

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2013-Z-001

AN ORDINANCE TO AMEND ARTICLE 11 OF THE 1992 ZONING ORDINANCE OF CHEROKEE COUNTY TO MODIFY CERTAIN REGULATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County;

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance;

WHEREAS, the Cherokee County Board of Commissioners (the "Board") finds that it is in the public interest to amend certain provisions of Article 11 of The 1992 Zoning Ordinance of Cherokee County;

WHEREAS, a notice of public hearing was duly published as required by O.C.G.A. § 36-66-4; and

WHEREAS, pursuant to O.C.G.A. § 36-66-4, a public hearing by the Board of Commissioners was held on June 4, 2013, after public notice as required by law, at which time owners of property affected and other citizens of the county were given the opportunity to attend and comment;

BE IT ORDAINED by the Cherokee County Board of Commissioners and it is hereby enacted pursuant to the authority of the same that The 1992 Zoning Ordinance of Cherokee County is hereby amended as follows:

SECTION 1. ARTICLE 11 AMENDMENTS.

Section 11.3 Variances

Strike: ~~Variances from the provisions of this article may be requested.~~

Insert: "Variances other than with respect to the frequency by which the image on an electronic sign may change may be requested."

Section 11.4 Definitions

Add the following definitions in appropriate locations by alphabetical order:

ANMATED ILLUMINATION OF EFFECTS - means illumination or effects with action, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right of way. This definition does not include electronic message signs as permitted within this article.

DISTANCE - The measurement in lineal feet from the closest point of a sign to the nearest property line or to the closest point of another sign, as the case may be.

ELECTRONIC SIGN - A sign whose message may be changed at intervals by computer controller, microprocessor controller or remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type of panels or screens, including devices known as commercial electronic message signs and similar devices

FLAGPOLE - A permanently anchored pole on which a flag is hoisted and displayed.

FLASHING - A pattern of changing light illumination where the light intensity alternates suddenly during display of a message for the purpose of drawing attention to the sign. The term "flashing" excludes Electronic Signs operated in conformity with this ordinance.

FRAME EFFECT - A visual effect on an Electronic Sign which depicts movement, fading, mosaic flips, wipes, or other changing effects associated with the transition from one static message to another.

Amend the following existing definitions as follows:

ANIMATED SIGN - Any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any lights (or lighting devices) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically, including any electronic sign which contains anything other than static messages or changes its message more often than permitted by this ordinance.

FLAG - Any fabric, banner, or bunting or other flexible material containing distinctive colors, patterns, standards, words, or symbols, used as a symbol of an organization, a government, political subdivision or other entity.

FREESTANDING SIGN - Any sign, which is physically independent from any building or other structure and is entirely, supported by structures that are permanently at or below ground level.

RESIDENTIAL DISTRICT - Includes all land zoned R-80, R-40, R-30, R-20, R-15, RD3 RTH, RZL, RM-10, RM-16, and PUD-Residential.

Section 11.5 General Provisions

Amend as follows:

11.5-3 Lighting Requirements:

(D) Signs with flashing, intermittent or animated illumination or effect shall be excluded from all districts provided, however, time and weather informational signs, official warning or regulatory signs and electronic signs which are operated in conformity with this article, shall be exempt from this requirement.

Add new section:

11.5-5 Additional Requirements:

L. Electronic signs. Electronic signs may be used in accordance with the following provisions, provided that legal non-conforming freestanding signs shall not be converted to electronic signs except in accordance with the provisions of this article.

1. The following shall apply to all electronic signs:
 - a. Electronic signs shall only be used as freestanding signs and shall not be allowed as canopy, wall or awning signs as defined in this ordinance.
 - b. Electronic signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
 - c. Electronic signs must operate within brightness levels as established in this ordinance.
 - 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. The owner of said electronic sign shall provide to the Development Service Director, information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
 - f. In the course of processing a complaint, the staff of Cherokee County may request a certification of the brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within 24 hours of a request by the staff of Cherokee County, shall turn off the sign until the brightness of the

sign is corrected to comply with this ordinance at owner's expense.

- g. Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this ordinance.
- h. No electronic sign shall utilize, house or contain any interactive features or components, or function as an interactive sign.
- i. Electronic signs shall not be allowed in residential zones, except for churches which shall abide by paragraph 2 below.

- 2. Electronic signs located on non-residentially zoned property: Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on non-residentially zoned property, provided that each such electronic sign shall comply with the following requirements in addition to and in conjunction with those specified in subsection (1) hereinabove:

- a. Must be located on a property/lot with at least 200 feet of public road frontage on one road (if abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that may be permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.
- b. Electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than two electronic sign areas per sign.
- c. Each individual static message must be displayed for not less than 60 seconds.
- d. Electronic signs located on non-residentially zoned property may not operate at brightness levels of more than 0.20 foot candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.
- e. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.1 foot candles above ambient light levels (at measurement conditions) as measured at the nearest portion of such residential structure.

