

**PUBLISHED** June 1, 2016

**ZONING HEARING** June 21, 2016

**FIRST READING** July 12, 2016

**PASSED** \_\_\_\_\_

**AN ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA; TO DELETE IN ITS ENTIRETY ARTICLE 17 AND TO PROVIDE FOR A NEW ARTICLE 17 AS TO THE REGULATION OF SIGNS AS PROVIDED BY THIS ORDINANCE; TO AMEND ARTICLE 2 OF THE ZONING ORDINANCE AS TO THE DEFINITIONS OF CERTAIN SIGNS; TO PROVIDE FOR THE PURPOSE OF THIS ORDINANCE; LOCATION OF SIGNS, AND GENERAL PROVISIONS REGULATING SIGNS; TO ESTABLISH SIGN TYPES AND STANDARDS; TO FURTHER REGULATE BILLBOARDS WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PERMIT CERTAIN TYPES OF SIGNS WITHIN CERTAIN ZONING DISTRICTS; TO PROHIBIT CERTAIN SIGNS INCLUDING DANGEROUS OR DEFECTIVE SIGNS; TO ESTABLISH SIGN PERMIT REQUIREMENTS; TO PROVIDE FOR NON-CONFORMING SIGNS; TO EXEMPT TEMPORARY SIGNS FROM THE PERMITTING REQUIREMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia is authorized by O.C.G.A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact zoning ordinances to regulations as to land use as to property within the City of Blue Ridge, Georgia; and

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia desires to update its regulations and policies regarding the erection, alteration, construction, and reconstruction of signs within the City of Blue Ridge, Georgia;

**WHEREAS**, the City Council does hereby establish and promulgate the sign regulations, included as a part of the zoning regulations insofar as the governance of signs is concerned, within the City of Blue Ridge, Georgia, and as provided by this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the above-referenced authority, as follows that the following changes to Article 2 are adopted and substituted for the named provision and that Article 17 is deleted in its entirety and the new Article 17 is substituted in its entirety:

**SECTION 1.           DEFINITIONS.**

This ordinance shall amend Article 2 of the Zoning Ordinance of the City of Blue Ridge, Georgia to delete certain definitions related to Article 17 regarding signs and after the amendment the definitions to read as follows:

1. Article 2 Rules and Definitions of the Zoning Ordinance is hereby amended by substituting the following definitions in the Zoning Ordinance which shall read as follows:

(a) *Sign*. A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, idea, information, directions, product, place, activity, person, institution, organization or business. The term sign shall not be deemed to include official court, governmental notices, traffic warning or control devices or street signs.

(b) *Sign, Bench*. A sign located on any part of the surface of a courtesy bench or seat, trash cans, water fountains, and similar devices and structures offered for the public without charge.

(c) *Sign, Double Faced (Back-to-Back)*. A structure with two parallel, or nearly parallel signs, back-to-back, and located not more than twenty-four (24) inches from each other at the narrowest point.

(d) *Sign, Electronic Message Board*. A free-standing sign that uses the changing lights, regardless of type, to form written or graphic messages wherein the sequence of messages, graphics and the rate of change is electronically programmed and can be modified by electronic processes.

(e) *Sign, Non-conforming*. A sign which was lawfully erected but no longer complies with local or state regulations due to changes in local or state law or changes in rules and regulations since the date of the erection of the sign.

(f) *Sign, Projecting*. A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building, but not including marque or roof mounted signs.

(g) *Sign, Temporary*. A sign or advertising display constructed of cloth, canvas, fabric, plywood, cardboard with waterproof finish, or other light material and designed or intended displayed for a short period of time.

2. Article 2 Rules and Definitions of the Zoning Ordinance is hereby amended by adding the following definition in the Zoning Ordinance which shall read as follows:

*Flag*. A fabric banner or pennant mounted to a building by a pole and attached to said pole by one side only.

**SECTION 2.                    AMENDMENT OF THE ZONING ORDINANCE**

This ordinance shall amend the Zoning Ordinance of the City of Blue Ridge, Georgia, to delete in its entirety, Article 17 of said ordinance regarding signs and outdoor advertising, and replacing it with a new Article 17, to read as follows:

**ARTICLE 17 – SIGNS AND OUTDOOR ADVERTISING**

17.1 Purpose. The purpose of this Article is to regulate and permit signs that will not, by their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, or morals; and to permit and regulate signs in such a way as to support and complement aesthetic and visual objectives in the Community.

