

HISTORIC PRESERVATION COMMISSION OF ELLIJAY, GEORGIA



DESIGN POLICIES AND GUIDELINES

AUGUST 2008

DESIGN POLICIES AND GUIDELINES

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I. PROLOGUE/MISSION STATEMENT

Architectural review or design guidelines are an important component of any community's image and should be intended to encourage orderly, creative and compatible development and redesign within the city. The following guidelines are tailored for use within the City of Ellijay (and are intended as guidelines only.)

The objectives or mission of these Design Guidelines include:

- Preserving the historic integrity of the City**
- Protecting public and private investments**
- Helping to maintain the "sense of place" that distinguishes Ellijay and its environment**
- Promoting sensitive, compatible and appropriate renovations and new development to contribute to an existing well-established architectural heritage**

ECONOMIC BENEFITS OF DESIGN GUIDELINES

A study by the University of Georgia demonstrated that historic preservation in cities was "good business". It concluded that a city's historic preservation ethic has quantifiable economic and fiscal impact on a community, contributing financially as well as aesthetically to the overall downtown area. Property values increase in those communities who invest in the preservation of their heritage and image as much as 80 percent in some cases.

DESIGNATED HISTORIC DISTRICT DEFINED:

The area affected by these guidelines will be defined as follows: all commercial, residential and industrial buildings within the designated Historic District as defined by the official map (see Appendix A: HPC Map #6).

II. EXAMPLES OF ARCHITECTURAL STYLES FOUND IN THE CITY OF ELLIJAY



III. ELEMENTS OF DESIGN

SETBACK, MASS AND RHYTHM

There are several ideas that should govern the visual relationship between an infill building and its neighbors:

- **SETBACK** The setback found in downtown Ellijay is generally at the lot line or sidewalk line.
- **PROPORTIONS OF THE FAÇADE** A downtown building should reflect the characteristic rhythm of facades along the street by filling its entire space. If the site is large, the mass of the façade can be broken into a number of smaller bays to maintain a rhythm similar to the surrounding buildings.
- **COMPOSITION** The composition of a façade (the organization of its parts) should be similar to that of surrounding facades. Rhythms that carry throughout the block (such as window spacing) should be incorporated into the new façade.
- **PROPORTIONS OF THE OPENINGS** The size and proportion of window and door openings of downtown buildings should be similar to those on surrounding facades. The same applies to the ratio of window area to solid wall for the façade as a whole.



BUILDING MATERIALS

The primary materials used in the commercial district are brick and stone of different colors, types, and textures. The color and texture of the building materials should be simple and unobtrusive:

- The storefront frame can be wood, cast iron or anodized aluminum.
- The display windows should be clear glass.
- Transom windows can be clear, tinted, or stained glass.

- The entrance door should have a large glass panel and can be made of wood, steel or painted aluminum.
- The bulkheads can be made of wood, cast iron or sheet metal or sometimes the horizontal supporting beam can serve as the supporting cap.
- The side piers should be the same material as the upper story.

Certain materials and design elements should never be used on a traditional commercial building: a mansard roof with wooden shingles, rough textured wood siding, fake bricks or stone and gravel aggregate materials are not appropriate. Horizontal lap siding, wood or synthetic, is not recommended (in most cases) in the commercial district. Existing exterior materials should not be covered by a modern replacement. Vinyl, aluminum or other synthetic siding is not recommended. The covering of buildings with stucco or synthetic stucco surfaces is discouraged. Do not add non-historic or inappropriate ornamental features to a building.

Maintenance:

- Exterior materials should be maintained and preserved.
- Replacements should match the original elements in size, shape and other visual characteristics.



IV. DESIGN GUIDELINES

STANDARDS FOR REHABILITATION

These Design Guidelines apply to exterior changes to buildings within the Historic Preservation District. Interior changes, paint colors or maintenance repairs do not require approval. The property owner must meet with the Ellijay

City Code Enforcement Officer and submit a project plan along with an Application for a Certificate of Appropriateness in order to obtain a Certificate of Appropriateness from the Historic Preservation Commission. The standards are summarized in part here:

1. The historic character of a property shall be retained and preserved. The removal of historic materials or the alteration of features and spaces that characterize a property shall be avoided.
2. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
3. Most properties change over time: those changes that have acquired historic significance in their own right shall be retained and preserved.
4. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
5. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary physical or pictorial evidence.
6. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
7. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
8. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
9. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

FOUNDATIONS

Georgia's historic commercial buildings, especially brick buildings, often had cellars for storage. Therefore, some of the commercial buildings found downtown have basement levels.

Maintenance

- To protect foundations, sills and framing, foundations and basements need to be kept dry. If proper slope and drainage do not keep water away from the foundation, gutters and downspouts should be installed.
- Basement walls need to be kept in good repair and poured wall and floor junctures need to be kept sealed
- Ventilation is essential to prevent dry out to a building's wooden structural members.

COMMERCIAL FACADES

Commercial facades in downtown Ellijay are typically two stories in height and their design relates directly to the scale of the pedestrian. Traditional storefronts were designed to provide a large area for the display of merchandise, thereby encouraging window shopping. Storefronts found in downtown Ellijay usually consist of display and transom windows, an entry door, bulkheads, and a signboard area framed by structural members. The basic configuration can often be derived from old photographs of the building.

The basic commercial façade consists of three parts: the storefront with an entrance and display windows, the upper façade usually with regularly spaced windows, and the cornice that caps the building. These components appear in many shapes, sizes and styles, but result in essentially the same façade.

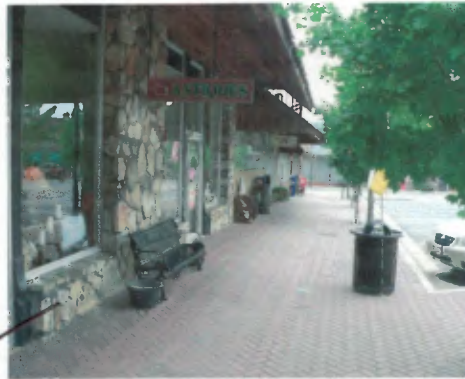
BULKHEADS

Bulkheads provide a base for the storefronts and protect the display windows from damage. They also help to establish horizontal rhythm to the overall downtown appearance. More modern storefront designs eliminate or decrease the size of bulkheads which is not only inappropriate for the design of historic buildings, but also destroys the proportional relationship of the storefront.