- 3. Notwithstanding any provisions otherwise providing for variance to the terms and limitations in the zoning ordinance, the limitation on the frequency by which the image on an electronic sign may change shall not be subject to variance other than by amendment to this section.

Section 11.6 Prohibited Signs

Amend as follows:

4. Rotating or animated signs involving motion or sound including those that flash, blink, change image, or show any form of movement, excluding electronic signs as allowed by this article, historic signs and those officially designated for public service.

Section 11.7 Exempt Signs

Repeal 11.6-6 Flags and replace with the following:

6. Flags.

- (a) Each lot shall be allowed a maximum of three (3) flagpoles with a maximum height of 30 feet each unless a variance is obtained pursuant to the Zoning Ordinance.
- (b) A maximum of two (2) flags shall be allowed per flagpole.
- (c) A vertical flagpole must be set back from the property boundaries a distance which is at least equal to the height of the flagpole.
- (d) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (e) *Official flags or insignias.* Flags or insignias of the United States, the state or any other nation, state or government. Such flags or insignias shall be flown in compliance with the standards applicable under state and federal law. Flags or insignias of the United States, the state or any other nation, state or government shall not be used for the purpose of advertising, selling or promoting the sale of any good or service.
- (f) *Other flags or insignias.* Flags or insignias other than official flags or insignias, shall be limited to one per lot and shall not exceed 40 square feet in area.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall be effective as of the date of adoption.

SECTION 3. SEPARABILITY. If any section, subsection sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional of any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

ENACTED THIS 4th DAY OF June, 2013.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

BY: 
L.B. Ahrens, Chairman

ATTEST: 
Christy Black, County Clerk

(SEAL)



Article 11 – Signs and Outdoor Advertising**11.1 Objectives and Purpose**

This article, which shall be known and may be cited as the Cherokee County Sign Ordinance, is to establish requirements for the placement, installation, and maintenance of signs in order to protect and promote the health, safety, welfare, and general well being of the citizens of Cherokee County. The zoning regulation of the placement, construction, maintenance of buildings and structures is a valid use of the police power, including the regulation of the placement, installation, and maintenance of signs. Signs must ordinarily be considered structures, and are capable of producing many of the same nuisances as are produced by buildings. The intent of this article to regulate the size, height and number of signs in such a manner as to protect and preserve the aesthetic qualities of the county while promoting traffic safety without causing unsafe conditions.

The Planning and Zoning Office will only oversee the number of signs, height, size and placement of signs. Cherokee County makes no determination or permits signs in regard to on-site or off-site locations. With these objectives and purposes in mind, the intention of this article is to authorize the use of signs that:

1. Are compatible with their surroundings in terms of zoning, existing land use, and architectural characteristics.
2. Are legible and compatible with the type of lawful activities to which the signs pertain in such a manner as to express the identity of the individual properties and/or of the county as a whole.

In addition, the regulation of signs within the county is necessary and in the public interest:

1. To protect property values within the county.
2. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs.
3. To promote the economic well being of Cherokee County by creating a favorable physical image.
4. To improve the legibility and effectiveness of all permitted signs.
5. To allow individuals equal and fair opportunity to advertise and promote their products and services without discrimination.
6. To eliminate excessive signage.
7. To protect the right of citizens to enjoy Cherokee County's natural scenic beauty.
8. To encourage the economic development within the county.

9. To regulate the construction, erection, maintenance and size of signs that may constitute a direct danger to pedestrians and property.
10. To preserve and promote the public health, safety and welfare in Cherokee County.

11.2 Jurisdiction and Applicability of Code Requirements

- A. This article shall apply to all properties within the unincorporated areas of Cherokee County, Georgia. This article shall not relate to the copy or message on a sign within the unincorporated areas of Cherokee County.
- B. All signs and other advertising structures shall be constructed and maintained in conformance with the building and electrical codes adopted by Cherokee County.
- C. If any provisions or requirements of this article are in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule or other governmental regulation or any kind, the more restrictive rule or standard takes precedence.

11.3 Variances

Variances other than with respect to the frequency by which the image on an electronic sign may change may be requested. All such variances shall be considered and decided by the Cherokee County Zoning Board of Appeals in accordance with officially adopted procedures and standards contained in the Cherokee County Zoning Ordinance.

11.4 Definitions

Words and phrases used in this ordinance have the meanings defined in this section. In addition, words and phrases not defined in this section, but defined in the Zoning Ordinance of the county shall be given the meanings as set forth in such ordinance.

