or prevent ingress or egress from any door or window.
- (c) Signs are to not to constitute a traffic hazard. No sign shall obstruct a clear or free vision or obstruct the view of any intersection, traffic sign, signal or device. The words "STOP, LOOK, GO, or DANGER" are to be used only on traffic signs.
- (d) All signs shall be standard geometric shapes.

- (e) Signs may be illuminated by a steady light or one color. Interior illumination is only allowed after approval by the City Council.
- (f) Signs shall be constructed of durable materials that will withstand inclement weather conditions.

Section 8. Time for consideration.

The City shall process all sign permit applications within 30 business days of the City's actual receipt of a completed application and a sign permit fee. The city clerk shall give notice to the applicant of the decision of the City by hand delivery or by mailing a notice to the address on the permit application. The City Manager shall search for any conflicts with any City Ordinances. If there are no conflicts, the City Manager shall grant said permit to the applicant.

Section 9. Denial and Revocation.

Procedure: The City Manager shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, incomplete applications or applications containing any false material statements. Violation of any provision of this ordinance will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance, the clerk shall revoke the permit. Should the City Manager deny a permit, the reasons for the denial are to be stated in writing and mailed by Certified Mail, Return Receipt Requested, to the address on the permit application on or before the 30th business day after the City's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this ordinance, state or federal law, or the submission of an incomplete application or an application containing false material statements.

Appeals:

- (a) An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer, to the City Council provided that they file written notice of an appeal with the City Clerk within 10 business days of the hearing officer's decision. Such appeal shall be considered by the Council at the next City Council meeting held after the City's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of two full business days before the meeting.
- (b) In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the City Council, they may petition for writ of certiorari to the Superior Court as provided by law.

Section 10. Prohibited Signs.

The following types of signs are prohibited throughout the city:

- (a) Animated signs;
- (b) Signs on public rights of way other than publicly owned or maintained signs or those approved by the city manager;
- (c) Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated Section 16-12-80.

- (d) Portable signs, with the exception of temporary signs as provided herein;
- (e) Except for yard sale signs or temporary signs advertising a special event for charitable or public purposes, signs that are not professionally printed;
- (f) Signs which simulate an official road, traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign.
- (g) Signs which emit or utilize in any manner any sound.
- (h) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (i) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curb, utility pole, or other structure except as set forth herein.
- (j) 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 the ordinances or resolutions of the city.
- (k) Corner signs;
- (l) Signs with neon lighting of any type;
- (m) Signs with intermittent or flashing circuit lighted signs;
- (n) Any sign attached to trees or utility poles;
- (o) Abandoned or dilapidated signs; and
- (p) Inflatable signs.

Section 11. Signs in residential areas.

- (a) One sign identifying a neighborhood (graphic to identify the entrance to a particular area or subdivision recognized by name) is permitted at its entrance, may be double-faced, and not to exceed 8 square feet in area, 2 feet in height, 4 feet in width. If more than one service road is available, and unless both are not within vision of each other, two signs may be used. In lieu of a double face sign, two 8 square feet signs attached to each other may be substituted with suitable landscaping.
- (b) Lot identification signs for the purpose of identifying a lot location are permitted subject to the following criteria.
 - i. A lot identification sign shall not exceed the dimensions of six (6) inches by eight (8) inches.
 - ii. For aesthetic and public safety purposes, the only lot identification signs allowed are signs purchased from the City of Sky Valley. The fee charged by the City will include the post.
 - iii. For aesthetic purposes and because of topography, the location of the lot identification sign to include the height of the sign must be approved by the city manager or the city manager's designee.

Section 12. Signs in recreational or commercial areas.

Except as otherwise provided the following signs are allowed in the City of Sky Valley:

- (a) One business sign not to exceed 32 sq. ft., not exceeding 12 ft. above the average elevation of the nearest public street or highway. The maximum width shall not exceed 10 ft. If more than one business is located within a building, only one sign is permitted.
- (b) Small direction signs – such as Exit, Identification, Entrance, Office, etc. are not to exceed 2 sq. ft. are permitted where necessary.