Recommendations:

- Preserve, maintain or restore (uncover) bulkheads or kickplates where they exist(ed), matching the original in design, size and material.
- Do not remove, conceal or alter

- For renovations with no documentary evidence, appropriate bulkhead materials are: painted woods, glazed tile, or painted metal in muted colors.
- Align bulkheads and kickplates with those of other buildings in the block.



Bulkhead



DISPLAY WINDOWS

A common characteristic of historic storefronts in downtown Ellijay is the large display windows which not only allow light into many of the interior spaces, but also showcase merchandise found inside.

Guidelines:

- The number, arrangement, size, style glazing pattern, shape and proportions of original or architecturally significant storefront windows and their surrounds should be retained or restored when possible.

- Replacement storefront windows made of aluminum or other metal finishes (not including brass, stainless steel, or decorative metal finishes) should be painted to match or coordinate with the color of the storefront area.
- Display windows should fill their original openings.
- Clear plate or tempered glass should be used for the display window.
- The use of partial curtains, blinds or display cases in the storefront window will create additional privacy without changing the character of the storefront.

TRANSOM WINDOWS

Located above the display windows and doors, transom windows contribute to the openness of the storefront façade. Transom windows were originally designed to allow as much natural light as possible into the interior of the store for illumination.

Sometimes transom windows are blocked to hide renovations which lowered the height of the ceiling to accommodate air conditioning or heating ducts. Recessing the dropped ceiling away from the transom and display windows a minimum of one and a half feet will preserve the openness of transoms and the display area and still accommodate modern conveniences.

Guidelines:

- Check for a transom above a display window. If found, uncover and restore it.
- The number, arrangement, size and style, glazing pattern, shape and proportions of original or architecturally significant transoms and their surrounds should be retained or restored where possible.
- Transom windows should fill their original openings.
- Historic transom materials such as prism or leaded glass should be retained and repaired when possible. If the original transom glass is removed, use clear, frosted or darkened glass in its place of the original cannot be feasibly duplicated.



Transom Windows

ENTRANCES, DOORS AND ACCESS

Commercial buildings have storefront entrances which are typically recessed to provide a larger area for display, give shelter from the elements, and emphasize the entrances. Tall, single or double doors, built of wood with large areas of glass (at least 50 percent) that maintain the transparency of the storefront were historically used in storefront designs and are still visible in the downtown Ellijay area.

Changes in regulations may require alterations for access and egress. The Americans with Disabilities Act (ADA) requires that all government and commercial buildings provide barrier free access. However, some historic buildings may be exempt from this requirement. The fulfillment of this requirement must be balanced with the goal of preserving the historic integrity of the building.

Guidelines:

- **Do not enclose, cover or alter entrance.**
- **Replacement doors that are metal (not including brass, stainless steel, or decorative finishes) should be painted to match or coordinate with the door surrounds and entrance.**
- **Doors and their surrounds should be recessed slightly from the plane in which they are located.**
- **New door openings should be located on a secondary side or rear façade when possible.**
- **Retain the original door hardware whenever possible. Dead bolt locks should be installed above or below the original hardware.**
- **Avoid using doors with mirrored or tinted glass (does not include colored or stained decorative glass).**
- **Do not use “fake historic” doors, solid wood or metal doors, or doors that are decorated with moldings, cross bucks or window grills -- these doors are residential in nature and are incompatible with the design of the historic façade.**
- **Avoid installing a storm or security door whose size, color, material and texture are incompatible with the original door and door opening.**

Door Replacement:

If a door is to be replaced there are three basic options:

- **Have a new door built with the same design and proportions of the original.**
- **Find a manufactured wooden or steel door that resembles the traditional store door.**

- Use a standard aluminum commercial door with wide stiles and a brick anodized or baked enamel finish.

INSTITUTIONAL ENTRANCES AND DOORS

The entrances of these buildings are often heavily ornamented. Double doors are common because of the number of people using the building. For the same reason, the front façade may have multiple entrances. Doors often relate stylistically to the rest of the building.

- Entrances should not be added or removed. Retention of the original doors is important.

INSTITUTIONAL ACCESS

The use of symmetrical front facades and elevated entrances on many of these buildings makes the front difficult to adapt for access without impairing integrity. Attempts should be made to provide a second entrance on a side or rear elevation.

- Side or rear access is preferred provided the entrance is not a service entrance. Where a barrier free access addition to the front is necessary, every attempt should be made to maintain the symmetry and architectural detail.

AWNINGS AND CANOPIES

The use of awnings in downtown Ellijay is functionally and historically appropriate. Awnings provide shade and protection for pedestrians, reduce glare into the building and can be used to visually identify a business. Awnings can also serve to hide inappropriate alterations. A standard street-level awning should be mounted so that the valance is about eight feet above the sidewalk and projects out between four and seven feet from the building. A twelve inch valance flap is usually attached at the awning bar and can be used as a sign panel.

Fixed Canopies are currently found on some of the historic buildings in downtown Ellijay. The canopy is usually supported by a metal frame and attached to the building façade by diagonal tie-rods or chains.

Guidelines:

- The awning or canopy should fit within the storefront, window or door to which it is being attached.
- Storefront awnings and canopies should be placed above either the display window and below the transom windows, or above the display and transom windows but below the signboard area.
- When attaching the awning to the building, avoid damaging or covering historic building materials or features. Try to align bottom of awning with awnings on adjacent buildings.
- Do not use plastic, wooden shingle, metal or back-lit awnings. If a flat canopy exists, it can be dressed up with a 12 to 24 inch awning valance.
- Water runoff from awnings or canopies should be anticipated and planned for accordingly.