ABANDONED SIGN - A sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona-fide business, lessor, owner, product or service where such sign and/or sign structure is located.

ADVERTISE – To call the attention of the public to a product, business and/or event.

ADVERTISING DEVICE - Any structure or device situated on or attached to real property that is erected or intended for the purpose of advertising.

AIR AND GAS FILLED DEVICE - Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

ANMATED ILLUMINATION OF EFFECTS – means illumination or effects with action, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video.

ANIMATED SIGN - Any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any lights (or lighting devices) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically, including any electronic sign which contains anything other than static messages or changes its message more often than permitted by this ordinance.

AREA OF SIGN (COPY AREA) - The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

BANNER - A sign hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. This excludes flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations providing that such flags, emblems and insignia are displayed for non-commercial purposes.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BENCH SIGN - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

BILLBOARDS – Freestanding signs or structures for the display of advertisements in public places or highways. All regulations relating to freestanding signs should apply.

BUILDING MARKER - Any sign indicating the name of a building, the date and incidental information about its construction and is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN - Any sign attached to any part of a building other than a freestanding sign.

CANOPY - Any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

CANOPY SIGN - Any sign attached to, or made a part of the front, side, or top of a canopy.

COMMEMORATIVE SIGNS – Any sign that honors the memory of or serves as a memorial to commemorate.

COMMERCIAL MESSAGE - Any wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL OFFICE CENTER - A single parcel of land containing two (2) or more businesses or establishments, including all forms of retail, wholesale and services.

CONSTRUCTION SIGN – A sign announcing the proposed or existing construction of a building or project.

COPY - The wording or graphics on a sign surface in either permanent or removable form.

DIRECTIONAL SIGN - An unofficial or non-standard traffic control sign, containing no commercial message except logos, intended to direct or regulate the movement of traffic and/or pedestrians. This includes, but is not limited to, 'enter', 'exit', 'drive through', and directional arrow signs. These signs may be freestanding or mounted on a building.

DIRECTORY SIGN - A sign, which gives the name and/or occupation of the occupants of a building or identifies the particular use of a building.

DISTANCE – The measurement in lineal feet from the closest point of a sign to the nearest property line or to the closest point of another sign, as the case may be

ELECTRONIC SIGN - A sign whose message may be changed at intervals by computer controller, microprocessor controller or remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type of panels or screens, including devices known as commercial electronic message signs and similar devices.

EMERGENCY SIGN – A sign erected by a governmental agency, a public utility company, or a contractor performing work within any right-of-way.

ERECT - To build, construct, attach, hang, place, suspend, paint or affix.

ESTABLISHMENT - A commercial, industrial, institutional, educational, office, business or financial entity.

FLAG - Any fabric, banner, bunting or other flexible material containing distinctive colors, patterns, standards, words, or symbols, used as a symbol of an organization, a government, political subdivision or other entity.

FLAGPOLE – a permanently anchored pole on which a flag is hoisted and displayed.

FLASHING – A pattern of changing light illumination where the light intensity alternates suddenly during display of a message for the purpose of drawing attention to the sign. **The term “flashing” excludes Electronic Signs operated in conformity with this ordinance.**

FLASHING SIGN - (See Animated Sign)

FRAME EFFECT - A visual effect on an Electronic Sign which depicts movement, fading, mosaic flips, wipes, or other changing effects associated with the transition from one static message to another.

FREESTANDING SIGN - Any sign, which is physically independent from any building or other structure and is entirely, supported by structures that are permanently at or below ground level.

FRONTAGE, BUILDING - The length of an outside building wall facing a street.

FRONTAGE, STREET - The length of the property line of any one parcel along a street on which it borders.

GROUND SIGN - A freestanding sign which has no space between the signage copy area and the ground surface.

HISTORIC SIGN - Any animated neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the Historic Preservation Commission. Extensions, additions and embellishments are not considered part of a historic sign.

HOME OCCUPATION SIGN - A sign for a legally permitted home occupation on a residential parcel of land, with advertising for services legally offered on the premises where the sign is located.

IDENTIFICATION SIGN - A sign depicting the name of a building and/or the address of an establishment on the premises where the sign is located. The name and/or address may be included as part of another signage type.

ILLUMINATED SIGN - A sign which contains an internal source of light or which is designed or arranged to reflect light from an artificial source.

INCIDENTAL SIGN - A general information sign that is secondary to the use of the parcel on which it is located. This includes credit cards accepted, official notice of services as required by law, trade affiliations, business hours, "telephone", "self-service" and other related information. These signs are typically located on doors, windows or building walls.

INSTRUCTIONAL SIGN - A sign that has the purpose of giving instruction, direction or an order.