- (c) Appendages (that which is attached, being hung on, a subsidiary, adjunct or addition).
 - i. Appendages may be made to the sign face or under the sign of compatible character and texture of material so as not to detract from the main sign.
 - ii. No appendages are to be attached to the main structural supports.
 - iii. One hanging appendage will be permitted not to exceed 8 sq. ft.
- (d) Two-road Exposure – If business is located and fronts on two (2) public roads, where exposure to the public is vital to the well being and identity of said business, a 2nd sign may be permitted.
- (e) Joint-Occupancy Building –
 - i. Sign must be located on that part of the building occupied by said activity – being harmonious to the whole site.
 - ii. Upstairs activity – post a sign at stairway entrance and or in window space (not more than 25%) occupied by the activity. Signs at the stair entrance not to exceed 1 sq. ft. in size.
- (f) Intersection Directional Signs –
Signs are not to exceed 2 sq. ft. and must be placed at or near street intersections.
- (g) Free standing signs on outlying parcels that do not have a direct traffic access to the adjacent roadway will be permitted a sign at 50% of the size sign as authorized for the primary center, mall.
- (h) Sign Design Guidelines –
In keeping with the public purpose of aesthetic compatibility with the natural beauty and environment of Sky Valley signs should feature earth colors. An acceptable color motif is available for review at the City Hall. This motif has been approved by the City of Sky Valley. Commercial signs and signs in recreational areas must be approved by the City Manager or designee of the City Manager. Any person or entity dissatisfied with the suggested color scheme or other sign design may seek a variance by petitioning the governing authority of Sky Valley for consideration at the next regularly scheduled meeting.

Section 13. Temporary Signs.

- (a) Temporary signs announcing a location or relocation of a business or a sign advertising announcing a special event such as for charitable or public purposes shall not exceed six (6) square feet.
- (b) Real Estate Signs are permitted as follows:
 - i. One outdoor real estate “for sale” or “for rent” signs is permitted to be placed by the owner, real estate agent or broker in the property owner’s yard. Sign size is limited to 10” x 12”, dark green in color with white lettering (consistent with the approved lot identification signs) and can contain the words “for sale” or “for rent”, the real estate name or owner and a telephone number. For aesthetic and public safety purposes, the only outdoor real estate signs allowed are signs purchased from the City of Sky Valley.
 - ii. One indoor window real estate “for sale” or “for rent” signs is permitted to be placed by the owner, real estate agent or broker inside the building. Sign size is limited to 24” x 36” or a total of six (6) square feet.

- (c) No more than one (1) outdoor and one (1) indoor real estate sign is permitted on each property for sale or for rent as described in paragraphs (a) and (b) above.
- (d) An "open house" sign is a temporary sign advising the public that a house will be opened for public inspection on a given date which may be posted for no more than seven (7) days prior to the "open house" and shall be removed immediately following the "open house".
- (e) Directional signs will be allowed for an "open house" or special event and shall be removed immediately following.
- (f) Building/Contractor construction signs shall be limited to two (2) square feet total area or smaller and shall only contain the Builder/Contractor/Company name, phone number, lot number or 911 number, and street name. Signs shall be placed in a conspicuous place so that supplier/subcontractors can locate the job site. Construction signs shall be removed within five (5) days after the final inspection.
- (g) Commercial construction signs shall be limited to forty (40) square feet total area or smaller and shall only contain the name of the General Contractor, Architect, Engineer, Identification of Structure (i.e. city hall, police department, lodge, etc.), 911 number and street name. Signs shall be placed in a conspicuous place so that suppliers/subcontractors can locate the job site. Signs shall not obstruct motorist view or create a hazardous condition. Location of sign will need to be approved by the City Building Inspector. Construction sign shall be removed within five (5) days after the City's issuance of a Certificate of Occupancy.

Section 14. Special Event Banners.

Banner signs and locations shall be approved by the City Manager as to size and location on an individual case basis. Said banners shall not be placed more than two (2) weeks prior to the event and shall be removed within forty-eight (48) hours following the event.

Section 15. Height Requirements.

The following height requirements shall be adhered to:

- (a) Monument signs shall not exceed six feet in height.
- (b) All sign heights shall be measured from the grade level of the adjacent street to which the property on which the sign is located has access. The level of the ground shall not be altered in such a way as to provide additional sign height.

Section 16. General Size, Location and Other Requirements.

(a) No sign of a commercial or business nature which advertises, sponsors, promotes or directs attention to a product, service, profession, property, business, event, institution, activity or entertainment which is not offered, sold, produced, manufactured, conducted, or engaged in on the property upon which the sign is located shall be allowed.

