

Chapter 44 - SIGNS^{[1](#)}

Footnotes:

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Editor's note— Ord. No. 2016-01, adopted Feb. 22, 2016, amended Ch. 44 in its entirety to read as herein set out. Former Ch. 44, §§ 44-1—44-35, pertained to similar subject matter. For prior history, see Code Comparative Table.

State Law reference— Control of signs and signals, O.C.G.A. § 32-6-50 et seq.; placement of posters, signs and advertisements on public or private property; permission and limitations, O.C.G.A. § 16-7-58; limitations on signs identifying or advertising sale of distilled spirits, O.C.G.A. § 3-4-3; restrictions on certain signs providing information in the interest of the traveling public and multiple message signs, O.C.G.A. § 32-6-75.

Sec. 44-1. - Short title.

This chapter shall be known and may be cited as the Sign Ordinance of the City of Cleveland, Georgia.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-2. - Purpose and findings.

The mayor and city council of Cleveland, Georgia find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and to Cleveland's overall public welfare as an aesthetic nuisance. By enacting this chapter, the mayor and city council intend to:

- (1) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Further the objectives of the Cleveland Comprehensive Plan;
- (3) Protect the public health, safety, and welfare;
- (4) Reduce traffic and pedestrian hazards;
- (5) Maintain and enhance the visual environment, and preserve the right of citizens to enjoy Cleveland's scenic beauty;
- (6) Protect property values by minimizing possible adverse effects and visual blight caused by signs;
- (7) Avoid harmful aspects of the unrestricted proliferation of signs;
- (8) Promote economic development; and
- (9) Ensure the fair and consistent enforcement of sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-3. - Applicability and severance.

The regulations set forth in this chapter shall apply and govern in all zoning districts. Within the City of Cleveland, no sign shall be erected or maintained unless it is in compliance with this chapter. In the event that a court should adjudge any part of this chapter a violation of the Georgia or United States Constitution or any other provision of law, it is the specific intent of the mayor and city council that the offending provision or provisions be stricken from this chapter and the remainder of the chapter stay in effect to regulate signs on property within the City of Cleveland. This severance section is in addition to the legislative intent expressed elsewhere in this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-4. - Definitions.

- (a) For the purposes of this chapter, certain terms and words are hereby defined. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them in this section:

A-frame sign means any portable sign or structure no greater in size than two feet wide by three feet high and composed of up to two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces.

Abandoned sign means a permanent sign on property containing a building or activity that has ceased operations. Permanent signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided however, that this definition shall not apply in any case where a business or activity is temporarily suspended and there is substantial evidence that the business or activity will resume within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.

Alterations mean change or rearrangement in the structural parts or its size, whether by extending on a side, by increasing the area or height, or in moving from one location or position to another.

Animated sign means a sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. Including, but not limited to, signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light density, brightness, or contrast. This definition does not include a "swinging sign" or "multiple message sign" as defined by this chapter. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall sign, or window sign, shall not be included in the computation determining the maximum allowable area of a ground, wall, or window sign.

Awning means an architectural projection or shelter projecting from, supported by the exterior wall of a building, and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be permanent or retractable.

Awning sign shall be considered a "wall" sign.

Banner means a sign made of cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For the purposes of this chapter, a "banner" is considered a "sign." Neither flags nor canopy signs are considered banners.

Billboard means a freestanding sign larger than 200 square feet in area.

Billboard digital or *digital billboard* means a freestanding sign larger than 200 square feet in area and programmable by a computer capable of displaying words, symbols, figures or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign.

Building means any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including, but not limited to, manufactured homes.

Building face or wall means all window and wall area of building in one plane or elevation.

Building marker means any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction and/or dedication.

Building official means the person or persons designated by the mayor and city council to administer this chapter, or to act on behalf of the city in said administration.

Canopy means a structure constructed of fabric or other material other than an awning placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building or supports extended to the ground directly under the canopy or cantilevered from the building. Signs placed on canopies are considered "wall signs."

Changeable copy sign means a sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more often than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.

City means the City of Cleveland.

Cleveland Code of Ordinances means those ordinances codified in the Code of Ordinances of the City of Cleveland, together with those ordinances duly ordained and adopted by the mayor and council, but not yet codified.

Directory sign means a sign, which is situated on a premise with more than one tenant or occupant of a building. It may be freestanding or attached.

Sign districts, as as referenced in this chapter, are defined as follows:

- (1) Sign District 1—Historic Downtown District is coterminous with the B-1—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.
- (2) Sign District 2—Commercial and Residential District is bounded by the following street segments and landmarks: (i) Henderson Street to Quillian Street; (ii) Cemetery Street to Dixon Street; (iii) Bell Street to Wilford Ash Parkway; and (iv) Jackson Street to Old Nacoochee Road.
- (3) Sign District 3—High Density Commercial District is bounded by the following street segments and landmarks: (i) Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; (ii) Quillian Street to City limits—South; Dixon Street to City limits—East; (iii) Wilford Ash Parkway to City limits—West; and (iv) Old Nacoochee Road to City limits—North.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Electronic or LED sign means any sign or portion thereof that uses light emitting diode (LED) technology or other similar semi-conductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. The term "LED sign" includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually-mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. An LED sign is a changeable copy electronic sign.

Erect means to construct, build, raise, assemble, place, affix, attach, create, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to message change, maintenance or repair of a sign structure.

Flag means any unframed fabric or bunting.

Frontage of a building means the width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage along a right-of-way or road or street means the distance in linear feet of each lot where it abuts the right-of-way of any public or private street.

Grandfathered sign has the same meaning as "nonconforming sign" as hereinafter defined.

Ground sign means a permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Hanging sign means a sign that is suspended parallel, or perpendicular from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

Height of sign means the vertical distance measured from the normal grade of the ground at the base of the sign, and shall include the air space between the ground and the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

Historic district means the city's B-I—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.

Internally illuminated sign means a sign illuminated by an internal light source which is viewed through a translucent panel.

Indoor sign means a sign only visible from inside business or other establishment. All indoor signs must be located three feet or further within the interior of such establishment.

Inflatable sign means any sign, symbol, figure, or character that is or can be filled with three cubic feet or more of air or gas. Inflatable signs include, but are not limited to, balloons of such size.

Informational sign means a sign with an area not greater than six square feet for residential zoning districts and 16 square feet for nonresidential zoning districts with a sign face made for short term use, containing no reflecting elements, flags, or projections which, when erect, stands at a height no greater than three feet from the normal grade in residential zoning districts and five feet from the normal grade in nonresidential zoning districts at the base of the sign to the highest point on the sign.

Mansard sign means a sign attached to a sloped roof or roof-like facade architecturally comparable to, or functioning as, a building wall.

Marquee means a roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of the building. Such signs are similar to a movie theater sign.

Marquee sign means a sign painted on, attached to, or hung from a marquee. For purposes of this chapter, marquee signs shall be considered "wall signs."

Master sign plan means a plan establishing parameters for the size, location, and structure of signs located on, or to be located on, a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Mayor and council means the mayor and city council of the City of Cleveland.

Monument sign means a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size and permanently affixed to the ground and which is composed of brick, stone, rock, or stucco. A monument sign shall not be mounted on a pole or poles. Changeable copy on such a sign shall not exceed 30 percent of the area of the sign face.

Multiple message sign means a sign, display, or device which changes the message or copy on the sign electronically or by movement or rotation of panels or slats.

Neon sign means a luminous-tube sign that contain neon or other inert gases at a low pressure.

Nonconforming sign means any sign which lawfully existed on the effective date of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments since the date of erection of the sign.