KIOSK SIGN – A free-standing and multiple sided structure owned by the County and located in public rights-of-way that displays directional information to residential and commercial developments.

MANSARD SIGN - Any sign attached to or erected within 12 inches of an actual or simulated mansard of a building, with the sign face parallel to and within the limits of the building, not deemed to be a roof sign.

MONUMENT SIGN - A permanent sign, other than a freestanding pole sign, placed upon or supported by the ground independent of any other structure and constructed of stone, concrete, masonry, stucco or equal architectural material.

MOVING SIGN - (See Animated Sign)

NONCONFORMING SIGN (LEGAL) - Any advertising device or sign, including billboards, which were legally erected and maintained prior to the adoption or amendment of this ordinance, but no longer comply. Legal nonconforming signs require just compensation under the Highway Beautification Act for removal.

NON-PROFIT ACTIVITY - An activity, project, operation or enterprise of a temporary nature carried on by a corporation or an organization qualified as an exempt organization under applicable provisions of the Internal Revenue Code.

PAINTED WALL SIGN - Any sign that is applied with paint or similar substance on the face of a wall.

PARCEL (LOT) - (BUSINESS LOT) - Any standard lot or parcel of land, the boundaries of which, have been established by a recorded legal instrument and is recognized and intended as a unit for the purpose of transfer of ownership. The said parcel being duly recorded with the Clerk of Superior Court, Cherokee County.

PERMANENT SIGN - A sign permanently affixed to a building or the ground.

PERSON - Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PORTABLE SIGN - Any sign supported by its own frame or trailer, with or without wheels, that is designed to move from one place to another.

PREMISES - An area of land with appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINCIPAL BUILDING - The building with the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory are not considered principal buildings.

PROJECTING SIGN - Any sign affixed to a building or wall, which horizontally extends more than twelve inches beyond the surface of a building or wall.

PUBLIC SERVICE SIGN - A sign designed to render a public service such as 'time and temperature' and 'flashing news' signs.

PUBLIC SIGNS - A sign erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, direct or regulate pedestrian or vehicular traffic.

REAL ESTATE SIGN - A temporary sign erected by the owner, or agent, advertising the real property upon which the sign is located for rent, lease, or sale.

RESIDENTIAL DISTRICT - Includes all land zoned R-80, R-40, R-30, R-20, R-15, RD3 RTH, RZL, RM-10, RM-16, and PUD-Residential.

REVOLVING SIGN - (See Animated Sign)

ROOF SIGN - Any sign erected, constructed, and maintained upon or over the roof of any building and projecting above the roof line.

ROOF SIGN (INTEGRAL) - Any sign erected or constructed as an integral part of a normal roof structure of any design. No part of the sign can extend vertically above the highest portion of the roof and no part of the sign can be separated from the rest of the roof by a space of more than six inches.

SETBACK - The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIDEWALK, SANDWICH OR A-FRAME SIGN - A sign which is normally in the shape of an 'A' or some variation, which is usually two-sided.

SIGN - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or any emblem, painting, flag, banner, pennant, balloon, or placard designed to advertise, identify, or convey information.

SIGN FACE - The portion of a sign on which the copy is placed.

SIGN NUMBER - For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed, to form a single unit. In cases where material is displayed in a random or unconnected manner or where there is reasonable doubt as to the intended relationship of such components, each component is considered to be a single sign. A projecting sign and both sign faces being less than 42 inches apart shall be construed as a single sign.

SIGN STRUCTURE - Any construction used or designed to support a sign.

SNIPESIGN - A sign of any material that is attached in anyway to a utility pole, tree, fence, rock, or any other similar object located on public or private property. Snipe signs do not include 'keep out', 'posted' or 'no trespassing' signs.

STREET - Any public or private right-of-way for automobile use. This excludes alleyways, parking lots and driveways.

STREET FRONTAGE - The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

SUBDIVISION SIGN - Any sign designed to identify a subdivision, neighborhood, or residential complex.

TRAFFIC CONTROL SIGN - A standard sign or electronic device (such as a traffic signal, stop sign, one way, handicap, no parking, fire lane, etc.) For the purpose of directing or regulating traffic and/or pedestrians.

UNDER CANOPY SIGN - A sign that is suspended from the underside of a canopy (including awnings and marquees), is perpendicular to the wall surface of a building, and whose copy is not clearly visible from a public right-of-way.

UNLAWFUL SIGN (ILLEGAL SIGN) - Any sign erected without a permit when a permit for the sign was otherwise required by this ordinance or previously adopted ordinance or code. A permitted sign which has not been properly erected in accordance with the permit application and approved sign permit or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation, or abandonment and so declared by the building official.