UPPER WINDOWS

Typically, windows in the upper façade of a building are placed symmetrically, creating a visual rhythm relating to the location of the storefront divisions or window areas at the street level. Most of the windows used in the upper facades of the buildings in downtown Ellijay are rectangular in shape, oriented vertically, are double hung, one-over-one sash in single, paired or banked arrangements. However, there are examples of decorative semi-circular windows, multi-paned windows, and steel framed windows. Window surrounds are wood and metal and usually simple in design with a stone and/or brick sill and lintel. Some have an ornamental lintel, pediment or spandrel design in another material distinguishing certain windows from others on the façade. Often, deteriorated upper-story windows have been inappropriately replaced or boarded up. This treatment

damages the character of the building and streetscape as well as creates a negative image that can be avoided through proper maintenance.

Guidelines:

- Preserve, maintain, or restore original windows, including proportions and spacing of openings, dimensions, sash, materials and details.
- Do not enclose, cover or alter. Open boarded or bricked windows.
- If original window design is unknown, use window type and detailing of the architectural style and period of the building. Replacement windows that are aluminum or metal (preferably anodized and of a dark color) should be finished to match the window frame or surround.
- Glazing or window glass should be clear unless colored, stained or another glass was historically used.
- When storm windows are used to improve thermal performance, they should resemble the existing windows as closely as possible in shape, size and appearance, and be painted or finished to match the window to which it is attached. Consider using interior storm windows to avoid compromising the historic character of the façade.
- Avoid trying to create false or earlier architectural styles.
- Do not add shutters unless based on physical or photographic evidence that shutters existed. If replacing missing shutters, use shutters to fit the window opening so that if closed, the opening would be covered.

INSTITUTIONAL WINDOWS

Institutional buildings use windows to create a feeling of importance and reverence, or to enhance architectural style. Secular buildings frequently place larger, more elaborate windows on the first floor and near the entrance. Religious structures often use stained glass.

Guidelines:

- Sash windows should not be replaced with fixed windows. Replacement glass should match the original in appearance.

WALL DETAIL AND CORNICE

Wall detail and decoration enhance character and give buildings a distinct identity. The level of detail and decoration varies from one building to the next in downtown Ellijay. Caps, pilasters, columns, roof pediments, etc. have historically been made of six materials: masonry, cast iron, pressed tin, wood, terra cotta, and decorative glass. Detailing and decoration is most often located on the street level of a

commercial building and the façade area directly below the cornice or cap. Detailing is also found around some of the windows on the upper façade.

The cornice caps of the building, visually as well as physically, can be an integral part of the building or can be a separate attachment. The cornice also protects the roof and wall junction from water penetration. The style, decoration, and materials of the cornice differ from one building to the next. The cornice may be a simple brick band or a highly detailed pressed tin projecting over the building façade.

Guidelines:

- **Original wall detail and cornice should not be removed. Replacement of missing detail should be based upon duplication of the original.**
- **Sagging wall details and decorations should be carefully re-anchored using recommended preservation methods to avoid damaging historic details, decoration or wall materials.**

SIGNAGE

Signs play an important role in the attractiveness and the appearance of the district. Excessive size, quantity and information on a building façade can create visual clutter which not only detracts from the street environment and the building's character, but also makes it more difficult for a potential customer to identify the location of the business. Signs should be the appropriate size in relationship to the scale of the storefront window, building and street.

The property or business owner should note this section regarding signage has two parts:

1. **the recommendations for signage appropriate to the downtown Ellijay district; and**
2. **a summary of the City's Sign Ordinance regulations for the C-2 district (downtown) (Appendix A)**

General Signage Guidelines:

- **A sign should express an easy to read, direct message: keep it simple.**
- **Letter styles should be chosen that are easy to read and reflect the image of the business it represents.**
- **A storefront should not have more than two signs- one primary and one secondary.**
- **Signs should not cover or obscure any existing detail or element and should be compatible with the architecture of the building.**
- **The suggested square foot sign area for a single building façade should not exceed two times the linear street frontage of the building.**

- **Illuminated signs can be appropriate downtown if they respect the proportions of the storefront and the guidelines outlined above. Painted signs can be directly illuminated with fluorescent or incandescent lights. Internally lit signs are most effective with light letters on a dark opaque background. Exposed neon letters can also be effective, adding color and vitality to the street.**

Applied or flush-mounted sign guidelines:

- **A flush-mounted sign board may extend the width of the storefront but should not be more than 2 ½ feet high. Generally, lettering should be 8 to 18 inches high and occupy only about 65 percent of the sign board.**
- **The flush-mounted sign should be located directly above the storefront, and not extend above the first floor. Flush-mounted signs should allow ornamentation and architectural features to remain visible.**

Flush Mounted Sign



Projecting Signs

- **Hanging signs should be mounted perpendicular to the building façade on the lower level or base of a structure.**



Display Window Signs

- **Window signs should not obscure the display area, and should not occupy more than 15 percent of the total glass area on which they are displayed. The color of the letters should contrast with the display background.**

Signs on Awnings and Canopies

- **Lettering and/or graphics should not occupy more than 65 percent of the surface plane on which it is applied.**
- **Signs on awnings should be silk-screened or sewn on to the awning fabric.**

Appendix A

City of Ellijay Sign Ordinance

COLOR

Painting can be one of the most dramatic improvements you make to your building. Choosing the right combination of colors can unify the building elements within the façade as well as relate the building to others on the street. Three colors are sufficient to highlight any façade.

The base color appears on the upper wall and piers flanking the storefront. Often this color will be natural brick and will not require paint. If the building has been painted, a color should be selected that relates to the surrounding buildings.

The major trim color defines the decorative elements of the building, tying together the upper façade trim and the storefront. The trim color should complement the base color. If there is a natural stone or terra-cotta trim on the façade, it should serve as a trim color. Major trim elements include the building cornice, storefront cornice, window frames, sills and hoods, storefront frame, columns and bulkheads (including aluminum framing).