Off-premises sign means a permanent sign not related to the site on which it is located or that directs persons to a different location than where the sign is located.

Out-of-store marketing device means any facility or equipment which is located outside a primary building on a site zoned for noncommercial or commercial uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which device is manufactured to include color, form, graphic, illumination, symbol, and/or writing thereon designed to communicate information regarding the product or service provided by such device to the public. Examples of out-of-store marketing devices include, but are not limited to, the following; fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths. An out-of-store marketing device shall be deemed to be a sign for the purposes of this chapter, but shall not be included in the calculation of the area of allowed signs.

Pennant means a small, triangular, or rectangular flag or multiples thereof made of lightweight plastic, fabric or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter a pennant is a "sign."

Person means any person, legal or natural, including, but not limited to, any business entity, firm, institution, or other entity.

Portable sign means any sign whether on its own trailer, wheels or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising or other messages may be changed at will by the replacement of lettering or symbols (i.e., changeable copy sign). Even if the wheels or supports of such signs are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall remain a portable sign.

Portico means a porch or walkway, open to the outside air that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this chapter.

Principal use sign means any sign which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which message is not regulated by this chapter.

Projecting sign means a sign projecting more than 14 inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located or attached.

Public property means property owned by a government entity.

Right-of-way means the right-of-way of any public road or street, as well as the Cleveland public square, and the right-of-way of any private subdivision road or street.

Roof sign means a sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Rope lighting means lighting made up of tiny lights, usually incandescent bulbs or light emitting diodes (LEDs), which are spaced along a wire or other medium for power.

Sidewalk sign means a movable sign not secured or attached to the ground or surface upon which it is located.

Sign means a lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public or private right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. For purposes of this chapter, the term "sign" includes, but is

not limited to, "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" also includes, but is not limited to, all structural components, supports, lighting systems, attachments, ornaments, and other features used to support the sign or draw the attention of the observers to the sign.

Sign area means the area of the smallest rectangle within which all elements of a flat sign are contained (a flat sign being a sign with either two display surfaces facing exactly opposite directions or one display surface facing in one direction if against the wall of a building), or the maximum projected surface area (projected in one direction) of any other sign. Provided however:

- (1) Supporting structures for signs shall not be counted in the sign area, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign. A wall or fence on which a sign is mounted shall not be counted in the sign area, provided such wall or fence serves primarily to enclose, divide, or protect an area; and
- (2) Supporting structures of natural finish masonry, rock, stone, stucco, or wood, or any combination thereof, shall not be counted in the sign area, provided that:
 - a. Such structures do not extend more than one foot above the sign or two feet beyond the ends of the sign;
 - b. The height of the combined sign and supporting structure does not exceed the maximum height allowed in this chapter; and
 - c. The area of the combined sign and supporting structure does not exceed twice the area of the sign itself.

Streamer shall have the same definition as "pennant," as defined in this chapter.

Structure means the supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

Subdivision or multiuse sign means a freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or industries, or any combination thereof.

Swinging sign means a sign, other than an animated sign as defined by this chapter, where the sign copy area or sign area is attached to a sign structure in a way that can be set in motion with pressure, and the sign structure is attached to a building at a height above normal eye level. This term does not include freestanding signs. A swinging sign may be considered in lieu of a permitted wall sign.

Temporary sign means a display, sign, or banner with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time.

Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign means a single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which, if attached to a wall or portico, and does not project more than 14 inches from the outside wall of such building or structure, or is on an awning or canopy.

Windblown device means any device not otherwise specifically defined in this chapter, that is designed to inform or attract whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this chapter, windblown devices are signs.

Window sign means any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including, but not limited to, doors, or located within three feet of the interior of a building glass area, including, but not limited to, doors.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-5. - Exemptions.

(a) Any sign which is specifically exempted from the permitting requirements of this chapter shall be exempt from the requirement to obtain a sign permit. Exemption from the requirement of a sign permit shall not be construed to exempt such sign from compliance with other applicable provisions of this chapter nor from the the applicable provisions of the Code of Ordinances of the City of Cleveland. The following types of signs are specifically exempted from compliance with the requirement to obtain a sign permit under this chapter:

- (1) Flags, as many as three per lot, when displayed in a way that allows for routine, daily raising and lowering of the flags, each of which shall not exceed 40 square feet in area. Poles for such flags shall not exceed 25 feet in height and shall not be more than 25 feet from the main building entrance.
- (2) Street address identifiers and building identification numbers on multi-tenant buildings which are essential to identifying the location of such buildings.
- (3) Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet or less) attached to a device or structure more than 25 feet from the right-of-way, not to exceed one square foot for each sign or sticker.
- (4) Signs erected more than three feet inside a building.
- (5) Building markers and integral decorative or architectural features, so long as such features do not contain moving parts or lights.
- (6) Traffic safety and traffic directional signs installed within the right-of-way of a public street under the authority of the government with jurisdiction over such right-of-way.
- (7) Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking areas that are installed in accordance with the requirements of the City of Cleveland and each of which do not exceed four square feet area.
- (8) Signs posted by authorized government officials in the performance of an official duty on public land or on public right-of-way.
- (9) Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses, whose primary business is holiday sales, are exempt from removing holiday lights and decorations.
- (10) Handicapped parking signs, when required per local, state, or federal law.
- (11) Any sign no larger than four square feet in area that is posted by a City resident at the location of their residence.

(12) Murals for artistic purposes, and are not advertising or promoting a product or service.

(b) Provided however, in each and every case, where a sign of a certain size is exempted from the permitting requirements of this section and an applicant desires to erect a larger size sign than the area of the sign exempted, but said sign is not allowed, said sign shall only be permitted upon the approval of a variance in accordance with the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-6. - Interpretation and enforcement and construction standards.

- (a) *Interpretation and enforcement.* The Cleveland Building Official, designated by the mayor and council, shall be responsible for the administration of this chapter. A violation of this chapter is a misdemeanor.
- (b) *Construction standards.* All signs permitted under this chapter shall be constructed and maintained in accordance with the applicable city building codes and the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-7. - Sign permit required—Sign application—Sign permit fees.

- (a) Except where specifically excluded by other provisions of this chapter, it shall be unlawful for any person, firm, or corporation, or other entity, to post, display, substantially change, alter, or erect, reconstruct, replace, or reset a sign or out-of-store marketing device in the City of Cleveland without first having obtained an authorization for such sign and thereafter a permit in the manner prescribed herein.
- (b) Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Cleveland Building Official upon forms furnished by said office. The application shall describe and set forth the following:
 - (1) Reference master sign plan;
 - (2) The type of sign as defined in this chapter;
 - (3) A drawing of the sign structure or other information which shows the height of the sign, the area of the face of the sign, and the structural supports of the sign, all drawn to engineering or architectural scale;
 - (4) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable;
 - (5) A boundary survey or tax plat of the property on which the sign will be located, and, in the case of ground signs, the distance from the property lines and the street right-of-way and street pavement;
 - (6) The square foot area of each sign and the aggregate square foot area if there is more than one sign face. The application must also show the location and number of existing signs and their locations on the subject property;
 - (7) Written description of all other signs on lot indicating sign type and placement;
 - (8) The name(s) and address(s) of the owner(s) of the real property upon which the subject sign is to be located, and signed consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include, but is not limited to, a copy of the lease or other document from the owner of the sign which authorized the erection thereof;
 - (9) Name, address, phone number, and business license number of the sign contractor; and
 - (10) In addition to the foregoing, the Cleveland Building Official may require additional information as a part of any application in order to ensure compliance with this chapter.
- (c) No sign permit shall be issued until a sign permit fee, if required, has been paid to the city, the fee for which shall be fixed, from time to time, by the mayor and council.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-8. - Sign types requiring a permit.