17.2 Location. The location of signs shall conform with State law. (See O.C.G.A. §§ 32-1-21; 32-50-51; 21-1-1, et al.) In general, except for governmental signs as allowed by State law, all signs shall be located on private property.

17.3 General Provisions.

17.3-1 Corner Visibility Clearance. In any district no sign or sign structure above a height of four (4) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines of two (2) streets, or of a street with a railroad right-of-way which setback shall be measured along an arc with a fifteen (15) foot radius. However, a singular, sign structure or supporting structure not more than ten (10) inches in diameter, or ten (10) inches by ten (10) inches square, if located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area if all other requirements of this Article are met and the lower elevation of the sign display surface is at least ten (10) feet above ground level. The provisions of this paragraph shall control over all other setbacks when right of way intersections are involved.

17.3-2 Measuring Signs.

- a. Display Surface. See the definition for Sign Display Surface in Article 2 of this ordinance. The display area is measured in terms of square feet.
- b. Height of Signs. The maximum height of a sign is measured from the base of the sign structure, at grade with the ground, to the highest point of the support structure or display surface, whichever is higher. If the base of the sign structure is below the grade of the nearest adjacent street surface, then height is measured from the grade of the nearest adjacent street surface to the highest point of the support structure or display surface, whichever is higher. If the sign is attached to a building then the height of the sign can be no greater than the maximum building height of the district in which the building is located, unless otherwise stated.

- c. Setback. For the purposes of sign regulation under this Article, the setback requirements reference the minimum distance from a street right-of-way line required for the placement of a sign structure. For side or rear line setbacks in all zone districts, sign structures shall comply with a minimum setback of five (5) feet from the property line, but in no case shall the sign display surface extend across any property line.

#### 17.3-3 Lighting Restrictions.

- a. Lighted, neon, strobe lights or other luminous signs giving off light resulting in glare, blinding, or any other adverse effect on traffic shall not be permitted.
- b. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. External lights must be mounted and be shielded, if necessary, to prevent light from shining anywhere but the sign face. Illumination in excess of 3.01 times at a distance of ten (10) feet over the property line of the sign premises is adverse.
- c. No internally illuminated ground or pole signs shall be erected within fifty (50) feet of any dwelling within a residential district.
- d. No sign shall be erected if it contains, or is illuminated by any flashing, intermittent, or moving light or lights, except an electronic message board sign.
- e. No sign shall be erected which simulates an official traffic control, first responder emergency lighting or warning sign so as to confuse or mislead the traffic or hide from view any traffic or street sign or signal.

#### 17.3-4 Other Guidelines.

- a. No sign shall be erected, attached, or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevents free passage from one part of a roof to any other part thereof.
- b. No sign shall be erected, attached, painted, or drawn on any tree, rock, fence, or other natural feature, retaining wall, or utility post along the public right-of-way.
- c. Enter-Exit Type Sign, i.e. on-premise directional signs. For public safety and convenience purposes in all zone districts, enter-exit type signs or directional signs with a display area of less than two (2) square feet in size are allowed and are not counted towards the maximum number of allowed signs per lot or establishment. Such signs shall have a setback requirement of three (3) feet from the R/W if less than four (4) feet high, otherwise the setback is ten (10) feet.

17.4 Sign Types and Standards. The following sign standards apply to all districts except as specified elsewhere in this Article.

17.4-1 Pole Signs. Pole signs shall not extend over a public right-of-way. All signs with the display area abutting the right-of-way line shall have the display area ten (10) feet or more above ground level measured from the grade at the right-of-way line. Signs with any portion of the display area less than ten (10) feet above ground level must be erected ten (10) feet from the right-of-way line.

- a. Sign Locations on property with direct frontage a minimum of one-hundred linear(100) feet parallel with the Right of Way on the Appalachian Development Highway (Georgia Route 515). The maximum sign display shall be one hundred forty (140) square feet, and the maximum height shall be fifty (50) feet. Any sign more than twenty-five (25) feet in height shall be erected twenty (20) feet from the right-of-way line.
- b. Other Locations. The maximum sign display area shall be fifty (50) square feet, and the maximum height shall be no greater than the maximum building height allowed in the zone district where the sign is located. If the site is occupied by a building having 50,000 square feet of floor area or larger, then the maximum height shall be thirty-five (35) feet.