WALL FACE - A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

WALL SIGN - Any sign affixed or attached to a wall of a building, extending no more than 12" beyond the wall and which displays only one sign surface.

WINDOW SIGN - Any sign, excluding identification and incidental signs, placed inside or upon a window, containing a commercial message, and intended to be seen from the exterior.

11.5 General Provisions

11.5-1 Permitting Requirements:

A. Except as specifically exempted from the provisions of this article, a person or firm may not legally post, display, enlarge, erect, move or substantially change a sign without first obtaining a sign permit from the zoning administrator or his designee. A change in the copy only of a sign or advertising device does not constitute a substantial change.

B. Permit Application. Applications for sign permits shall be filed by the sign owner or his agent with the zoning administrator or his designee upon forms furnished by the county. Applications shall describe and justify the following:

1. The type and purpose of the sign as defined in this ordinance.

2. The value of the sign.
3. The street address and zoning designation of the property where the sign is to be located and the proposed location of the sign on the property.
4. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
6. Written consent of the owner, or his agent, granting property upon which the subject sign is to be located.
7. For ground signs: a site plan drawn to scale, showing the proposed location of all primary and accessory ground sign(s) on subject property. The site plan includes a closed boundary survey of the property, gross acreage, the proposed sign location, street right-of-way lines, public or private easements, driveway locations and parking spaces.
8. For all signs: A sketch or print drawn to scale showing all dimensions with pertinent information such as wind pressure requirements and display materials in accordance with the Standard Building Code as adopted by Cherokee County.
9. Name, address, phone number and business license number of the sign contractor.
10. All applicants for electrical signs must obtain an electrical permit.
11. A written agreement to indemnify and hold the county harmless of all damages, demands or expenses of every type which may in any manner be caused by the sign or sign structure.

C. Fees. No permit shall be issued until the appropriate application has been filed with the zoning administrator or his designee and permit fees have been paid as adopted by the Board of Commissioners and as amended from time to time.

D. The zoning administrator or his/her designee shall grant a completed application if the proposed sign meets the requirements of this article.

E. The zoning administrator or his/her designee shall provide written notice of the granting or denial of an application with thirty (30) business days following submission of a completed application. In the event no action is taken within thirty (30) business days, the application shall be deemed granted.

F. Permit Expiration. A sign permit shall become null and void if construction of the sign has not begun within a period of two (2) months from the date of issuance and

completed within six (6) months from the date of issuance. Issuance of a sign permit shall in no way prevent the county from later declaring the sign to be nonconforming or unlawful with further review of available information, the sign is found not to comply with the requirements of this ordinance.

E. Identification Label. With each sign permit, the Zoning Administrator or his designee shall issue a label bearing the same number as the sign permit with which it is issued. The duty of the permittee or his agent is to affix such to the sign or its supporting structure in such a manner as to be visible from a street right-of-way.

11.5-2 Construction, Maintenance Requirements:

A. Erecting or placing any sign that does not conform to the requirements of this ordinance is unlawful.

B. All signs for which a permit is required, together with all their supports, braces, guys and anchors shall be kept in constant repair. Signs shall be kept clean, neatly painted and maintained at all times so as not to be detrimental to public health and safety.

C. No trash shall be allowed to accumulate in the area around a sign and all weeds shall be kept out.

D. Removal of abandoned signs. Any structure formerly used as a sign, but not in use for any other purpose, must be removed by the owner of the property within thirty (30) days after written notification from a designated official of Cherokee County or sixty (60) days after its use as a valid sign has ceased. After which time, the county may cause the removal of the sign at the property owner's expense.

11.5-3 Lighting Requirements:

A. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other such adverse effect on traffic shall not be erected or maintained.

B. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. Lighting shall not be directed skyward.

C. No illuminated signs shall be constructed or maintained within fifty (50) feet of any residential district or dwelling, except within the TND district.
(Ord. No. 2007-Z-002, 08-07-07)

D. Signs with flashing, intermittent or animated illumination or effect shall be excluded from all districts provided, however, time and weather informational signs, official warning or regulatory signs and electronic signs which are operated in conformity with this article, shall be exempt from this requirement.

E. No sign shall be erected which simulates an official traffic control or warning sign in such a manner as to confuse or mislead the motoring public or hide from view any traffic or street sign or signal.

11.5-4 Height Requirements:

The height requirements of a sign shall be computed as the distance from the base of the sign at normal grade to the highest attached component of the sign or sign structure, whichever is higher. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. Cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade, at the base of the sign, is equal to the elevation of the nearest point of the crown of a public road. In addition, the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Refer to Table 11.1 for specific height limits and requirements.

11.5-5 Additional Requirements:

A. The owner shall remove any sign relating to a business or other use located on the same lot within 30 days after vacating the premises.