- (a) The following signs require a permit:
 - (1) *Freestanding signs.*
 - a. Height limit:
 - 1. Sign District 1—Historic Downtown District—B-I—Central Business District: Signs shall not exceed a height of six feet at the highest anywhere on the sign.

2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Signs shall not exceed a height of ten feet at the highest point anywhere on the sign.
 3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limit—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Signs shall not exceed a height of 16 feet at the highest point anywhere on the sign.
 4. Residential subdivision entrances—All residential subdivisions and apartment complex: Signs shall not exceed a height of ten feet at the highest point of the sign.
- b. Structure (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):
1. Freestanding signs are required to be monument signs in all zoning districts. A monument sign is a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument shall not be mounted on an exposed pole or exposed poles;
 2. There shall be no graphics located on the vertical support structures of a freestanding sign;
 3. Materials for support structure shall be natural finish masonry, stone, rock, stucco, or wood, or any combination thereof;
 4. Changeable copy, if used, shall not exceed 30 percent of the area of the sign face; and
 5. Where two sign faces are located in a "V" formation, the angle between the two signs shall be no greater than 60 degrees.
- c. Size (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):
1. Sign District 1—Historic Downtown District—B-I—Central Business District: Sign size shall be limited to a maximum of 36 square feet.
 2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Sign size shall be limited to a maximum of 100 square feet.
 3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; Old Nacoochee Road to City limits—North: Sign size shall be limited to a maximum of 480 square feet. This size sign is limited to plaza signs and entrances to commercial developments only.
 4. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Sign size (except the aforesaid plaza and entrance signs in said district), shall be limited to a maximum of 160 square feet. Property for the use of this sign must be recorded as its own lot of record.
 5. Residential subdivision entrances—All residential subdivisions and a apartment complexes: Signs shall be limited to a maximum of 70 square feet.
- d. Number of signs (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):
1. Sign District 1—Historic Downtown District—B-I—Central Business District:

- i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 36 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
2. Sign District 2—Commercial and Residential District:
 - i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 100 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. This includes properties in the City that abut properties in the county. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
3. Sign District 3—High Density Commercial District:
 - i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 480 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not be transferred from one frontage to another. This includes properties in the city that abut properties in the county. Signs must be located outside the right-of-way. Signs which exceed 160 square feet are limited to plaza signs and to signs at entrances to commercial developments only.
 - ii. All other signs in this sign district shall be limited to a combined square footage of 160 square feet per each lot of record. No two such signs may be closer than 50 linear feet from one another, and such signage may not be transferred from one frontage to another. This includes properties in the city that abut properties in the county.
4. Residential subdivisions may install a freestanding sign at each entrance, provided that the combined area of all freestanding signs does not exceed 70 square feet.
- e. Location and orientation.
 1. Sign District 1—Historic Downtown District—B-I—Central Business District: Signs shall be located outside the right-of-way. No sign or sign structure shall be placed onto or obscure or damage any significant architectural feature of a building, including, but not limited to, a window, door frame, cornice, moulding, ornamental feature, or unusual or fragile material. Rights-of-way vary in width in this sign district. The Cleveland public square shall be deemed to be part of such rights-of-way.
 2. All other locations.
 - i. All signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way; and
 - ii. No freestanding sign may be within 50 feet of another freestanding sign (including signs outside the limits), however, within the Sign District 1—Historic Downtown District—B -I Central Business District, freestanding signs may be located within 20 feet of one another.

- (2) *Wall and mansard signs* . Wall and mansard signs shall be permitted on the wall or mansard of a building facing a public street. If a building has public street frontage on more than one side, a wall or mansard sign may be allowed on either the main entrance or on any side facing a public street. These signs are subject to the following:
- a. Wall and mansard signs are allowed in all nonresidential zoning districts;
 - b. If a building is located on a lot that has no street frontage, wall or mansard signs shall be permitted on a single facade;
 - c. Wall or mansard signs attached flat against the exterior surface of a building may extend not more than six inches from the wall;
 - d. The total area for wall or mansard signage shall not exceed the lesser of 20 percent of the area of the building wall or 360 square feet;
 - e. A directory sign is a wall sign for the purposes of this chapter;
 - f. For buildings with multiple tenants having storefronts only, the facade rented by the tenant shall be considered as the wall area for a sign area calculation;
 - g. No part of a wall or mansard sign shall be located more than 25 feet above the existing level of the ground beneath such sign;
 - h. Wall or mansard signs shall not extend more than three feet above the bottom edge of the eave line of the mansard to which said sign is attached, or more than three feet above the top of the parapet of the wall to which such sign is attached;
 - i. Changeable copy shall not exceed 30 percent of the area of the sign face;
 - j. When a wall or mansard sign is formed by placing individual letters, numbers, figures, symbols, trademarks, or other graphics, or any combination thereof, without a distinguishing discrete or framed background, the area of the sign shall be the area enclosed by a contiguous perimeter line drawn around all the letters, numbers, figures, symbols, trademarks, or other graphics, in any combination, which make up the sign. Any letter, number, figure, symbol, trademark, or other graphic in such a sign which is separated by more than 36 inches from any other letter, number, figure, symbol, trademark, or other graphic in such a sign, shall be considered a separate sign;
 - k. No tenant wall signs are allowed above the second floor of a multi-tenant building. Second floor tenants must have primary direct access from their space to the outside from the second floor area. The access must include outside walkways and stairways properly designated for public use; and
 - l. A master sign plan is required.
- (3) *Projecting and hanging signs* . One projecting or hanging non-illuminated sign for each business or tenant shall be allowed subject to the following:
- a. The sign is located in a nonresidential zoning district;
 - b. The sign is located over a public entrance door to an occupied building;
 - c. The sign is no more than nine square feet in area;
 - d. The sign may not project more than 36 inches from the wall;
 - e. The sign is suspended from the eave or soffit of the building or extends from the wall;
 - f. The sign maintains a minimum of eight feet clearance between the bottom of the sign and the walkway below; and
 - g. The sign shall not extend vertically beyond the window sill of the second story.
- (4) *Banners* . One banner is allowed on each developed lot in nonresidential zoning districts subject to the following conditions:

- a. One banner for per each business or organization may be erected for no more than 120 days during a calendar year for the same business or organization. The duration of a temporary event for such banner shall not last longer than 15 consecutive days and shall not take place more frequently than four times in any calendar year for the same business or organization. The 15 days do not have to be consecutive;
 - b. The maximum size of the banner shall not exceed 35 square feet and the height shall not exceed five feet;
 - c. All banners shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the banner must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a banner be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;
 - d. Hanging banners must maintain a minimum eight-foot clearance between the bottom of the banner and the walkway below; and
 - e. Banners shall not be placed above the second floor or higher than 25 feet above ground level beneath it, whichever is less.
- (5) A-frame signs are allowed in all nonresidential zoning districts subject to the following conditions:
- a. Any portable sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces, provided that the A-frame sign is no greater than two feet wide and three feet high and that the location of the A-frame sign is located on a public or private sidewalk and shall be located so as to leave an unobstructed width of 60 inches for passage along the sidewalk. Said sign must be located in front of the business served and no greater than 12 feet from the main entrance to the business served. Should a permit for an A-frame sign be denied by the because of lack of sufficient unobstructed pedestrian access, then the denied business may add a wall or window sign not to exceed a size limit of two feet wide by three feet high or a window sign, which window sign may not exceed two feet by three feet. Neither such wall nor the window sign, however, shall exceed other applicable signage restrictions in this chapter.
- (6) Window signs are permitted in all nonresidential zoning districts subject to the following conditions:
- a. The maximum area of the window sign shall be 30 percent of the available glass area based on the definition of window sign set forth in this chapter. Signage that is located inside the building within three feet of the window that is intended to be viewed from the outside, is considered included in the window area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. In commercial zoning districts, other than the B-I Central Business District (Sign District 1), one lighted window sign shall be allowed and may include neon or similar type signage. Said lighted window sign cannot be a sign which changes copy electronically using switches and electric lamps, or any other electric means, or which flashes, blinks, or scrolls. However, the sign may be a fiber optic, neon, or light-emitting diodes (LED) sign, which shall not be greater than 324 square inches in area.
 - b. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.
 - c. In no case shall any window sign be installed, applied, affixed, hung, or painted above the level of the second floor windows.
- (7) *Signage during construction.* Two additional signs shall be allowed during construction of a residential or nonresidential subdivision subject to the following conditions:

- a. *Illumination* . Such signs shall not be internally illuminated.
 - b. *Duration* . Such signs shall be allowed during the period beginning with the issuance of a land disturbance permit and ending with the earlier of the issuance of a certificate of occupancy or the installation of a permanent sign at the residential or nonresidential subdivision entrance.
 - c. *Size* . The sign shall not exceed 16 square feet in area and five feet in height in the B-I Central Business District and shall not exceed 16 square feet in area and seven feet in height in all other areas in the city.
 - d. *Location* . All signs shall have a minimum setback of 15 feet from the rear and side from side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will such a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (8) *Residential subdivision entrance*. No more than two freestanding monument signs shall be allowed to be placed at each entrance of a residential subdivision, including but not limited to, multi-family complexes, subject to the following conditions:
- a. Such signs must be placed on common property under the ownership of the developer, Home Owners Association (HOA), or apartment complex owner;
 - b. The sign face shall not exceed 70 square feet in area and six feet in height;
 - c. If the sign or sign structure is attached to a decorative wall or fence, the decorative wall or fence shall not exceed ten feet in height. The post and/or columns of the decorative wall or fence shall not exceed ten feet in height;
 - d. Such signs shall not be internally illuminated;
 - e. The permit for such sign shall not be issued until the final subdivision plat is approved by the city; and
 - f. All such signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (9) *Standards for billboards*. Billboards are allowed in Sign District 3—High Density Commercial District subject to the standards and conditions hereafter set out and as may be stated elsewhere in this chapter. Due to the historic nature of Sign District 1—Historic Downtown District, and the high density of residential development common in Sign District 2—Commercial and Residential District, billboards are prohibited in Sign District 1—Historic Downtown District and in the Sign District 2—Commercial and Residential District. Billboards should not be used as the primary sign for a business.
- a. *General standards* . This section 44.8(a)(9)—Standards for Billboards, shall apply to prohibit the erection of new billboards in the City of Cleveland, or the reconstruction of existing billboards, to the fullest extent that is not inconsistent with state and federal law or with the provisions of this chapter allowing for the reduction of the overall number of billboards within city.
 - 1. *Permit required* . No billboard shall be permitted to be erected or reconstructed without a permit from the city building official.
 - 2. *No new billboards*. After the effective date of this chapter, the city building official shall not issue permits for new billboard structures except as required by Georgia or federal law and/or permitted by the provisions of this chapter.

3. *Billboards are primary structures.* After the effective date of this chapter, all billboards shall be classified as primary structures, and a billboard which is in compliance with the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations, may be located on a lot or parcel that contains another primary structure, if such location on such lot or parcel is allowed by the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations.
- b. *Location, area, and height.* All billboard structures required to be permitted under state or federal law, and erected so as to be visible from any public, state or federal road shall conform to the following standards:
 1. *General.* All billboard structures erected abutting or so as to be visible from the right-of-way of any state highway that is a limited or controlled access highway shall conform with O.C.G.A. § 32-6-75 et seq., as amended, and shall meet all federal and state requirements necessary to obtain a permit under said code and associated regulations. In instances where the sign controls of this chapter are stricter, this chapter shall apply. Billboards shall only be located on tracts or parcels located in Sign District 3—High Density Commercial District, which are also situated within the B-2—Highway Commercial zoning district of the city or within the I—Industrial zoning district of the city.
 2. *Structure type.* Only one billboard shall be allowed to face the same direction per each location. This allows back-to-back or V-formation signs, provided they are joined by a mutual or attached frame, but prohibits two signs stacked or side-by-side facing the same direction.
 3. *Setback.* All billboard signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, all such signs must be at least 15 feet from the pavement and no more than 65 feet outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, no such sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
 4. *Spacing.* On all roads, except divided lane four-lane highways and limited or controlled access highways, no billboard structure shall be permitted within 1,500 feet of another billboard along the same side of the road or within 1,000 feet of any residential or agricultural zoning district, public park, public building, public playground, public recreation area, public forest, scenic area, cemetery, or religious building, regardless of whether the measurements extend outside of city limits.
 5. *Spacing.* On divided four-lane highways and limited or controlled access highways no billboard structure shall be permitted within 1,500 feet of another billboard, measuring from the two closest points, regardless of whether the measurements extend outside of city limits.
 6. *Maximum sign area.* On all roads, except divided lane four-lane highways and limited or controlled access highways, the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
 7. *Maximum sign area.* On divided four-lane highways and limited or controlled access highways the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
 8. *Sign height.* All signs shall be a minimum of ten feet above the adjacent road crown measuring from the lower portion of the sign face. No sign shall exceed the height of 22.5 feet above the level either the road crown or the ground surface, whichever is higher. Two signs in the same location back-to-back or in a V-formation shall be the same height above the crown of the road pavement surface. Height includes the supporting structure and the sign.

9. *Extrusions prohibited.* Extrusions or extensions beyond the face of the sign, excluding aprons, are prohibited.
 10. *Lighting .* No illumination of off-premises signs shall be permitted.
- c. *Digital billboard conversion and location.* Any legally erected billboard may be converted to a digital billboard so long as it meets the following standards and conditions:
1. Replacement of a static billboard with a digital billboard shall be subject to the following:
 - i. Two square feet of existing static billboard display shall be removed within the city limits for each one square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing static billboard. The two square feet removed must be from physically completed static billboards with complete sign faces. No partially erected or partially completed signs may be used to qualify for the requirement.
 - ii. The applicant shall provide an inventory of their outdoor advertising sign locations within the city. A person or entity that converts an existing static billboard to a digital billboard must provide, with each permit application, a complete current inventory of its billboards located within the incorporated limits of the city. The inventory shall include for each structure the location (longitude and latitude), size, number of sign faces, and type of illumination.
 - iii. No person shall convert an existing static billboard structure to a digital billboard structure without first obtaining a sign permit as required by this chapter.
 - iv. Digital billboards shall be the same size or smaller than the static billboard being replaced.
 - v. A digital billboard replacing a nonconforming static billboard may be permitted if approved by the city building official.
 2. *Construction of digital billboards in new locations.*
 - i. After removing two square feet of existing static billboard display in accordance with this chapter, a new structure may be erected containing a digital billboard if the location is approved by the city building official.
 - ii. The city building official shall be authorized to permit the installation of any new digital billboard structure in any location within the city so long as the location complies with all applicable state and federal regulations pertaining to outdoor advertising, this chapter, and the applicable provisions of the Cleveland Code of Ordinances.
 3. *Digital billboard operational standards.*
 - i. Digital billboards shall display static images for a period of at least 20 seconds before instantaneously transitioning to another static image.
 - ii. Animation, frame effects, flashing, and the appearance of movement, by any method whatsoever shall be explicitly prohibited.
 - iii. All digital billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - iv. No digital billboard shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign area. Measuring distance shall be determined by the following equation: the square root of the product of the sign area and 100. For example, using a 200 square foot digital billboard: $(200 \times 100) = 141.4$ feet measuring distance.