The minor trim color should enhance the color scheme established by the base and major trim. Often a darker shade of the major trim can be used to highlight the window sashes, doors and selective cornice and bulkhead details. Care should be taken not to over decorate the façade.

Color can also be used to minimize façade problems visually. A poorly patched and repainted wall is not as noticeable when it is painted; a missing upper cornice can be recreated with a one dimensional paint scheme; and inappropriate materials can be made more compatible with paint color.

Guideline:

- Do not paint previously unpainted masonry surfaces.



NEW OR INFILL CONSTRUCTION

The construction of new buildings on downtown vacant lots is encouraged. The design of a new building should reflect the period of its construction (not a reproduction or copy of an old style.) However, the new construction should be compatible to adjacent buildings in scale, height, materials, shape orientation, rhythm and proportion of openings, texture and placement. These guidelines are concerned primarily with exterior appearances, and therefore do not seek to limit construction techniques or materials used in construction of the interior.

Guidelines:

- New construction should be similar to and compatible with adjacent buildings (maintain established rhythms and patterns and not stick out among them.)
- New or infill construction should be aligned with existing setbacks and spacing. The setback found in downtown Ellijay is generally at the lot line or sidewalk line.
- New or infill construction should be of similar height, width, scale, and proportions to adjacent buildings.
- New or infill construction should be of orientation to the street and with roof shape, roof pitch, and foundation height consistent with adjacent buildings.
- New or infill façade construction should be of similar materials and colors (not imitative of features copied from historic styles).
- Infill architecture should reflect some of the detailing of surrounding buildings in window shapes, cornice lines and brick work.

REAR ENTRANCES

Rear entrances are also visually important spaces in the downtown area. By improving the appearances and developing rear entrances, the rear façade can serve for more than just deliveries. A rear entrance can provide direct customer access to your store from the parking lots and the street. Before beginning work on a rear entrance, be sure to look for important historic elements (columns, brick decoration, etc.) that should be preserved.

Guidelines:

- Upper story windows should be uncovered to restore the rear of the building.
- Air conditioning units should be relocated off of the public right-of-way to the roof of the building.
- Obsolete exterior fixtures (old gutters, wiring) should be removed.

- Exterior steps or loading docks should be recessed into the building to remove them from the public right-of-way.



DEMOLITION BY NEGLECT

Neglect of historic buildings is hazardous and detrimental to the individual property and the surrounding area or district. Because property owners are legally responsible for providing ordinary maintenance and repair, neglect should be avoided.

The City of Ellijay Building Inspector is required by law through the Southern Standard Housing Code to inspect properties to determine if they are being allowed to deteriorate through neglect. Neglect includes conditions such as the deterioration of a building's structural system or exterior architectural features and broken windows, doors and openings, which allow entry of vermin and the elements.

When neglect occurs and poses a health, safety or welfare to the general public, the Building Inspector must notify the owner, who has sixty (60) days to remedy the situation without penalty.

Guidelines:

- **Neglect of historic buildings should be avoided.**
- **Property owners should provide ordinary maintenance and repair of structures.**
- **Historic properties are to be monitored for neglect.**
- **Neglect should result in legal penalties.**



Historic Courthouse Demolished Due to Neglect in 2007

DEMOLITION

The demolition of historic buildings diminishes the built environment and creates unnecessary waste. Demolition of historic buildings should be avoided whenever possible. When a historic building is demolished rather than reused, everyone pays an economic cost.

If a demolition is unavoidable, every effort should be made to mitigate the loss. Options include locating a buyer who might have an alternative use for the building or relocating the building to another site. If all efforts have failed, buildings of particular significance should be carefully photographed and documented prior to demolition. Special architectural features and ornamentation can be saved and incorporated into the design of the replacement structure.

The Historic Preservation Commission in reviewing applications for demolitions or relocations shall not grant a Certificate of Appropriateness without reviewing at the same time replacement plans for the site. The Historic Preservation Commission will hear evidence at its public hearing and may approve the application and issue a Certificate of Appropriateness only if one of the following conditions is determined to exist:

1. The application is for the demolition or relocation of a main non-contributing building or structure, a portion of a main non-contributing building or structure, or a non-significant building or structure secondary to the main non-contributing building or structure, and the approval of the application will not have a substantial adverse effect on the aesthetic, historic or architectural significance of the district.
2. The application is for the demolition or relocation of a non-significant addition to or portion of a main contributing building or structure or for a non-significant building or structure secondary to the main contributing building or structure, and the approval of the application will not have a substantial adverse effect on the aesthetic, historic, architectural or archaeological significance of the district.
3. The application is for the demolition or relocation of a local historic property or a contributing or noncontributing building, the demolition or relocation of which would have a substantial adverse effect on the local historic property, but the replacement project is of special merit. For a replacement project to be of special merit, it must meet the following criteria:
 - It must have significant benefits to the Historic District or the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services; and
 - It must clearly serve the public interest to a greater extent than the retention of the present building(s).

Guidelines:

- Demolition of historic buildings should be avoided.
- An application for demolition shall be accompanied by a complete plan for the new development proposed on the site, a timetable, a budget both the demolition and new construction, and satisfactory evidence that adequate financing is available.
- When demolition is unavoidable, every effort should be made to mitigate the negative impact.

MAINTENANCE, CLEANING AND REPAIR

Ordinary maintenance and repair can be granted a special waiver, and therefore does not require a Certificate of Appropriateness. Call the City Code Enforcement Officer at 706/635-4711, ext. 2, to define your project.

Ordinary maintenance and repair can be granted a special waiver, and therefore does not require a Certificate of Appropriateness. Call the City Code Enforcement Officer at 706/635-4711, ext. 2, to define your project.