B. Real estate signs shall be removed within ten days of the sale, rental or lease of the property advertised; however, the use of a 'SOLD' attachment to a sign pending the completion of a sales transaction shall not be construed as a sale.

C. Campaign signs shall be removed within thirty (30) days of the election or any runoff election.

D. No sign shall be erected or maintained which obstructs any fire escape, any means of escape or ventilation, or which prevents free passage from one part of a roof to any other part thereof; nor shall any sign be attached in any form, shape or manner to a fire escape.

E. No sign shall be erected, maintained, painted, drawn or attached to any utility pole, fence, rock, tree or any other natural feature.

F. It shall be unlawful to post any signs or advertisements on any building, fence or other property belonging to another person without the written consent of the owner thereof. Such consent shall be included with the sign permit application.

G. Signs erected for the purpose of identifying a premise shall not also contain advertising except that of the use identified.

H. All signs shall be located on or over private property only, except those specifically permitted by this article.

I. All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal or device.

J. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities in accordance with National Electrical Code specification. In no case shall any sign be installed within five (5) feet horizontally or vertically from an overhead utility line or utility guy wire.

K. Corner Visibility Clearance: In any distance, no sign or sign structure (above the height of three feet) shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extending of two streets, or of a street intersection with a railroad right-of-way. However, a sign structure, if not more than ten (10) inches in diameter located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area. This is provided if all other requirements of this article are met and the lowest elevation of the sign surface is at least ten (10) feet above the ground level.

L. Electronic signs. Electronic signs may be used in accordance with the following provisions, provided that legal non-conforming freestanding signs shall not be converted to electronic signs except in accordance with the provisions of this article.

1. The following shall apply to all electronic signs:
 - a. Electronic signs shall only be used as freestanding signs and shall not be allowed as canopy, wall or awning signs as defined in this ordinance.
 - b. Electronic signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition.
 - c. Electronic signs must operate within brightness levels as established in this ordinance.
 - 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. The owner of said electronic sign shall provide to the Development Service Director, information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
 - f. In the course of processing a complaint, the staff of Cherokee County may request a certification of the brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this

investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within 24 hours of a request by the staff of Cherokee County, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at owner's expense.

- g. Any electronic sign whose face or structure is physically removed for whatever cause must alter the sign to comply with this ordinance.
- h. No electronic sign shall utilize, house or contain any interactive features or components, or function as an interactive sign.
- i. Electronic signs shall not be allowed in residential zones, except for churches which shall abide by paragraph 2 below.

- 2. Electronic signs located on non-residentially zoned property: Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on non-residentially zoned property, provided that each such electronic sign shall comply with the following requirements in addition to and in conjunction with those specified in subsection (1) hereinabove:

- a. Must be located on a property/lot with at least 200 feet of public road frontage on one road (if abutting more than one public road, sign may only be erected along a road with more than 200 feet of frontage) and cannot be within 200 feet of another electronic sign that may be permitted on the same property/lot. For the purposes of measurement, mitered corners will not be included in road frontage calculations.
- b. Electronic messaging portion of sign shall not exceed 32 square feet per allowable sign area and may not have more than two electronic sign areas per sign.
- c. Each individual static message must be displayed for not less than 60 seconds.
- d. Electronic signs located on non-residentially zoned property may not operate at brightness levels of more than 0.20 foot candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.
- e. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.1 foot candles above ambient light levels (at measurement conditions) as measured at the nearest portion of such residential structure.

- 3. Notwithstanding any provisions otherwise providing for variance to the terms and limitations in the zoning ordinance, the limitation on the frequency by which the image on an electronic sign may change shall not be subject to variance other than by amendment to this section.

11.6 Prohibited Signs

The following signs and advertising devices are prohibited within the unincorporated portions of Cherokee County.

1. Signs, which advertise or encourage an illegal activity as defined by local, state or federal laws.
2. A-frame, sandwich type, sidewalk or curb signs.
3. Swinging or projecting signs except as permitted in the TND district.
(Ord. No. 2007-Z-002, 08-07-07)
4. Rotating or animated signs involving motion or sound including those that flash, blink, change image, or show any form of movement, excluding electronic signs as allowed by this article, historic signs and those officially designated for public service.
5. Signs that resemble any official traffic control device or emergency vehicle markings.
6. Portable signs. (mobile, trailer)
7. Flags, banners, streamers, tethered balloons or other inflatable signs or figures, except as authorized by this regulation (grand opening permit process).
8. Signs that make use of the words 'stop', 'go', 'slow', 'caution', 'danger', 'warning' or similar words, phrases, symbols or character in such a manner as to interfere with, mislead or confuse automobile traffic except construction signs or barricades and except when the words are incorporated in the permanent name of a business.
9. Courtesy benches, waste containers or other forms of street furniture on which advertising is displayed.
10. Snipe signs.
11. Search lights and beacons.
12. Signs attached to or painted on vehicles of any type, which are conspicuously parked in proximity to a right-of-way and obviously parked in such a way as to advertise any business or service to motorists or pedestrians.
13. Signs that emit visible smoke vapor particles or odor.