(b) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.

- (c) *Billboard signs.*
 - i. Billboard signs shall not exceed 50 square feet of sign area. Billboard signs shall not exceed eight (8) feet in height or eight (8) feet in length.
 - ii. Billboard signs shall only be located on parcels in industrial zoning areas.

- iii. No billboard sign shall be located within 1,000 feet of another billboard sign.
- iv. No billboard sign shall be located within 1,000 feet of residential zoned parcels.
- v. No billboard sign shall be located within 500 feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within 500 feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the 500 foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(d) *Monument signs.*

Monument signs shall not exceed 25 square feet of total area, which shall include signage and structure.

(e) *Wall signs.*

- i. Wall signs shall not project beyond the building face by more than six (6) inches.
- ii. Wall signs shall not exceed a sign area of 40 square feet or five percent of the wall face, whichever is less, on each street facing wall.
- iii. The maximum wall sign height shall be four (4) feet.
- iv. Wall signs shall only be located on property in commercial or industrial zoning areas.
- v. Each building tenant shall be limited to one wall sign on each street facing wall.

Section 17. Nonconforming signs.

(a) Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within ninety (90) days of the effective date of this ordinance the owner of the non-conforming sign or his designee registers the sign with the city. Such registration shall contain the information listed in Section 4 and shall specify the sign being registered as non-conforming and shall state that the sign was completely installed before the effective date of this ordinance. The payment of a fee is not required for the registration of a non-conforming sign. Non-conforming signs shall be permitted until one of the following conditions occurs:

- i. The deterioration of the sign or damage to the sign makes it a hazard or unsightly;
- ii. Ninety (90) days has expired from the effective date of this ordinance without the sign being registered.

(b) No change in shape, size or design, shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance.

(c) A non-conforming sign may not be replaced by another non-conforming sign except where changed conditions beyond the control of the owner render the sign non-conforming or warrant the sign's repair.

Section 18. Variances.

Where a literal application of the terms of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted where all the following conditions exist:

- (a) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area.
- (b) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated.
- (c) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
- (d) The exceptional circumstances are not the result of action by the applicant.
- (e) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
- (f) Granting the variance would not result in allowing a sign that interferes with the safe and orderly movement of traffic.

Section 19. Exemptions.

- (a) Signs erected by a public officer in the performance of his duties, including but not limited to: public notices, safety signs, danger signs, traffic and street signs, memorial plaques, and historical markers shall be exempt from the provisions of this ordinance.
- (b) Temporary signs erected by the City to advertise special events within the city.

Section 20. Illumination.

Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference.

Section 21. Enforcement and Penalties.

- (a) All signs (including supports, brackets, guys and anchors) shall be of sturdy construction and maintained in a good, clean, neat, safe, and orderly appearance. The city may, after due notice, issue a citation to any permittee for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has not been properly maintained. The city shall give the permittee ten (10) days to rectify the condition or remove the sign before issuing a citation.
- (b) The city may issue a citation for violation of this ordinance by any sign erected, altered, converted, or used in violation of this ordinance.
- (c) Any person violating any provision of this ordinance shall be guilty of an offense and upon conviction, shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day shall constitute a separate offense.
- (d) Any prohibited sign is subject to impoundment without notice to the owner.
- (e) The owner of an impounded sign or sign structure may recover the sign upon the payment of \$50.00 for each sign plus the costs of removal. In the event it is not claimed within ten days from the date of impoundment, the Code Enforcement Officer has the authority to dispose of such sign or sign structure without compensation to the owner.

Section 22. Severability.

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The city governing authority declared that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

Section 23. Conflicting Ordinances.

Any ordinance or any portion of an ordinance that conflicts with this Ordinance is hereby revoked.

Section 24. Effective date.


The effective date for this ordinance shall be November 1, 2013. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

II. All acts or parts of acts inconsistent herewith shall remain of full force and effect.

III. This ordinance will become effective upon adoption by the City Council as provided by the Charter of the City of City of Sky Valley.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 21st day of October, 2013.

Approved:



James Martindale, Mayor


Neil Howard, Council President


Liz Carr, Councilor


Bob Larsen, Councilor


Maureen Platt, Councilor


David Whatley, Councilor

Attest:


Mandi Cantrell, City Clerk