Guidelines:

- Regularly inspect the exterior building surfaces to detect potentially harmful conditions.
- Masonry surfaces and mortar joints should be checked for signs of white streaking (efflorescence). Repointing may be required.
- Peeling, mildewing, cracking, disintegrating paint, insect damage, warping, deterioration of caulking and wood decay are some of the warning signs to look for on wood surfaces.
- Buildings should have properly installed drainage systems in good working condition which expel water onto surfaces that slope away from the building at ground level.
- Repairs should be limited to affected areas, be sensitive to historic materials, and utilize matching materials.
- Never sandblast to clean or remove paint from buildings.
- For building surfaces that are currently painted, maintain the surface to protect the material beneath.

Types of Allowable Signage in the Downtown Historic District



1. Flush Mounted



2. Projecting



3. Window

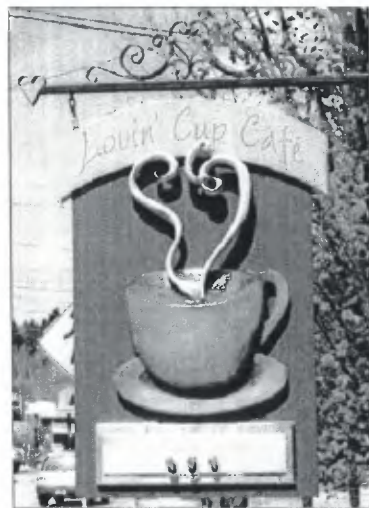


4. Awning/Canopy

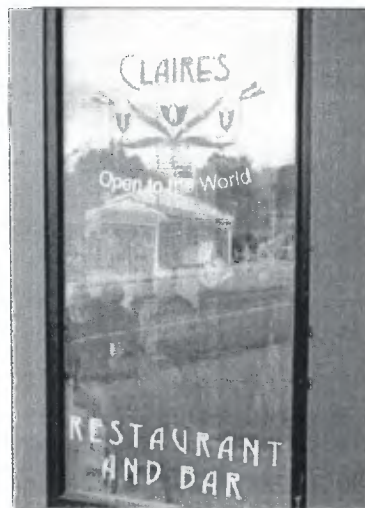
Examples of Allowable Sign Types (See Ellijay's Design Policies & Guidelines and the City Sign Ordinance for Specifics)



1. Flush Mounted



2. Projecting



3. Window



4. Awning/Canopy

Provided by the Ellijay Historic Preservation Commission (August 2010)

<i>MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES</i>	
<i>Uses</i>	<i>Parking Spaces</i>
Shooting Range, Outdoor	Skeet Range and Trap Range: 1 per employee plus 1 for each shooter. Target Range: 1 per employee plus 1 per shooting lane.
Skating Rink, Roller and Ice	5 spaces per 1,000 sf of GFA.
Swimming Pool, Public	30 spaces minimum.
AGRICULTURAL	
Agricultural Services	2 per 3 employees or 1 per 400 sf GFA.
Kennel	1 per employee plus 1 per 1,000 sf GFA.
Lumberyard	1 per each 500 sf GFA.
Meat Pack and Processing/Slaughter Yard	1 per 1,000 sf GFA.
Nursery/Greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 sf of exterior nursery area.
Sawmill	1 per employee.
Stockyard	1 per employee on maximum shift.

Sec. 11.4. Off-Street Loading and Unloading Space.

Every building or structure used for business, trade or industry, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. Such space shall be so arranged that no vehicle is required to back onto a public street, road or highway in order to leave the premises.

- a. *Retail Business and Services.* Space ten feet by 25 feet for each 20,000 square feet of total floor area or fraction thereof.
- b. *Wholesale and Industry.* One space ten feet by 50 feet for each 10,000 square feet of floor area plus one additional space for each 60,000 additional square feet of total floor area or fraction thereof.
- c. *Bus and Truck Terminals.* Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

ARTICLE 12. SIGNS*

Sec. 12.1. Purpose.

The purpose of this article is to permit signs that will not, by their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead,

***Editor's note**—Ord. No. 072604, § 1, adopted July 26, 2004, deleted former art. 12 of the zoning ordinance in its entirety and added new provisions as art. 12 as herein set out. Former art. 12, §§ 12.1—12.10, pertained to similar subject matter and derived from the original zoning ordinance and an ordinance adopted Dec. 1, 1999.

or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, or morals; and to permit and regulate signs in such a way as to support and complement objectives set forth in this article.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.2. Definitions.

Aggregate sign area shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

Animated sign shall mean a sign that has action or motion. This definition does not include signs which indicate time, temperature, date or an electronic message board.

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.

Awning sign shall mean a sign located on a roof-like cover extending before a place of business as a shelter or sun shade and which may be attached to, painted on or suspended from the awning.

Billboard sign shall mean a stanchion sign or sign mounted on one to two poles with a sign area no greater than 150 square feet.

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.

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.

Ground 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.

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.

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

Off-premises advertising shall mean signs used for the purpose of bringing attention of the public to a business not located on the same property on which the sign is located. This shall not include directional signs as described herein.

Parcel shall mean a separate tax unit of real property on county real estate records.

Pennant/streamer shall mean any type of device that is usually cloth or similar fabric in nature and sometimes narrows or tapers to a point or swallow tail but not necessarily and contains no business name or logo, is not instructional, commemorative, directional and displays no commercial information.

Roof sign shall mean a sign attached to or supported by the roof of a building which extends above the lowest roof line point.

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.

Stanchion/pole sign shall mean a freestanding sign mounted on one or more steel poles set in the ground in a permanent fashion and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles.

Wall sign shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

Window sign shall mean a sign installed flush with or on a window and intended to be viewed from the outside.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.3. General Size, Location and Appearance Requirements.

(a) No freestanding sign may be located within 15 feet of the intersection of street right-of-way lines extended.

(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) Signs must be professionally lettered with block letters or professional script.

(d) No sign shall contain colors that are overly bright, neon or florescent in nature and out of character with the historical and traditional environment of which the City of Ellijay wishes to maintain.

(e) Signs must be constructed on a material that is weather resistant and sturdy in form so as to resist a rapid degrading of appearance and structural integrity.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.4. Sign Types and Standards.

The following sign standards apply to all districts except as specified elsewhere in this article. For the maximum number of business signs allowed for each business, see table 12.4a.