11.7 Exempt Signs

Except as otherwise provided, the following on-premise signs may be erected without securing a permit. Such exempt signs shall not be considered in determining the allowable number or size of signs on a zoning lot. However, the signs must comply with

all other applicable sections of this article and applicable codes and regulations. The erection of any sign not listed in this section shall require a permit.

1. One (1) professional name plate for each establishment. Each professional nameplate shall not exceed two (2) square feet in area.

2. One (1) separate identification sign for each establishment when affixed to a building wall or window and limited to a maximum size of two (2) square feet. The purpose of this sign is to identify the establishment's property number (address), suite or unit number, post office number, etc.

3. One (1) informational bulletin board for public, charitable, educational or religious institutions when located on the premises of said institution and affixed to a building wall. Bulletin boards may not exceed thirty-two (32) square feet in area and shall be located in such a manner that said bulletin board will satisfy the required setback requirements for the zoning district in which the bulletin board is located.

4. Traffic, directional, warning or official notices that otherwise meet the location, size and height requirements of the ordinance.

5. One (1) non-illuminated temporary real estate sign per street frontage and provided as follows:

(a) Maximum sign area shall be limited to four (4) square feet with a maximum height of eight (8) feet.

(b) Multiple listing strips, sale pending and sold signs may be allowed when attached to a real estate sign and are subject to the same maximum area and maximum height requirements.

(c) One (1) on-premise open house or open for inspection sign, not exceeding four (4) square feet in area with a maximum height of eight (8) feet, may be allowed in addition to the above requirements.

(d) All the temporary real estate signs shall be removed within thirty (30) days after ownership or occupancy has changed.

(e) In agricultural zoned districts with parcels greater than ten (10) acres, the maximum sign area is 32 square feet with a maximum height of eight (8) feet.

(f) Real Estate brochures/information boxes may be allowed with a maximum of 1 brochure/information box per parcel of land.

6. Flags.

(a) Each lot shall be allowed a maximum of three (3) flagpoles with a maximum height of 30 feet each unless a variance is obtained pursuant to the Zoning Ordinance.

(b) A maximum of two (2) flags shall be allowed per flagpole.

(c) A vertical flagpole must be set back from the property boundaries a distance which is at least equal to the height of the flagpole.

(d) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.

(e) *Official flags or insignias.* Flags or insignias of the United States, the state or any other nation, state or government. Such flags or insignias shall be flown in compliance with the standards applicable under state and federal law. Flags or insignias of the United States, the state or any other nation, state or government shall not be used for the purpose of advertising, selling or promoting the sale of any good or service.

(f) *Other flags or insignias.* Flags or insignias other than official flags or insignias, shall be limited to one per lot and shall not exceed 40 square feet in area.

7. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

8. Non-advertising directional signs or symbols not exceeding two (2) square feet designed to direct and inform the public as to location or direction to a parcel of private property (e.g., entrance, exit, caution, slow, no trespassing, service areas or loading and unloading areas).

9. Signs for temporary garage sales, yard sales, and the like, located in residential districts and subject to the following provisions:

(A) On-premise signs shall be limited to one (1) sign per parcel of property.

(B) The maximum area of the sign shall be four (4) square feet and the maximum height shall be eight (8) feet.

(C) Signs must be removed at the close of the sale.

(D) Weekend Directional Signs (WEDS):

Definition: WEDS shall convey directions to a specific, time-limited weekend place or event. For example: Premises that are for sale or lease, a church or community gathering, yard sales, moving sales, estate sales, etc.

Zoning Districts: WEDS shall be allowed in all zoning districts.

Time Allowed: WEDS shall be allowed from 3:00 p.m. on Friday to 7:00 a.m. on Monday. The responsibility to remove all WEDS prior to 7:00 a.m. Monday is of the sign owner.

No Permit Req. WEDS do not require a permit or a permit fee. However, written permission of the property owner must be provided to the Cherokee County Planning and Zoning Department indicating that the property owner acquiesces to the erection of the WEDS sign on his or her property. Further, each sign shall prominently display identification issued by the Cherokee County Planning and Zoning Department indicated the property owner's permission and the sign location.

Construction: WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, street light poles, utility poles, other signs or other sign structures. WEDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.