17.4-2 Ground Signs. Ground signs less than four (4) feet high shall be setback at least three (3) feet from the right-of-way line. The maximum area of a ground sign shall be forty (40) square feet. If the subject property has frontage (a minimum of 100 linear feet parallel with the Right of Way) Georgia 515, the maximum area of a ground sign shall be sixty (60) square feet and on these frontage properties, the minimum setback shall be ten (10) feet from the right-of-way line.

17.4-3 Wall Signs and Flush Mounted Canopy Signs. Wall signs and flush mounted canopy signs (including signs attached flat against the wall or canopy and painted signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. If such signs project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above ground level. Wall signs may not extend higher than the building upon which they are mounted.

- a. Individual Business. The total number of wall signs or canopy signs on all facades of a building is counted as one (1) sign, and the total sign display surface of each wall shall not exceed ten (10) percent of the wall area. For uses in the Limited Commercial (C-1) zone district under the Zoning Ordinance and for office uses approved in the High Density Residential (R-3) zone district under the Zoning Ordinance through the conditional use process, the use is limited to one (1) wall sign not to exceed sixteen (16) square feet.

- b. Multi-Businesses/Shopping Center. The maximum display surface of wall signs or canopy signs for each business shall not exceed ten (10) percent of the front façade of each individual business.

#### 17.4-4 Projecting Signs.

- a. Projecting signs are allowed in commercial (except C-1) and manufacturing districts.
- b. Projecting signs are allowed in the Central Business District (CBD) and are allowed to extend over a pedestrian way, but not over a roadway, provided a clear height of eight (8) feet above grade is maintained.
- c. One projecting sign per façade of a building is allowed.
- d. The maximum display area, including framework, shall not exceed six (6) square feet.
- e. The horizontal dimension of projecting sign shall not exceed three (3) with the innermost edge of the sign located not more than one (1) from the building façade.
- f. The placement of any projecting sign shall comply with all codes, i.e. electrical system clearance requirements.
- g. The upper most section of projecting signs shall not exceed twelve (12) above grade and in no case shall exceed the height of the building to which it is attached.

17.4-5 Hanging Canopy Signs. All hanging canopy signs shall not exceed six (6) square feet in size and the lowest extremity of the sign shall not be less than eight (8) feet above the grade of walkways or right-of-ways beneath the cover of said canopy.

#### 17.4-6 Roof Signs.

- a. Roof signs shall not project beyond the face of the exterior wall of the building on which they are located.
- b. The highest point of a roof sign shall not exceed the ridge line of the roof.
- c. Roof signs shall not be erected on building or structures with a flat roof.
- d. The maximum size of a roof sign shall not exceed fifty (50) square feet.

17.4-7 Window Signs. Each ground level business having glass directly oriented to a street shall count all of the glass area towards one (1) allowable sign, but no single window shall be covered more than twenty-five (25) percent. Window signs on or above the second floor are prohibited except when a business has no ground floor frontage, in which case, no window shall be covered more than twenty-five (25) percent.

17.4-8 Banners. The maximum size of a banner (when allowed) shall not exceed thirty-two (32) square feet.

17.4-9 Billboards.

- a. Such signs shall not be erected within 100 feet of any residence, church, school, or similar institution, nor within 1,000 feet of another billboard (i.e. only one such sign per location), measuring on the same side of the public right-of-way to which such signage is directed. The maximum height of such signs shall be equal to the maximum building height allowed in the zone district where the sign is located.
- b. Such sign, if used, shall count as one of the permanent allowed signs for the establishment or vacant lot upon which erected and shall meet the setbacks required for any building in the zone district where the sign is to be located.
- c. Such sign shall only be erected on properties which abut a State or Federal Highway that are zoned either General Commercial (C-2) zone district or Manufacturing (M-1) zone district under the Zoning Ordinance.
- d. Such sign, designed as a double-face sign, is counted as one sign, but stacked or v-shaped are counted as two (2) signs and not allowed.
- e. If a billboard is initially erected on a vacant/undeveloped lot, which then develops with a commercial or industrial use, the billboard is then counted as one of the allowed signs for that establishment.
- f. A currently existing billboard may be relocated as to another placement upon the same property that the billboard was originally constructed upon, and under the following conditions:
  1. That the billboard is merely to be placed upon another location on the tract or parcel of land as to which it was permitted and originally constructed;
  2. All other requirements of Section 17.4-8 as to billboards must be met;
  3. That the granting of the relocation is necessary for the preservation and enjoyment of the property owner's property rights in the billboard, and is not merely to serve as a convenience to the property owner;
  4. That the authorizing of the relocation of the billboard will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas, or impair in any other respect the health, safety, comfort, morals, or general welfare of the inhabitants of the City, and must be for some objective reason other than the mere convenience of the property owner; and

