

CITY OF RINGGOLD
STATE OF GEORGIA

ORDINANCE NO.: 2013 - 1028

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY THE ADDITION OF "THE SIGN ORDINANCE OF THE CITY OF RINGGOLD"; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE, AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:

Section 1.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by the addition of "The Sign Ordinance of the City of Ringgold" which shall read as set forth on Exhibit "A" attached hereto and made a part hereof.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3.

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4.

The adoption date of this Ordinance shall be Oct. 29, 2013. The effective date of this Ordinance is the same as the adoption date.

SO ORDAINED, this 29 day of Oct, 2013.

CITY OF RINGGOLD, GEORGIA

Joe Barger
JOE BARGER, MAYOR

ATTEST:

Lori Madrazo
LORI MADRAZO,
DEPUTY CITY CLERK

EXHIBIT "A"

SIGN ORDINANCE of the CITY OF RINGGOLD

ARTICLE I

PURPOSE AND SCOPE

The purpose of this ordinance is to provide standards to safeguard public health, property, and welfare by regulating the location, size, illumination, construction, erection, maintenance, and quality of materials of all exterior signs, and to ensure that signs will not confuse, mislead, or obstruct the vision necessary for traffic and pedestrian safety.

The City of Ringgold ("City") acknowledges, too, that preservation of the health, safety and welfare of the citizenry of the City requires the preservation and protection of the visual attractiveness and aesthetic characteristics of existing streets and neighborhoods throughout the community. Signage controls are included in this ordinance to further the aesthetic values of the community by: 1) protecting neighborhood property values, 2) maintaining the traditional character of historic neighborhoods and districts; 3) avoiding the visual degradation of the City's irreplaceable scenic and environmental resources, and 4) promoting City's continued economic growth by encouraging high quality commercial development.

Reasonable, orderly, and effective display of signs provides vital support for economic development and helps create a positive community image that will attract desirable business and industry to the Ringgold area. The uncontrolled use of signs with their variable sizes, heights, and illumination demand attention to help avoid potential dangers to moving traffic and pedestrians. In addition, uncontrolled sign placements can be destructive to adjacent property values so that clutter replaces the intrinsic values of the property and diminishes the effectiveness of the signs as they compete with each other. Absent regulations, competition among competing sign owners for visibility of their signs undermines the sign owner's original purpose of presenting a clear message to the public.

For these reasons, it has become necessary in the public interest to regulate the sizes, heights, locations, types, and other pertinent physical features of exterior signs in the City while simultaneously acknowledging free speech as a First Amendment constitutional right. Balancing the rights of individuals to convey their messages through signs, while protecting the right of the public against unrestricted proliferation of signs is acknowledged as the goal of the City. Such reasonable regulations also further the policy implementation of the City's adopted comprehensive plan, especially regarding impacts on quality land use development in the area.

ARTICLE II

DEFINITIONS

2.1 For the purpose of this ordinance, the following definitions shall apply:

Aggregate sign area: The area of all signs on a parcel, wall or window, as the case may be, excluding the area of on face of all double-faced signs.

Animated sign: A sign with action, motion, or changing colors that requires electrical energy. This definition includes any signs that electronically change the sign face, whether by substitution of copy or scrolling.

Awning: A permanently installed cloth, canvas, or rigid roof-like covering which hangs from a building facade or projects over the public sidewalk for the purpose of beautifying a building facade or sheltering pedestrians from sun or rain. (Also, see "Canopy.")

Banner: A type of portable sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

Business Premises: A building, suite, office or other unit used for nonresidential purposes. For businesses licensed by the City, the area occupied by a single business license holder shall be deemed as one (1) business premises. Each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area so occupied shall be the business premises. For the purpose of this Ordinance, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions, or other noncommercial entities.

Canopy: A roof-like structure supported by columns or projecting from a building and open on at least three-sides. A canopy may also be detached from a building as a free-standing structure.