Location: There shall be only one WEDS. All WEDS must be placed on private property with the owner's permission.

10. Works of art which do not contain a commercial message.
11. Historic signs.
12. Municipal signs.
13. Signs on public transportation vehicles.
14. Signs painted on or otherwise attached to motor vehicles which are not conspicuously parked in proximity to a right-of-way, and obviously not parked in such a way as to advertise any business or service to motorists or pedestrians. This may include signs for realtors, surveyors, engineers, plumbers, electricians, delivery trucks, lawn service, etc.
15. Holiday lights, flags for decorative purposes, including small flagpoles, and other decorations, which do not require a permit and must not exceed sixteen (16) square feet.
16. Signs in the Right-Of-Way

It shall be unlawful for any person to install a sign in any public right-of-way except for the following:

- Public signs

- County owned kiosk signs
- Emergency signs

The Zoning Administrator or his/her designee is hereby authorized to immediately remove any illegal sign located in any public right-of-way.

17. Non-commercial message with a maximum total surface area not to exceed thirty-two (32) square feet per lot. In residential districts and agricultural districts with parcels less than ten (10) acres, each sign will be limited to four (4) square feet with a maximum height of eight (8) feet. In agricultural and residential districts with parcels ten (10) acres or greater and all other districts, freestanding signs are limited to thirty-two (32) square feet with a maximum height of eight (8) feet.

11.8 Permitted Signs by Type and Zoning District

In addition to the signs that are exempt from the permitting requirement, the following signs are allowed with a permit:

1. Commercial and industrial lots are allowed three (3) signs. Only one of the three can be a freestanding sign. A business within a shopping center can have a maximum of two (2) signs. The shopping center is allowed the freestanding sign. Freestanding signs are limited to one hundred twenty (120) square feet with a maximum height of thirty-five (35) feet, and may contain commercial and/or non-commercial speech.

Freestanding Commercial Signs

- (A) Freestanding commercial signs must be primarily of masonry construction compatible with primary building on the site and must be built in "true" monument style.
2. Agriculture and residential districts of ten (10) acres or greater are allowed one (1) freestanding sign limited to thirty-two (32) square feet with a maximum height of eight (8) feet, and may contain commercial and/or non-commercial speech. Agricultural and residential districts of less than ten (10) acres are allowed one freestanding sign limited to four (4) square feet with a maximum height of eight (8) feet.
3. Churches/Clubs & Lodges, Non-Commercial – One freestanding sign per lot. In agriculture/residential districts/uses (AG, R-80 to TND), freestanding signs will be limited to thirty-two (32) square feet with a maximum of eight (8) feet in height. In non-residential districts, (Commercial/Industrial) freestanding signs will be limited to one hundred twenty (120) square feet with a maximum height of thirty-five (35) feet, and may contain commercial and/or non-commercial speech.
4. Subdivisions – Signs for the identification of a subdivision must be monumental (brick, stone, stucco, or masonry). Two signs are allowed on either side of the entrance with the height a maximum of ten (10) feet. The copy area has a total maximum of 64 square feet for both or a maximum of 32 square feet per side

entrance. There are to be no signs on islands. However, one double-faced sign is allowed with a maximum of 50 square feet.

5. Temporary Signs - Decorative flags, banners, balloons, bunting for community or non-profit organization celebrations, conventions, commemorations and grand-opening events for a prescribed period of one week.
 - A. A temporary sign must not have flashing lights or copy, moveable parts or colored lights that may closely resemble those of traffic signals, emergency vehicles or airport beacons.
 - B. A temporary sign with copy must not be confused with authorized traffic signs or which may use words, phrases, symbols or characters that may interfere with, mislead or confuse motorists.
6. If the parcel has two street frontages, two freestanding signs are allowed in any zoning district.

11.9 Appeal

1. A person whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the zoning administrator or his/her designee to the Zoning Board of Appeals, pursuant to Article 15 of this Ordinance.
2. The Board shall reach a decision following a public hearing within thirty (30) days.
3. Appeals to the Board of Commissioners are pursuant to Article 15.8. And any decision by the Board of Commissioners must be made within thirty (30) days after the public hearing.
4. Certiorari. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the Board of Commissioners, he/she may petition for writ of certiorari to the Superior Court of County as provided by law.

11.10 Severability and Amendments

It is hereby declared to be the intention of the governing authority that the sections, paragraphs, sentences, clauses and phrases of the Sign Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by judgment or decree of any court of competent jurisdiction, the unconstitutional or invalid phrase, clause, sentence, paragraph or section shall be struck and the remaining phrases, clauses, sentences, paragraphs, and sections shall be effective as if the unconstitutional or invalid portion had not existed.

See Table 11.1, District Requirements for Permanent Signs