(a) *Awning Signs.* The awning sign display area shall not exceed 20 square feet in size whether they are attached to the awning or painted on the surface. For awning signs that are suspended and hang below the awning, the lowest extremity of the sign shall

not be less than seven feet above the ground and the maximum size shall not exceed three square feet. If the awning sign is painted on the awning the awning itself is then considered a sign and shall meet all the requirements of this section.

- (b) *Banners.* Banners may be used to advertise special short term events, such as grand openings, going out of business, special sales, concerts, charity functions or other similar events provided the banner is taken down within seven days after the event. Banners are prohibited for use as a permanent business sign. Banners may not exceed 45 total square feet and may not be configured to be more than three feet in height. Any banner suspended above a private or public street must maintain a minimum of 13 feet six inches to the lowest edge of the banner and shall be deemed special event signs and subject to the provisions of section 12.11(a).
- (c) *Billboard Signs.*
- (1) Billboard signs shall not exceed 150 square feet in total display area or more than 25 feet in height to include the stanchion or pole and shall be configured not to exceed 25 feet in length. A sign mounted on a stanchion or pole that is less than 20 feet in height or has 75 square feet of total sign display area or less is considered to be a stanchion/pole sign and must comply with section 12.4(f), stanchion/pole signs.
 - (2) No billboard sign shall be located within 1,000 feet of another billboard sign.
 - (3) Billboard signs shall only be located on parcels in commercial or industrial zoning areas.
 - (4) No billboard may be located along the following routes for purposes of historical and inner city preservation: From the intersection of State Route 282 and South Main Street (also know as Old State Route 5) continuing north to the intersection with State Route 52. From the city limit on State Route 52 on the east side of the city continuing west to the western city limit on State Route 52. From the city limit on North Main Street (also known as Old State Route 5) continuing south to the intersection with State Route 52.
 - (5) No billboard sign shall be located within 500 feet of residential zoned parcels.
 - (6) 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) *Ground Signs.* Ground signs less than three feet high shall be setback at least five feet from the right-of-way line. Otherwise, such signs shall be setback ten feet from the right-of-way line. The maximum area of a ground sign shall be 40 square feet.

- (e) *Roof Signs.*
 - (1) Roof signs shall not project beyond the face of the exterior wall of the building on which they are located.
 - (2) The highest point of a roof sign shall not exceed the ridge line of the roof.
 - (3) Roof signs shall not be erected on buildings or structures with a flat roof.
 - (4) The maximum size of a roof sign shall be 64 square feet or ten percent of the roof area on which the sign is mounted which ever is less.
- (f) *Stanchion / Pole Signs.* Stanchion/pole signs shall not extend over a public right-of-way. All signs abutting the right-of-way line shall have the display area ten feet or more above ground level measured from the grade at the right-of-way line. Signs with any portion of the display area less than ten feet above ground level, must be erected ten feet from the right-of-way line. If the location of the sign structure is below the grade of the road, the height of the sign shall be measured from the nearest adjacent roadway. A double-faced sign is allowed for this type sign as described herein. The maximum sign display area shall be 75 square feet (per side if double sided), and the maximum height shall be 20 feet.
- (g) *Wall Signs.* Wall signs (including signs attached flat against the wall and painted signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. They may project from the building up to 12 inches; however, if they project more than four inches from the building surface, they shall maintain a clear height of eight feet above ground level.
 - (1) *Individual Business.* The total number of wall signs or awning signs on all facades of a building is counted as one sign, and the total sign display area of each wall shall not exceed ten percent of the wall area up to a maximum of 200 square feet.
- (h) *Window Signs.* Each ground level business having glass directly orientated to a street may use all of that glass area as one allowable sign, but no single window shall be covered more than 25 percent. Window signs on or above the second floor are prohibited except when a business has no ground floor frontage.

TABLE 12.4a - MAXIMUM NUMBER OF BUSINESS SIGNS

Sign Types	Individual Establishment		Shopping Center		Business/Industrial Park	
	3 total per establishment	1 total per road frontage	3 total per business within the shopping center	1 total per road frontage	2 total per industry/business within the park	
Maximum Number of Signs	3 total per establishment	1 total per road frontage	3 total per business within the shopping center	1 total per road frontage	2 total per industry/business within the park	
Pole Sign*	X	X		X		
Ground Sign	X	X		X	X	

<i>Sign Types</i>	<i>Individual Establishment</i>	<i>Shopping Center</i>		<i>Business/Industrial Park</i>	
<i>Maximum Number of Signs</i>	<i>3 total per establishment</i>	<i>1 total per road frontage</i>	<i>3 total per business within the shopping center</i>	<i>1 total per road frontage</i>	<i>2 total per industry/business within the park</i>
Roof Sign	X		X		X
Wall Sign	X		X		X
Awning Sign	X		X		X
Window Sign	X		X	X	X

X = Permitted by right

* An electronic message board, mounted on a pole sign, is permitted in GC Districts only and is limited to one per individual business.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.5. Other Allowed Signs.

(a) *Temporary Construction Signs.* Signs erected on the premises where construction is taking place which indicate the names of individuals or firms having a role or interest with respect to the construction of the structures or project.

- (1) Temporary construction signs may be pole signs, ground signs or wall signs.
- (2) Only one sign shall be allowed per street frontage.
- (3) The maximum sign display area of each sign shall not exceed ten square feet.
- (4) The period of existence of such signs shall be two weeks prior to commencement of construction through one week following project completion.

(b) *Temporary Political Signs.* Signs which announce or support political candidates or issues in connection with any national, state or local election. The following requirements shall apply:

- (1) A temporary sign permit is required according to section 12.11(b) prior to the erection of such signs.
- (2) All signs shall be ground signs or pole signs and shall be setback three (3) feet from the street right-of-way line. Under no circumstances shall any temporary political sign be placed on any city, state or public right-of-ways.
- (3) The maximum height of each sign shall not exceed eight feet measuring from the grade level of the sign. The sign area shall not exceed 16 square feet.
- (4) Signs shall not be erected prior to the date that the candidate qualifies for the election, or the filing of the issue for certification of the ballot.