Display Area (Face) or Sign Area: (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, (with or without trim), on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself; (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building; (c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

Facade: The face of a building which, because of its architectural details, is clearly intended to be viewed by the public. The front facade is the building wall which customarily contains the primary entry of the building.

Flag: Any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

Frontage, Building: The width in linear feet of each exterior wall of a business which faces a public or private street right-of way.

Frontage, Lot: For purposes of this ordinance, lot frontage shall be construed as the width in linear feet of each lot where it adjoins a street right-of-way line.

Parcel: A separate tax unit of real property on county real estate records. Also synonymous with "lot" or "tract."

Pennant: Any lightweight plastic, fabric, or similar material suspended from a rope, wire, cable, or string designed to move in the wind. The term can include "streamer."

Sign: Any object, device, display, or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, events or location by any means, including words, letters, figures, designs, symbols, logos, fixtures, colors, movement, or illumination. (See "Display Area or Sign Area.")

Sign, Abandoned: Any sign that no longer serves the functional purpose for which it was originally erected.

Sign, Bench: A sign located on any part of the surface of an outdoor courtesy bench or seat, trash cans, water fountains, bus stop shelters, and similar devices.

Sign, Billboard: Any permanent freestanding sign used as an outdoor display for making anything known where the total sign display area is larger than two hundred (200) square feet.

Sign, Billboard - Interstate: A billboard located within 250 feet of the right-of-way of Interstate 75 or within 350 feet of the edge of the pavement of Interstate 75.

Sign, Billboard - Non-interstate: A billboard that is not an interstate billboard.

Sign, Canopy: A permanent sign affixed to, superimposed upon, hung from or painted on any roof-like structure or awning extended over the sidewalk or a walkway, often in lieu of a wall sign.

Sign, Double-Faced (Back-to-Back): A sign type with two parallel, or nearly parallel display areas, back-to-back, and located not more than 24 inches from each other, where the interior angle formed by the display areas is sixty (60) degrees or less. One display area is designed to be seen from one direction and the other display area from another direction.

Sign, Flashing: A sign of any type requiring electrical energy, where illumination of the sign by artificial or reflected light is not maintained stationary and constant in intensity for more than ten seconds. Color changes, while the sign is in use, are included as a flashing sign.

Sign, Freestanding: Any affixed sign supported by one or more upright poles, columns, braces, or a base placed in or on the ground and is wholly independent of any building for support.

a) Ground: Any permanent freestanding sign with a height that extends not more than three (3) feet above the ground measured from the point of lowest adjacent grade, and the bottom edge of the display area is either attached directly to the ground or not more than one (1) foot above the ground.

b) Pole: A permanent free-standing sign used as an outdoor display having a total sign display area mounted on one or more poles or supports more than three (3) feet above the ground.

Signs, Lighted: Any sign which is visually enhanced through the use of light emitted directly from or within a display surface (internal), or through the use of indirect light that is cast from a source other than the display area of the sign (external).

Sign, Non-Conforming: Any sign that was lawfully erected and maintained prior to the adoption of this ordinance, and which by reason of such adoption fails to conform to all applicable regulations and restrictions of this ordinance.

Sign, Permanent: Any sign attached securely to a building, or a canopy, or the ground by means of concrete, bolts, metal braces, or wood, and continuing in the same state without essential change to the sign structure.

Sign, Portable: Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is constructed without wheels; or an A or T-frame sign; or any sign generally considered moveable or temporarily attached to the ground, including but not limited to:

- Signs designated to be transported by a trailer or wheels;
- Signs with wheels removed;
- Signs with chassis or support constructed without wheels;

A - or T - frame signs (a self-supporting sign with two faces placed back- to- back on a base (inverted T) or hinged together at the top in such a manner that each face leans toward the other.);
Menu, sandwich or sidewalk-type signs;
Searchlight stands;
Hot-air or gas-filled balloons, or umbrellas;
Signs mounted on or painted on parked cars, trucks, or trailers that are intended as an advertising device;
Banners (except for those banners larger than 32 square feet, and attached temporarily to a building or above a public street right-of-way); and
Pennants and Streamers.