5. That the relocation of the billboard must be specifically approved by majority vote of the City Council in a public meeting, and after receiving a recommendation of the Planning Commission.

Prohibition of Future Billboards or Billboard Signs. Erection of additional or new billboards or billboard signs after August 9, 2016 is prohibited within the City's corporate municipal boundaries. Relocation of a currently existing billboard, as provided hereinabove, shall not be deemed to be the erection of a new billboard or the erection of a billboard sign.

#### 17.5 Use of Signs Permitted by Districts.

17.5-1 Agriculture/Residential Districts. All lots in the Residential Agricultural (R-A) zone district, Low Density Residential (R-1) zone district, Medium Density Residential (R-2) zone district and High Density Residential (R-3) zone district shall be allowed no more than one permanent sign which can be either a ground sign or wall sign. The display surface of such sign shall not exceed six (6) square feet. (For public safety and convenience purposes, each entrance/exit driveway for: 1) an approved Planned Unit Development (PUD) in Residential Agricultural (R-A) and Medium Density Residential (R-2) zone districts; 2) a subdivision development; or 3) a residential development under construction is allowed one (1) ground sign as described in Section 17.4-2.)

On vacant and undeveloped lots in the above residential districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2(b).

17.5-2 Commercial/Industrial Districts. The maximum number of signs for an establishment and the sign types permitted in C-1, C-2, CBD, and M-1 zone districts are shown in Table 17.1, unless otherwise specified. All such signs shall meet the standards according to Section 17.4.

17.5-3 In the CBD, those conventional lots, having front, side, or rear yards meeting setback requirements of this Zoning Ordinance compared to a lot that contains a building occupying 100 percent of the lot, may use one (1) ground sign or one (1) pole sign, as provided herein. Otherwise, ground signs or pole signs are prohibited in the CBD.

- a. Only those properties zoned CBD with the main building located a minimum of 25' from any street right-of-way shall be allowed to have a pole sign. The maximum allowable area for a pole sign located in the CBD is fifty (50) square feet, including the supporting framework. Dimensions shall not exceed sixty (60) inches in width and ten (10) feet in height. Pole signs shall be limited to a single support pole not to exceed eight (8) inches in diameter or a single eight (8) inch by eight (8) inch support structure.
- b. Pole signs located within the CBD shall have a maximum height of twenty (20) feet and shall not extend over a public right-of-way. If the bottom edge of the sign area or framework is less than ten (10) feet above grade, the edge of the signage area closest

to the right-of-way shall be located a minimum of ten (10) feet from the street right-of-way. The placement of any pole sign shall comply with all pertinent codes, i.e. proximity to an electrical power source regulation.

17.5-4 On vacant and undeveloped lots in the above commercial and industrial districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2 (b).

17.5-5 Residential uses in these commercial or industrial districts shall comply with the signage requirements of Section 17.5-1.

Table 17.1  
Sign Types and Maximum Number of Signs

| SIGN TYPES/<br>MAX. NUMBER | INDIVIDUAL<br>ESTABLISHMENT  | SHOPPING CENTER                 |   | BUSINESS/<br>INDUSTRIAL PARK         |  |
|----------------------------|--|---------------------------------|---|--------------------------------------|--|
|                            |  | 1 total per<br>road<br>frontage | 3 total<br>per<br>business<br>within<br>the<br>shopping<br>center | 1 total per<br>Park road<br>entrance | 2 total per<br>industry/<br>business<br>within the<br>park |
|                            | 3 total per<br>establishment<br><br>When allowed, one<br>pole or ground sign<br>per road frontage<br>only. |                                 |   |                                      |  |
| Pole Sign                  | X*<br>(Not in C-1)   | X*                              |   |                                      |  |
| Ground Sign                | X**  | X                               |   | X                                    | X  |
| Roof Sign                  | X<br>(Not in C-1)  |                                 |   |                                      | X  |
| Wall Sign                  | X  |                                 | X   |                                      | X  |
| Flush Canopy Sign          | X  |                                 | X   |                                      | X  |
| Hanging Canopy Sign        | X  |                                 | X   |                                      |  |
| Window Sign                | X  |                                 | X   |                                      | X  |
| Billboard***               | X  | X                               |   |                                      | X  |