- v. The city will from time to time check the brightness of each digital billboard to verify the levels specified in this chapter are met. If the owner of a sign fails to control brightness within these limits, the sign permit will be revoked. Should a permit be revoked, the sign must be turned off immediately and remain off unless and until the sign is re-permitted. Re-permitting shall require the owner to reapply in accordance with the procedures in place at the time of the new permit application, and shall require the payment of the fees required for a new permit.
 - vi. All digital billboards shall have a switch or circuit breaker located on the property where located that allows electrical power to be turned off. The owner of each digital billboard shall provide the city contact information for a 24-hour, seven-day per week contact person who has the authority and is able to turn off the sign promptly if a malfunction occurs. If at any time more than 30 percent of the digital display area malfunctions or are is longer working property, the owner of the digital billboard shall turn off the electronic display until repairs are made.
4. *Emergency compliance* . The permit holder of a digital billboard shall coordinate with city and other governmental authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks, or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information, or protocols established by the Georgia Department of Transportation.
- d. *Nonconforming billboards* . Any legally erected sign that would become nonconforming as a result of this chapter will be allowed to remain in accordance with this chapter, or until purchased by the Georgia Department of Transportation or the city, provided that the sign owner meets the requirements of state laws, rules, and regulations governing such signs. No nonconforming billboard shall be allowed to be increased in size or height or relocated on the property, but may be decreased in size or height and/or may be converted to a digital billboard subject to the requirements of this chapter.
- 1. Billboards may not be used as the primary sign for a business.
 - 2. Billboards will not be permitted on top of buildings or on top of roofs.

(10) *Electronic (LED) signs (not regulated by Billboard Requirements).* Electronic (LED) signs must comply with the following:

- a. Only freestanding monument-style signs shall be used as electronic signs.
- 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.
- c. Electronic signs shall not have varying light intensity during display of any single message.
- d. Sign displays must be equipped with automatic dimming technology such that the sign(s) automatically sense dusk and darkness and adjust the brightness level accordingly.
- e. The sign owner must provide the City of Cleveland with the 24-hour number of an employee or agent capable of adjusting the brightness of the sign(s) or, if the over-bright condition cannot be fixed, turning off the sign(s) until repairs can be made.
- f. Maximum brightness levels for changeable, LED and EMC signs shall not exceed 5,000 nits when measured from the sign face at maximum brightness, during daylight hours.
- g. Maximum brightness levels for changeable, LED and EMC signs shall not exceed 500 nits when measured from the sign face at its maximum brightness, between sunset and sunrise; those times are determined by the National Weather Service.

- h. City staff may request a certification of brightness under measurement conditions by an independent contractor if a concern arises as to the brightness. The owner shall have ten days to provide the certification for the City staff.
- i. No more than 60 percent of the freestanding sign area can be digital display.
- j. The message or copy of the sign cannot move or change more frequently than once every twenty seconds—it shall not wipe, scroll, etc.
- k. Illumination spillover to neighboring properties cannot exceed one foot candle as measured at the property line.
- l. Electronic signs shall not be allowed in residential zones.
- m. Freeze of Display When Malfunction Occurs. Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.
- n. Sequencing of Messages Prohibited. Using two or more successive screens to convey a message that will fit on one (1) screen shall be prohibited.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-9. - Sign permits—Process.

- (a) *Purpose* . The purpose of this section is to provide a mechanism for reviewing the applications for sign permits to ensure signs within the city comply with the requirements of this chapter.
- (b) *Authority* . The city building official is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures and requirements of this chapter.
- (c) *Applicability* . No sign, except those specifically exempted in this chapter, shall be erected, placed, reconstructed, or structurally altered without the sign owner having first obtained a sign permit from the city building official pursuant to the procedures and the requirements of this chapter.
- (d) *Signs for which a general permit has been granted* . Pursuant to section 44-10 of this chapter a general permit has been granted for those signs identified in said section 44-10, and no application for a sign permit is required for such signs so long as the requirements of this chapter are met.
- (e) *Procedure* .
 - (1) *Initial submission and review of application*. Application for a sign permit must be made on the form provided by the city building official and shall be accompanied by the information and documents listed on the form and the fee as required by the mayor and council. An application will only be deemed as sufficient when all required information and accompanying documents are received by the city building official.
 - (2) *Action by the city building official*. Within 15 working days after the application is determined sufficient, the city building official shall review the application in accordance with this section and determine whether the application complies with the standards in this chapter.
 - (3) *Approval* . If the city building official finds that the application complies with the requirements of this chapter, the city building official shall approve a sign permit. Any sufficient sign application for which no action has been taken after 60 working days shall be deemed approved, unless the applicant has consented to a longer period.
 - (4) *Fails to comply*. If the city building official determines the application fails to comply with the requirements of this chapter, the applicant shall be provided a notification with written comments, explaining why the application fails to comply with the standards. The applicant shall be provided an opportunity to submit a revised application. If a revised application is not resubmitted within 30 days of the date of notification, the application shall be considered withdrawn and subject to a

new application and remittance of accompanying fees. The time for resubmitting may be extended an additional 30 days, if requested prior to the original deadline for submittal.

- (5) *Re-submittal*. A revised application shall be re-submitted to the building official and reviewed by the city building official within five working days after its re-submittal. The city building official shall approve or disapprove the application, based upon the criteria of this chapter.
- (f) *Criteria*. A sign permit shall be approved upon a finding that the applicant has demonstrated the application complies with the requirements of this chapter.
- (g) *Expiration*. If the work described in any sign permit has not been completed within six months from the date of issuance, the sign permit shall expire and be void; however, one six month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration of the initial permit. The permit extension fee shall be the amount of the initial permit fee.
- (h) *Amendments*. A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- (i) *Appeals*. Any person aggrieved or affected or any officer department, board, or bureau of the city affected by the determination of the city building official on an application for approval of a sign permit may appeal the determination in accordance with the procedures set forth in section 44-28 of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-10. - Signs subject to a general permit.

- (a) *Purpose of general permit*. A general permit is hereby granted for the following types of signs in any zoning district, other than on lots or tracts requiring a master sign plan, provided that such signs are erected and maintained in compliance with all applicable provisions of this chapter.
- (b) *Traffic control signs*.
 - (1) Issued by the city, county, state, or federal agency, department, or official as required by law.
- (c) *Official notices*.
 - (1) Issued by any court with competent jurisdiction or authorized public agency, department, or official.
- (d) *Flags*. Any flag provided that:
 - (1) No more than three flagpoles permitted per developed lot;
 - (2) Flags may be set in the ground or attached to a structure;
 - (3) No more than three flags are permitted per flagpole;
 - (4) All flagpoles shall be setback from each property boundary a distance equal to the height of the flagpole or 15 feet from the edge of the pavement or at least two feet outside of the right-of-way, whichever is greater, and 15 feet from side and rear lot lines. For traffic safety, flagpoles shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;
 - (5) All flagpoles shall be maintained in good repair, so as not to constitute a threat to public safety;
 - (6) On officially designated county, state, and federal holidays, there shall be no restriction as to maximum flag size or number of flags on display in residential districts; and
 - (7) In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential areas shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.