- (5) Signs shall be removed within seven days after the election including any run-off which the sign is intended to influence.
- (6) Signs shall not be erected without the permission of the property owner.
- (7) At any time, the City of Ellijay is empowered to remove or cause removal of all signs not conforming with the provisions of this ordinance without notice to the candidate whose signs create the non-conformity. This requirement, however, does not demand forfeiture of the deposit that is posted for a permit.

(c) *Temporary Real Estate Signs.*

- (1) Signs erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale. Such signs shall be removed within seven 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.
- (2) All temporary real estate signs may be pole signs, ground signs, window signs or wall signs.
- (3) Under no circumstances shall the display area of a temporary real estate sign exceed the following size:*

I. Residential Unit	10 square feet
II. Residential Project/Development	16 square feet
III. Non-Residential	
Industrial	64 square feet
Commercial	20 square feet

* One sign per lot allowed

(d) *Temporary Real Estate Directional Signs.* Off-premise signs which provide directions to properties for sale, lease or rent.

- (1) All temporary real estate directional signs shall be ground signs only
- (2) The display area of each sign shall not exceed six square feet.
- (3) Temporary real estate directional signs may be placed on Friday at 12:00 p.m. but must be removed by the following Sunday at 6:00 p.m.

(e) *Temporary Garage Sale Signs.*

- (1) Temporary garage sale signs shall be ground signs only and their maximum size shall not exceed four square feet.
- (2) Signs may be erected two days prior to sale and shall be removed no later than midnight on the last day of sale.

(f) *Identification Signs.* Identification signs bear only the names or addresses of occupants of the premises and bearing no commercial message other than that of the use identified. These signs may be wall signs or ground signs.

(g) *Instructional Signs.* Signs exclusive of any commercial messages except the business name and/or logo, which conveys instructions to the public such as entrance, exit, no trespassing, no dumping, no hunting, height clearance, etc. These signs may be wall signs or ground signs.

(h) *Non-Business Signs.* Non-business signs are permanently mounted signs that are permitted in all districts and shall meet the requirements of this section. The maximum number of non-business signs is shown on table 12.5a.

- (1) *Commemorative Signs.* Commemorative signs are tablets or plaques which identify a person, event, structure, or a site of memorable public interest. These may be ground signs or wall signs.
- (2) *Directional Signs.* Directional signs are permanent off-premise, non-illuminated ground signs erected only by churches, hospitals, government agencies and non-profit organizations which provide direction to such church, organization, or related facility.
- (3) *Pennant/Streamer.* These types of signs shall project no further than five feet from the surface or face of the building / structure it is mounted to. It may be mounted to a building or pole. If the pennant/streamer is mounted on a pole and is within five feet of the right-of-way line or if it is mounted to a building / structure it must maintain a clear height of eight feet to the lowest extremity of the sign. If pole mounted it may not exceed 12 feet in total height including the pole.

TABLE 12.5a - MAXIMUM NUMBER OF NON-BUSINESS SIGNS*

<i>Sign Purposes</i>	<i>Maximum Number of Signs</i>	<i>Maximum Size</i>	<i>Required Setback From Right-of-Way Line</i>
Announcing Sign	1 per lot.	10 sf	10'
Commemorative Sign	1 per lot.	10 sf	10'
Directional Sign	2 per a single location; each location to be 100' from other location.	4 sf	3'

<i>Sign Purposes</i>	<i>Maximum Number of Signs</i>	<i>Maximum Size</i>	<i>Required Setback From Right-of-Way Line</i>
Identification Sign	Residential Subdivision & Manufactured Home Park - 2 Per Road Frontage (two sides of entrance sign or one at entrance and one at the exit)	64 sf	10'
	Residential Dwelling: 1 per dwelling.	2 sf	3'
	Non-Residential Unit: 1 per road frontage.	64 sf	10'
Instructional Sign	Varied as required per purpose	4 sf	—
Pennant/Streamer	1 per lot / business	12 sf	—

* Permitted sign types: Ground signs, wall signs or awning signs only.

Sec. 12.6. Prohibited Signs.

The following types of signs are prohibited throughout the city:

- (a) Animated signs.
- (b) Portable signs. All portable signs, including hot-air balloons and gas / air-inflatable signs.
- (c) Temporary signs. Except as otherwise permitted or exempted from this article. Prohibited temporary signs shall include signs placed along road right-of-ways or elsewhere that are staked directly into the ground and are capable of being moved by pulling them from the ground.
- (d) Signs on public rights of way other than publicly owned or maintained signs;
- (e) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80.
- (f) Signs which simulate an official 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 capable of being detected on any traveled road or highway by a person with normal hearing.
- (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, painting or affixing the sign in any manner to any tree, post, curve, utility pole, rock or other natural or manmade 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.
- (Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.7. Nonconforming Signs.

(a) Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within 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 12.12 and shall specify the sign being registered as non-conforming and shall state that the sign was completely installed before the effective date of adoption of the 1997 Sign 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:

- (1) The deterioration of the sign or damage to the sign makes it a hazard or unsightly;
- (2) Ninety 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 control of the owner render the sign non-conforming or warrant the sign's repair.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.8. Illumination.

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

(b) No sign shall be erected that contains, or is illuminated by any flashing, intermittent, or moving light or lights except an electronic message board.

(c) No internally illuminated ground or pole signs shall be erected within 50 feet of any dwelling within a residential district.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.9. Permits.

(a) Except as specifically excluded from the provisions of 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 from the City of Ellijay.

(b) Existing signs which conform to the provisions of this ordinance that would be required to obtain a permit under the regulations of this ordinance must register with the city within 90 days of the effective date of this ordinance. The information provided for registration will be the same information required in a permit application under section 12.12. No permit fee will be required for the registration of existing signs.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.10. Fees.

The cost of a sign permit shall be \$25.00 unless specifically stated otherwise.
(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.11. Temporary Sign Permits.