X - Permitted by Right

\* - An Electronic Message Board, which creates changeable copy using multiple light bulbs in sequence is permitted in the C-2 zone district only and is limited to 1 per individual business or as the primary signage for a shopping center.

\*\* - See Section 17.5-2 regarding the CBD.

\*\*\* - Allowed only in C-2 and M-1 zones; See Section 17.4-9.

17.6 Prohibited Signs. Any signs that will pose public safety problems are prohibited. The following types of signs and displays, as they are defined herein, are unlawful to erect or maintain in all zoning districts:

17.6-1 Dangerous or Defective Signs. No persons shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition including temporary signs. Any such sign shall be removed or repaired by the owner or the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the building official shall proceed as described in Section 17.9.

17.6-2 Animated Signs; except as permitted in temporary events, Section 17.7-2(b).

17.6-3 Portable Signs.

17.6-4 Pendants and Streamers; except as permitted in temporary events, Section 17.7-2(b).

17.6-5 Banners; except as permitted in temporary events, Section 17.7-2 (b).

17.6-6 Billboards; except as permitted herein.

17.6-7. Flags. Flags are allowed as follows:

- a. One building mounted flag on a pole and not exceeding twenty (20) square feet in area, may be displayed on any building in any district without permit.
- b. One free standing pole mounted flag per parcel, not exceeding fifty (50) square feet in area may be displayed in any commercial, residential, or industrial district provided the lot meets conventional setback requirements for front, side or rear yards as set forth in the Zoning Ordinance and the pole is set back from the building and sign structure setback line at least ten (10) feet. The pole must be permitted as to construction standards as other poles in accordance with this Article. The maximum height of any flag pole shall not exceed the building height of the zoning district in which the flag pole is erected.

## 17.7 Administration.

17.7-1 Construction and Maintenance.

- a. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal, shall be periodically given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
- b. The provisions and regulations of this ordinance shall not apply to the ordinary servicing, repainting, cleaning, or changing of the message without a change in structure.

## 17.7-2 Sign Permit.

### a. General Requirements.

- 1) A sign permit is required before a sign may be erected or attached to, suspended from or supported on a building or structure; and before an existing sign may be enlarged, relocated or materially improved upon to an extent of sixty (60) percent of its total replacement value. All signs require a permit, except temporary signs as provided in Section 17.7-2(b) and building mount flags.
- 2) After review, a sign permit shall be issued by the Building Inspector, or other designated City agent, when the plans, specifications and intended use of the applied sign or part thereof conforms to the applicable provisions of this ordinance and the Building Code as certified by the Building Inspector or other designated City agent. The application shall be accompanied by plans which identify the locations of signs, including proof the sign location meets all applicable setbacks, materials to be used, area of sign faces and other construction conformity and such other applicable information that the Building Inspector, or other designated City agent, may require in the exercise of reasonable discretion in acting upon the application.
- 3) Each application shall contain an agreement to indemnify and hold the City of Blue Ridge harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure.
- 4) A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.

- b. Temporary Signs. For public safety purposes, to prevent litter and blight, and to avoid depreciating effects on private property, the City of Blue Ridge recognizes the need for the occasional use of signage for temporary purposes, whereby the signage is not permanent, but has a limited life related to the timing of a special event, cause, or purpose. This temporary signage is authorized without a permit with the expectation that the purposes of this signage will be accomplished in a specific time period, then timely removed from the City of Blue Ridge, thus enhancing the purposes stated above.

In all cases in all zone districts, such temporary signage shall be placed only on private property with the permission of the property owner. The maximum size of temporary freestanding signage shall be thirty-two (32) square feet; the setback shall be ten (10) feet from the right-of-way; and the maximum height shall be ten (10) feet. Temporary signs may also include animated signs, pendants and streamers and balloons.