(e) *Window signs.*

- (1) Window signs are allowed in all nonresidential zoning districts subject to the provisions of this chapter.
- (2) *Window area coverage* . The maximum area of the total of all window signs shall be 30 percent of the available glass area. Signage that is located inside the building and within three feet of the window that is intended to be viewed from outside the building is considered included in the window sign area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.
- (3) In no case shall any window signs be installed, applied, affixed, hanging, or painted above the level of the second floor windows.
- (4) Indoor signs must be three feet or more from the window and should not be intended to be seen from the public right-of-way or street and are intended for the indoor retail/service area.

(f) *Informational signs* . In addition to any other sign permitted by this chapter, two informational signs are allowed on a single lot, subject to the following:

(1) *Size limitation.*

- a. For residential lots, a maximum size of six square feet of sign area, with a cumulative square footage of 12 square feet. Maximum height of any sign is three feet to the highest point anywhere on the sign.
- b. For all nonresidential lots, signs shall be a maximum size of 16 square feet of sign area, with a cumulative square footage of 32 square feet. The maximum height of any sign is five feet to the the highest point anywhere on the sign.

(2) *Location.*

- a. All signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least five feet outside of the right-of-way and must not interfere with underground utilities. If the sign would interfere with underground utilities, the informational sign must be placed further from the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(3) *Mounting devices.*

- a. Informational signs shall be mounted on metal frames that do not exceed ¼-inch in diameter or when mounted on frames of other material such frame members cannot exceed ¾-inch by 1½-inch in size. No message may be written on the mounting hardware so that the entire message area is contained on the sign itself.

(4) *Lighting prohibited.*

- a. Informational signs may not be illuminated in any manner.

(5) *Numerals* .

- a. Numerals displayed for the purpose of identifying property location (911 address) affixed to a structure such as a mailbox, building facade entrance or house, or placed on the ground, not less than four inches in height and not to exceed eight inches in height. Such numerals are required for all zoning districts.

(6) *Door signs.*

- a. Door signs not to exceed one square foot and not more than one sign per door.

(7) *Holiday lighting.*

- a. Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses, whose primary business is holiday sales, are exempt from removing holiday lights and decorations.

(8) *Out-of-store marketing devices.*

- a. Examples of out-of-store marketing devices include, but are not limited to: fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths.
- b. Out-of-store marketing devices may be allowed in nonresidential zoning districts, if otherwise in compliance with the provisions of this chapter and the applicable provisions of this Code. Such devices do not require a sign permit and any not included in the calculation of overall sign areas for the lot on which such device or devices are located.
- c. All out-of-store marketing devices shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the device must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will an out-of-store marketing device be allowed to obscure vision at a street or driveway intersections. For traffic safety, an out-of-store marketing device shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(g) *Compliance with Electric Code.*

- a. No sign shall have exposed electrical wires.
- b. All electrical service to a sign shall be in compliance with the adopted City of Cleveland Electrical Code and any other sections related to the regulation of electricity.
- c. An electrical permit shall be required for first-time electrical connections to signs.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-11. - Prohibited signs.

The following types of signs are prohibited in the city, except as specifically provided by this chapter:

- (1) *Abandoned signs.* A sign shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds, on which such sign is located or with which said sign is associated, provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is significant evidence that the business or activity will resume operations within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.
- (2) *Animated signs.* A rotating or revolving sign, or signs where all or a portion of the signs move in some manner, except those dynamic display and electronic message signs which are allowed under this chapter.
- (3) *Inflatable signs.* Except as specifically permitted under a special event sign permit, inflatable signs are prohibited within any right-of-way.
- (4) *Pennants.* Except as specifically permitted under a special event sign permit, pennants are prohibited within any right-of-way.
- (5) *Roof signs.* Roof signs that extend more than three feet above the roof line.

- (6) *Streamers and windblown devices.* Any propeller, whirling, or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind, including, but not limited to, flags, except as specifically allowed in this chapter.
- (7) *Signs resembling traffic signals or signs.* Signs that imitate an official traffic sign or signal. This includes, but is not limited to, signs with lights and shapes similar to those traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by the city or other governmental entities.
- (8) *Signs creating pedestrian hazards or traffic hazards, or both.* Signs within rights-of-way, including, but not limited to, those attached to traffic signs, utility poles, or guy wires. No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a hazard or a traffic hazard by obstructing vision, or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal. No sign shall be erected that obstructs the vision of pedestrians in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
- (9) *Flashing signs, strobe, laser, and searchlights.* Any sign that contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an intermittent light source.
- (10) *Hazardous signs.* No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- (11) Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent, or nearby, properties, or which reasonably creates a hazard to operators of motor vehicles.
- (12) Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
- (13) Signs displayed on outdoor furniture, benches, trash cans, telephone booths, and similar devices, except as specifically authorized by the city as memorial devices of not more than four inches by eight inches in size.
- (14) Signs attached to, drawn, or painted on utility poles, telecommunication towers and water towers or tanks unless otherwise required by local, state, or federal law.
- ~~(15) Signs with dynamic display and electronic message signs are prohibited in B-I Central Business District, but may be allowed in other sign districts if in compliance with the applicable provisions of this chapter.~~
- (15) Signs drawn or painted upon roof, building, or structure, except as otherwise expressly allowed under this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-12. - Maintenance.

- (a) All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the city building official or Cleveland Code Enforcement Officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have 30 days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the city building official or Cleveland Code Enforcement Officer shall cause a citation to be issued. For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.

- (b) It shall be unlawful, after being notified pursuant to this section and after the 30-day notice has expired, for any person to display a sign in any of the following conditions:
 - (1) Any element of the sign have become detached or have fallen off the sign or has become misaligned.
 - (2) Painted surfaces on the sign or sign structure have begun to peel or flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer in good repair.
 - (3) A significant number of bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
 - (4) Other similar conditions of disrepair or lack of maintenance as determined by the city building official or Cleveland Code Enforcement Officer.
 - (5) For lighted signs, one or more illumination devices are not working and have not been repaired.
 - (6) The area on private property around the sign on which such sign is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make the sign readily visible.
- (c) If no action is taken by the property owner or the tenant in possession under an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property owner and such tenant, jointly and severally, and shall constitute a lien on the property of such property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-13. - Abandoned signs.

- (a) If the business, use, or activity on a property has ceased operations, leaving a sign which may have been permitted in connection with said business, and such if such sign has been found by the city building official to have been abandoned, as defined in this chapter, or as declared by the property owner or tenant, such sign, including its supports, shall be removed or modified as hereinafter allowed by the property owner within 30 days after written notice from the city building official of such building official's determination that said sign is an abandoned sign under the provisions of this chapter. No new sign will be permitted to be erected until said abandoned sign, and its supports, have been removed or converted into a sign lawfully conforming with the requirements of this chapter.
- (b) If such abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity. If such abandoned sign contains a sign copy area that is not removable without disassembling the sign, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with said former business, use, or activity is no longer visible, until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity.
- (c) For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.
- (d) If no action is taken by the property owner or the tenant in possession under a an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property

owner and such tenant, jointly and severally, and shall constitute a lien on the property of such property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-14. - Replacement of nonconforming sign.

- (a) A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs may be permitted after a proper sign permit has been obtained from the city.
- (b) A change of property owner will require the new owner to prepare and submit and have approved by the city a master sign plan and the new owner will be required to have all non-conforming signs conform to the provisions of this chapter then in effect.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-15. - Repairs and maintenance to nonconforming signs.

No structural repairs to, or change in shape or size of, a nonconforming sign shall be allowed except to make the sign comply with the requirements of this chapter after a proper sign permit has been obtained from the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-16. - Duration and continuance of nonconforming signs.

