

**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, Signs, 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. The chief building official shall be responsible for enforcing the guidelines set forth in the Standard Building Code and the National Electric Code.

- A. Signs, notices, traffic signs, official flags and emblems erected by or on order of governmental jurisdictions.
- B. 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.
- C. Incidental Signs: Signs that are utilized for the purpose of giving direction or information that are visible from the public right of way and are intended to attract the attention of passing motorists are limited to 6 square feet per sign face and 3 feet in height. Limited to one per curb cut. No advertising text may be affixed. Similar signs that are not visible from the public right of way and are intended to attract the attention of patrons or visitors to the site are limited to 20 square feet per sign face and 6 feet in height.
- D. 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.
- E. Delivery receptacles for mail and newsprint deliveries.

- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. Building addresses and emergency information.
- K. Inflatable devices or balloons.
- L. 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-premises outdoor advertising signs, or 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

M. Panel Replacements: The changing of a sign face or panel in or on an existing approved sign or a legally nonconforming sign shall not require a sign permit. However, if the proposed panel replacement creates a need for structural repair or causes a change in the size, shape, location, or design of the sign, then a sign permit shall be required to bring the sign into compliance with the requirements of this article.

N. A-Frame signs placed on private property, directed toward pedestrians, and used for internal advertising or directional purposes. Such signs shall not be intended to attract the attention of passing motorists on the public right-of-way. A-Frame signs shall be allowed according to the following conditions:

1. Signs shall be located more than 10 feet away from any property line.
2. The sign must be within 15 feet of the front door of the place of business.
3. Each storefront is allowed one sign and in no case shall a business be allowed more than one sign.
4. The location of the sign must not block or restrict passageway along the sidewalk to less than four feet in width, block the ingress/egress to any building, interfere with vehicular traffic flow, or block required parking spaces.
5. The sign is limited to a maximum area of 10 square feet and a maximum height of 4 feet.
6. The sign must be adequately weighted and shall not be illuminated, animated, or electrically powered in any way. Signs must be made of durable materials designed to withstand exterior conditions.
7. The sign is allowed only during the advertising entity's business hours and must be moved inside when the business is not open.
8. All signs must be located on an adjacent sidewalk.

**Section 2:** 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 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:** 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:**

Rusty Roth  
**Rusty Roth, Planning & Zoning Manager**  
**Director of Development Services**

**Approved as to Form:**

Doug Haynie  
**Doug Haynie, City Attorney**

**Approved by City Council:**

**DATE:** November 14, 2012

**APPROVED:**

R. Steve Tumlin, Jr.  
**R. Steve Tumlin, Mayor**

**ATTEST:**

Stephanie Guy  
**Stephanie Guy, City Clerk**