- 1) Special Event Signs. Temporary special event signs are allowed to be erected in the City of Blue Ridge whereby the public will be informed about an upcoming event or directed to the location of a temporary event. Temporary signs for special events may be posted up to ninety (90) days prior to the special event. Removal of the signage is expected within seven (7) days after the event. Such special event signs, for the same event, are only allowed one (1) time per calendar year.
- 2) Political Signs shall be restricted to thirty-two (32) square feet in area and shall be located on private property only and with the permission of property owner.

#### 17.7-3 Permit Fee.

- a. No permit shall be issued until an application accompanied with a sign plan is approved by the Building Inspector or other designated City agent and fees have been paid as established by the City of Blue Ridge.
- b. A permit fee as set from time to time by resolution of the City Council shall be paid to the City of Blue Ridge for each permit required by this ordinance.

17.8 Non-Conforming Signs. All signs shall be subject to the provisions below governing non-conforming structures/uses. Such provisions, however, shall not be construed to prevent a legally operating non-conforming user from using signs otherwise permitted for similar conforming uses.

The lawful use of land area or sign structure existing at the time of enactment of or subsequent amendment to this ordinance may be continued subject to the following restrictions, even though such use does not conform with the provisions of this ordinance. Existing non-conforming sign structure shall not be:

1. Changed to another non-conforming sign;
2. Torn down and rebuilt as a non-conforming sign;
3. Rebuilt, altered, or repaired after damage exceeding sixty (60) percent of its then replacement value.

For the purpose of administration of this Section, ordinary maintenance of a sign is not deemed to be or constitute an extension or enlargement of the sign, and changing the message within the display area is not deemed a change prohibited by this Section.

#### 17.9 Enforcement

17.9-1 Violation. It shall be unlawful to erect or maintain any sign in violation of the provisions of this ordinance. The Building Inspector or other duly authorized agent of the City

shall have the power to give the owner thereof written notice of such violation, said notice to include a brief statement of the particulars in which such violation may be required to be remedied if possible, or the provision which indicates no sign can be permitted. If a sign has been registered with the Building Inspector, or other duly authorized agent of the City, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, graphic structure, or building for a period of ten (10) days shall be sufficient notice of violation.

17.9-2 Penalties. If such violation is not remedied within ten (10) days after such notice, the owner shall remove the sign immediately or be subject to the maximum penalties allowed by the City Charter, with each day that the sign does not comply with this ordinance considered a separate violation.

17.9-3 Removal. If the sign is not removed by the owner, the Building Inspector, or other duly authorized agent of the City, shall have the right to remove such sign at the expense of the owner thereof, and to destroy or otherwise dispose of the same. In addition to the above provisions, the Building Inspector, or other duly authorized agent of the City, may cause any sign or structure to be removed which:

- a. is structurally unsafe;
- b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or inhibits the visibility of vehicular traffic;
- c. is not kept in good repair; or
- d. is capable of causing electrical shocks, to be removed following notice of twenty-four (24) hours to the owner at the expense of the owner thereof, and to destroy or otherwise dispose of the same.

#### 17.10 Variances

a. Variances from the regulations of this ordinance shall be limited to hardship situations which shall meet all of the following conditions:

1. There exists extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the City and which affect the visibility of the proposed sign.

2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other similar properties.

3. Granting the variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties.

4. The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the general welfare of the City's residents.

5. The special circumstances or hardships are not the result of actions of the applicant or in existence when applicant purchased the property.

6. The variance is not a request to permit a type of sign which otherwise is prohibited by this ordinance.

7. The mere existence of a non-conforming sign or advertising device or other variances shall not constitute a valid reason to grant a variance.

8. Visibility of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot.

9. Placement of the sign elsewhere on the lot would not remedy the visual obstructions.

10. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

b. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

c. Relief from the application of the provisions of this ordinance by use of variances granted by the Board of Zoning Appeals or the City Council on appeal from the Board shall be granted only upon a finding of hardship as previously defined. The procedure and hearing on such variances shall be noticed using the same time frames and notice requirements as for variances from the provisions of the standard zoning ordinance and following the same procedures.

**SECTION 2.**                    **REPEAL OF CONFLICTING ORDINANCES TO THE  
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**                    **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4.**            **EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BLUE RIDGE CITY COUNCIL

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

---

City Clerk Kelsey Ledford

RDS/lc/2881-136/W185243