Signs which do not meet all requirements of this chapter when enacted, or which do not meet provisions of this chapter at the time of its adoption, may stay in place, if not in violation of any of the requirements set out in sections 44-12 and 44-13 of this chapter, until one of the following conditions occurs:

- (1) The deterioration of the sign or damage to the sign makes it a hazard.
- (2) No conforming principal use or accessory use, ground or wall sign, shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this chapter.
- (3) Upon a change of ownership, the subsequent owner will be granted six months to bring all nonconforming signs into conformance with the City of Cleveland sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-17. - Display of property address required.

It is of the utmost importance that public safety personnel, mail carriers, and the general public be able to conveniently locate buildings, institutions, businesses, and establishments by their property address. Therefore, to ensure this essential public purpose is served, establishments other than single-family dwellings shall display the street address of the property either on a principal use ground sign or on the building facade. Within a commercial center where multiple addresses exist, the highest and lowest street numbers shall be identified. Street address numbers shall be of a material that is in clear contrast with the background. Numbers shall not less than four inches in height and not exceed eight inches in height on or adjacent to rights-of-way within the city, including, but not limited to local roads, state, and federal highways. Numbers shall be visible from both directions of travel along such rights-of-way. Single-

family homes are required to post a street address on a mailbox, or a small ground sign in front of the dwelling which is not obscured by vegetation. Numbers shall be not less than four inches in height and not exceed eight inches in height on rights-of-way within the city, including, but not limited to, local roads, state, and federal highways.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-18. - Height of ground signs.

Height of a ground sign (except as otherwise provided in this chapter in section 44-8(a)(9)—standards for billboards), is measured from the normal grade ground at the base of the sign, and is limited as follows:

- (1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign.
- (2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign.
- (3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North:
 - a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign.
 - b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height, as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-19. - Increase in height of ground signs.

The maximum heights for ground signs established by this chapter shall apply to any ground sign, except for ground signs situated below the level of the adjacent road grade. If the maximum height permitted in section 44-18, and elsewhere in this chapter, would prevent adequate visibility, if all other provisions of this chapter are properly complied with, the ground sign height for a sign at such location may be allowed by the city, upon proper application made to the city, to be increased as follows:

- (1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.
- (2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.
- (3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: A sign may be sixteen feet higher above road grade.

- a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.
- b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height (as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards) at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-20. - Sign setback.

Except as otherwise specifically provided in this chapter, all signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, a sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-21. - Illumination.

Except as otherwise specifically provided in this chapter, all signs which are allowed to be illuminated under the provisions of this chapter shall be subject to the following limitations:

- (1) In all sign districts externally illuminated signs shall be lighted by a white, steady, stationary light of reasonable intensity, shielded, and directed solely at the sign, so as not to cause glare or spill light on the road right-of-way, so as not to cause a traffic hazard and so as not to light up the sky or adjoining buildings. Provided however, that signs located on properties lying within a residential or agricultural zoning district shall not be externally illuminated.
- (2) In all sign districts, except in the Sign District 1—Historic Downtown District—B-I—Central Business District, neon lights or rope lights outlining the perimeter of a structure may be allowed, however such neon lights or rope lights shall not be used to outline windows or doors, and any such neon light or rope light string shall not exceed three foot-candles in intensity. All such neon lights and rope lights shall be located so as not to spill light on the road right-of-way, and so as not to cause a traffic hazard.
- (3) Neon lights lights and/or rope lights used to outline any structure and/or architectural feature of any structure which is located in the Sign District 1—Historic Downtown District—B-I—Central Business District shall be prohibited.
- (4) Security lights shall be directed so as not to cause glare or spill light on the road right-of-way which would create a traffic hazard. Such security lights shall also be directed to minimize the lighting of the sky above the level of the light.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-22. - Temporary signs.

Temporary signs may be permitted on commercial properties subject to the issuance of a temporary sign permit from the Cleveland Building Official. Such temporary signs shall conform to the following:

- (1) No temporary sign permit shall be valid for more than 45 days in a 12-month period.

- (2) One banner shall be permitted per lot. Banners shall not exceed 32 square feet, nor may it be more than 15 feet in height. Such banner may be temporarily placed or attached to a building, wall, window, railing, or ground sign, or it may be freestanding between two poles or stakes.
- (3) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of 15 feet above the ground. However, all gas or air-filled advertising devices are prohibited in the Sign District 1—Historic Downtown District—B-I—Central Business District.
- (4) Any new business or an existing business which has changed ownership may obtain a sign permit for a temporary sign.
- (5) All temporary signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the temporary sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a temporary sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, a temporary sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-23. - Master sign plan.

A master sign plan is required for all nonresidential projects including more than one freestanding building and for all nonresidential projects including a building suitable for multiple tenants. The approved master sign plan must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.

- (1) *Approval required.* Any new construction and any re-development of a nonresidential project which includes one or more freestanding buildings shall obtain approval of a master sign plan from the city building official as part of the development review process prior to any signs being erected, other than signs permitted during construction under this chapter. All signs erected or maintained shall conform, at all times, to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed, and any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved. The approved master sign plan must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.
- (2) *Master sign plan application.* An application for a master sign plan shall include the following information:
 - a. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;
 - b. One set of drawings showing details of construction and foundation of proposed signs;
 - c. An accurate indication of the location of each of the present and proposed future signs of any type, whether requiring a permit or not;
 - d. An elevation drawing or photo depicting the proposed location of signs on any building, wall, or other structure;
 - e. A scaled drawing showing the size, shape, structural design, materials, and lighting of proposed signs;
 - f. Master sign plans must be signed by all owners or their authorized agents;
 - g. Any other maps, drawings, or materials as required by the Cleveland Building Official to adequately describe the sign proposal.
- (3) *Master sign plan review.*

- a. An application for a master sign plan shall be reviewed as part of the development review process and shall follow all procedures thereof, unless otherwise provided in this section.
- (4) *Individual sign permits.*
 - a. Individual sign permits are required for all signs contained within an approved master sign plan.
- (5) *Amendments .*
 - a. A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements of this chapter.
- (6) *Location of entrance signs.*
 - a. All signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at street or driveway intersections. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-24. - Variances.

- (a) *Administration by the Cleveland Building Permit Review Committee.* The Cleveland Building Permit Review Committee has the responsibility for administration of this section 44-28.
- (b) *Purpose .* The purpose of a variance is to provide limited and conditional relief when the strict application of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, impose unusual practical difficulties or undue hardships on the applicant. Possible grounds for a variance might include, but are not limited to:
 - (1) Dimensional variances only (i.e., variances as to the required setback, sign size, or sign height), which variances shall not exceed ten percent of the required standard or limitation, and shall not subvert the purpose and intent of this chapter; and
 - (2) Extreme topographic conditions preventing the sign from being seen from the adjacent road right-of-way.
- (c) *Criteria for granting a variance.*
 - (1) Based on the application, evidence submitted by the applicant, investigations by the city building official and such other persons as may be directed by the mayor and council; all of the following findings shall exist in order to grant a variance (documentation, including but not limited to, maps, recorded surveys, and other related documents is required):
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography; and
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship.
 - (2) Variances shall not be granted:
 - a. If special circumstances on which the applicant relies are a result of actions of the applicant, owner, or previous property owners; or
 - b. To allow the use of the property in a manner or for a purpose not authorized by the Code of Ordinances of the City of Cleveland and applicable law.