(a) *Special Event Signs.* The enforcement officer is hereby authorized to issue a temporary permit for special event signs to be placed along the streets of the City of Ellijay whereby the public will be informed about an upcoming event or directed to the location of an event. If the sign is of a banner type to be suspended above any public right-of-way it must conform to section 12.4(b). A temporary permit shall require a \$50.00 deposit and shall allow the signs to be posted no earlier than seven days prior to the event. All signs must be removed within seven days following completion of the event or bond will be forfeited and the enforcement officer will be authorized to remove the sign(s). If there is any additional cost related to the removal of the sign(s) the city will bill the person or organization listed on the temporary permit. Application information required will conform with section 12.12.

(b) *Temporary Political Signs.* The city clerk is hereby authorized to issue a temporary permit for political signs to be placed along the streets of the City of Ellijay whereby the public will be informed about a candidate or directed to a political event. Said temporary permit shall require a \$200.00 deposit.

(c) *[Removal of temporary signs.]* All special event and political signs authorized by temporary permit must be removed by the permittee within seven days after such event or election has been held or the deposit is forfeited. Upon removal of all signs and after seven days, the political candidate may request refund of the deposit. The city will have five business days to return the deposit payment. This will allow the city clerk time to process the request and for the code enforcement officer to inspect the city and verify that all signs have been removed.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.12. Application Information.

Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner's agent with the code enforcement officer. The application shall describe and set forth the following:

- (a) The street address of the property upon which sign is to be located and a plat map or scaled drawing of the property to include the size of the parcel which bears an indication of the proposed location of the sign.
 - (b) The aggregate area for all signs on the parcel.
 - (c) The name(s) and addresses of the owner(s) of the real property upon which the subject sign is to be located.
 - (d) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.
 - (e) Name, address and phone number of the sign contractor.
 - (f) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.
- (Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.13. 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 code enforcement officer 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 on or before the 30th business day after the city's receipt of the completed application. If the city fails to act within the 30-day period, the permit shall be deemed to have been granted.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.14. Denial and Revocation.

(a) *Procedure.* The city shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, incomplete applications, and 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 code enforcement officer shall revoke the permit. Should the city deny a permit, the reasons for the denial are to be stated in writing 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 resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined, and the applicant is granted a public hearing, if requested before a code enforcement officer of the city.

The applicant will be given ten days notice of the time and place of the hearing. "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.

(b) *Appeal.* An individual whose permit application has been denied or a permittee whose permit has been evoked 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 ten 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 five full business days before the meeting. 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. (Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.15. Permit Expiration.

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 months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time. (Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.16. Enforcement and Penalties.

(a) *Violation.* If any sign is erected or maintained in violation of the provisions of this ordinance, the enforcement officer shall have the power to give the owner thereof written notice of such violation, said notice to include a brief statement of the particulars in which such violation is to be remedied. The enforcement officer shall give the permittee ten days to rectify the condition or remove the sign before issuing a citation. If a sign has been registered with the enforcement officer, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, graphic structure, or building for a period of ten days shall be sufficient.

(b) *Citation.* Any person violating any provision of this ordinance shall be guilty of an offense and upon conviction, shall be fined not less than \$50.00 and not more than \$150.00 for each offense. Each day shall constitute a separate offense.

(c) *Removal.* If the sign is not removed by the owner, the enforcement officer shall have the right to remove such sign at the expense of the owner thereof, and to destroy or otherwise dispose of the same. In addition to the above provisions, the enforcement officer may cause any sign or structure to be removed which:

- (1) Is structurally unsafe.

- (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment.
- (3) Is not kept in good repair or is capable of causing electrical shocks, to be removed following notice of 24 hours to the owner at the expense of the owner thereof, and to destroy or otherwise dispose of the same.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.17. Exemptions.

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.

(Ord. No. 072604, § 1, 7-26-2004)

Sec. 12.18. 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 of the variance would not violate more than one standard of this ordinance.
- (g) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

(Ord. No. 072604, § 1, 7-26-2004)

ARTICLE 13. NONCONFORMITY

Sec. 13.1. Purpose.

The purpose of this article is to provide for the continuation and, within a suitable period of time, elimination of existing uses of property that do not conform to the requirements of this ordinance upon its adoption or subsequent amendment.

Sec. 13.2. Nonconforming Use.

Any structure or use of land existing at time of enactment or subsequent amendment of this zoning ordinance, but not in conformity with its use provisions, may be continued with the following limitations:

- a. A nonconforming use may not be changed to another nonconforming use.
- b. A nonconforming use may not be reestablished after discontinuance of that use for one year.
- c. A nonconforming use or structure may not be enlarged beyond its size at the time the use or structure becomes nonconforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land, and additional or more powerful equipment.
- d. A nonconforming structure may not be rebuilt, altered, repaired or replaced after incurring damages exceeding 75 percent of the fair market value of the structure at the time immediately preceding such damage occurring. A nonconforming mobile home may not be replaced after it is removed from the property.

13.2-1. The Ellijay City Council may grant the change, reestablishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure upon the following findings:

- a. The change, reestablishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use;
- b. The structure cannot be economically modified so as to be suitable for uses in the district;
- c. The structure would have to be removed to permit development of the property for conforming uses;
- d. The structure has such value that removal to permit development of the conforming uses would cause economic hardship to the owner;
- e. The proposed change, reestablishment, enlargement, rebuilding, alteration, replacement or repair would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance; and
- f. The requirements of the zoning ordinance for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, reestablishment, enlargement, rebuilding, alteration, repair or replacement.

13.2-2. Applications submitted to the Ellijay City Council requesting the change, reestablishment, enlargement, rebuilding, alteration, repair or replacement of a nonconforming use structure shall include the following information:

- a. The applicant shall bear the burden of providing conclusive evidence to the city council that the use or structure is legally nonconforming. The evidence may include, but is not limited to, business licenses, tax receipts, utility bills, telephone bills, IRS documents and affidavits.