- (d) *Application requirements.* The owner or duly authorized agent shall file an application for variance with the city building official on the prescribed form. A complete application shall consist of:
 - (1) Variance request form;
 - (2) Copy of ordinance section from which the variance is being requested;
 - (3) Correspondence clearly stating the basis for the variance request;
 - (4) Supporting documentation necessary to give the city building official a clear understanding of the request; and
 - (5) Maps, recorded survey, and proposed sign plans and construction details.
- (e) *Submission to Cleveland Zoning and Planning Board.*
 - (1) The request for variance is reviewable by the Cleveland Zoning and Planning Board if the city building official determines that the request for variance meets the criteria.
 - (2) The Cleveland Zoning and Planning Board shall review the request for variance upon receipt of the following items within 15 days of the determination of the city building official:
 - a. Correspondence clearly stating the basis for the request for Cleveland Zoning and Planning Board review;
 - b. City building official's recommendation;
 - c. Supporting documentation necessary to give the Cleveland Zoning and Planning Board a clear understanding of the request for review; and
 - d. A review fee of \$390.00.
 - (3) The Cleveland Zoning and Planning Board shall review the application and staff investigation report and determine whether the evidence supports finding that the required criteria has been met and approved with or without conditions or deny the application. However, the determination of the Cleveland Building Official shall remain in full force and effect pending such review and decision.
- (f) *Appeal to the Cleveland Mayor and City Council.* Decisions or actions of the Cleveland Planning and Zoning Board are subject to appeal to the Cleveland City Council. However, the Cleveland Planning and Zoning Board's decision shall remain in full force and effect pending such appeal.
- (g) If an applicant desires to appeal a decision or action of the Cleveland Planning and Zoning Board, the applicant shall notify the Cleveland Mayor and City Council, in writing, within ten days of the action or decision of the Cleveland Zoning and Planning Board. Upon receipt of this notice, the Cleveland Mayor and City Council shall establish a date and time to hear the appeal. The applicant's request shall include:
 - (1) Correspondence stating the basis for the appeal of the Cleveland Zoning and Planning Board action or decision;
 - (2) Applicable Cleveland Zoning and Planning Board minutes;
 - (3) Supporting documentation necessary to give the Cleveland Mayor and City Council a clear understanding of the appeal request; and
 - (4) Appeal fee \$390.00.
- (h) *Conditions .*
 - (1) Reasonable conditions may be imposed in connection with the granting of a variance as deemed necessary to protect the best interests of the surrounding property of the neighborhood and otherwise secure the purpose and requirements of this chapter; and
 - (2) Guarantees and evidence shall be required that such conditions are and will continue to be in compliance with the terms of the variance and this chapter.

- (i) *Compliance with conditions approval.* Adherence to the approved plans and compliance with conditions imposed in the variance are required. Any departure from conditions of approval of this variance constitutes a violation to this chapter.
- (j) *Vested interest in approved variances.* A valid variance supersedes conflicting provisions or amendments unless specifically provided by the provisions of this chapter or the conditions of such variance.
- (k) *Investigations and reports.* The city building official shall make an investigation to provide necessary information to ensure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.
- (l) *Revocation .* Variances shall become invalid if not exercised within one year of the date of approval or if there is a change in ownership not otherwise noted and approved at the time of the granting of the variance.
- (m) *Limitations on reapplication.* The Cleveland Zoning and Planning Board shall not hear denied applications for the same or substantially similar variance application until a period of six months has elapsed.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-25. - Inspections.

- (a) The city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, shall have the power to conduct such investigations as they may reasonably deem necessary to carry out the duties and responsibilities as prescribed in this chapter. After providing proper credentials, these officials, employees, representatives, and agents may enter any property, public or private, for the purpose of investigating and inspecting the premises.
- (b) No person or entity shall refuse entry or access to the city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, who request entry for purposes of inspection. Similarly, no person or entity shall obstruct, hamper, or interfere with the city building official, his or her department's staff, representatives, agents, Cleveland Code Enforcement Officer, and the staff of the city fire and public works departments, while in the process of carrying out the official duties of same related to this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-26. - Enforcement and penalties.

- (a) *Stop work orders.*
 - (1) Any person or entity failing to comply with any provision of this chapter shall be subject to a stop work order. Such order or notice shall be presented by the city building official or the Cleveland Code Enforcement or an authorized designee, in writing and shall state the conditions under which work may continue. Where an emergency exists, no written order or notice shall be required.
 - (2) The city building official or the Cleveland Code Enforcement Officer, or an agent assigned by the Cleveland Police Chief, shall present the stop work order to the owner of the property, an authorized agent of such owner, or the person or persons in charge of the activity on the property. Upon receipt of notice of the stop work order, activities in violation of this chapter shall cease immediately.

- (b) *Revocation of occupation license or other authorization.* Any person failing to comply with any provision of this chapter shall be subject to revocation of the occupation license, work permit, building permit or other authorization for the conduct of business and associated work activities within the incorporated areas of this city of such person.
- (c) *Enforcement in municipal court.* Any person who shall do anything prohibited in this chapter or who shall fail to do anything required by this chapter shall be guilty of a misdemeanor, amenable to the process of the municipal court of the City of Cleveland. Upon conviction, the court shall assess the person(s) or entity with a penalty, which may include fine, confinement, or both, in an amount permitted for the violation of city ordinances. The court may deem each day the violation exists as a separate offense.
- (d) *Civil penalties.* Any person or entity violating any provision of this chapter shall be liable for a civil penalty of not less than \$100.00 per day, not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate offense.
- (e) *Enforcement by injunction or mandamus.* The Cleveland Mayor and City Council, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceedings to stop the violation.
- (f) *Failure to comply.* If a person or entity fails to comply within the time specified, a violation shall have occurred and in addition to other penalties, any applicable performance or surety bond shall be subject to forfeiture.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-27. - City directional sign program.

- (a) The city may, but shall not be required to erect, replace, repair, and maintain one or more structures upon which the city may affix, for a fee, signs identifying private commercial businesses within the city, and directing traffic in the direction of such businesses.
- (b) There shall be multiple signs affixed to the same structure, on a first come, first served basis.
- (c) All such signs shall be uniform in size.
- (d) No business owner or operator may affix, remove, or modify any sign upon any such structure, and the entirety of the structures, and any signs affixed thereto, shall be the sole property of the city.
- (e) The city shall establish and revise from time to time as necessary:
 - (1) An initial fee to cover the cost of manufacture, installation, affixation, and related expenses, of signs and sign structures; and
 - (2) An annual renewal fee to cover the cost of repair, maintenance, and replacement, of such signs and sign structures.
- (f) No business owner or operator shall have a sign affixed to such sign structure, unless and until, such owner or operator shall have paid the initial fee, any renewal fee, is current on payment of all business license fees, occupation tax, and any other tax or fees owed to the city, and completed an application for affixation of such sign upon forms provided by the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-28. - Miscellaneous provisions.

- (a) *Liability* . The approval of a master sign plan and/or a sign permit pursuant to the provisions of this chapter shall not relieve any applicant or other person or entity from the responsibility for damage to

any person or property nor does such approval impose any liability upon the city, its elected officials, officers, employees, and agents, for damage to any person or property.

- (b) *Repeal* . The adoption of this chapter repeals ordinances and provisions of the Cleveland Code of Ordinances conflicting with the terms of this chapter. It is hereby provided that any provision of the Cleveland Code of Ordinances, and any applicable provision of governing state and federal laws, rules, and regulations, which may be applicable hereto and aid in carrying out or making effective the intent, purpose and provisions of this chapter shall be liberally construed to be in favor of the city.
- (c) *Effective date*. The effective date of this chapter shall be February 22, 2016.

(Ord. No. 2016-01, 2-22-2016)