Sign, Projecting: A sign which is attached perpendicular to a building and extends twelve (12) inches or more horizontally from the plane of the building wall, but not more than four (4) feet.

Sign, Project/Development: A sign located at any discernible entrance or gateway into a particular residential subdivision, other high density residential development, or commercial/industrial park that serves a common or collective purpose for a group of persons or businesses.

Sign, Pylon: See Freestanding Sign.

Sign, Roof: Any permanent sign that is attached, or mounted permanently on the roof of a building or which is wholly dependent upon a building for support and which may or may not project above the eave line of a building with a gambrel, gable, or hip roof, the deck line of a building with a mansard roof, or project above the building with a flat roof; roof signs would also include any letters, numbers, or message that would be painted, or equivalent, upon the surface of the roof.

Sign, Side-by-Side: A permanent structure of two horizontally adjacent signs with their faces orientated in the same direction.

Sign, Stacked: A permanent structure of two vertically adjacent signs with their faces orientated in the same direction.

Sign, Temporary: A sign intended for a use not permanent in nature. For the purposes of this ordinance, a sign with an intended use of one year or less shall be deemed a temporary sign. Temporary signs include banners and paper bases posters. Painted signs and signs with vinyl lettering are not temporary signs.

Sign, V-Shaped: A structure of two signs in the shape of the letter "V" when viewed from above having their faces oriented in opposite directions at an angle not greater than ninety (90) degrees.

Sign Wall: A sign painted or attached parallel to a wall which is an integral part of the building, and which shall project not more than twelve (12) inches from the wall of the building.

Sign Window: Any permanent or temporary sign with letters, words, or symbols which are displayed on or attached to the exterior or interior window glass that is part of the structural wall of any building and intended to be viewed from the outside.

Shopping Center: A group of three (3) or more retail stores, service establishments, or offices comprising an architectural complex including shared parking, access, loading, and service.

Sign Base: The footings, and vertical posts supporting the sign display area.

Sign Copy: The linguistic or graphic content, including the trim and borders of a sign.

ARTICLE III

GENERAL REQUIREMENTS

3.1 **Applicability.** The location of signs shall conform with applicable state law. In general, all signs shall be located on private property. No sign shall be permitted within any street or road right-of-way.

3.1-1 It shall be unlawful to erect or place any sign which does not conform to the requirement of this Ordinance or as otherwise provided for non-conforming signs by this Ordinance.

3.1-2 The requirements of this ordinance shall apply to all signs that are visible from a street, public right-of-way, or property in public ownership, regardless of zoning district.

3.2 **Measuring Signs.**

3.2-1 **Display Area.** See definition for display area in Article II of this ordinance. The display area is measured geometrically in square feet, and is the area within the smallest regular geometric shape that contains the entire sign copy. The maximum allowed sign size of this ordinance requires the summation of multiple display areas mounted on any sign structure that are readable from a single direction.

3.2-2 **Height of Signs.** Except as otherwise provided in this ordinance, unless the sign is within a 2,500-foot radius of the center point of an interstate exchange the height of a sign at its highest point above ground level may be no greater than

forty (40) feet above the adjacent ground. The following rules shall apply in determining adjacent ground: If the base of the sign structure is below the grade of the adjacent roadway, the sign height is measured from the elevation of the adjacent roadway that is nearest to the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

3.2-3 Setback. For the purposes of this ordinance, 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, a sign structure shall comply with a minimum setback of twelve (12) feet from the property line, but in no case shall the sign structure be placed on or the sign display area extend across any property line, required buffer, or over a public right-of-way, except as may be allowed in the C-3 zone district.

3.3 Lighting Restrictions.

3.3-1 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.

3.3-2 No illuminated signs shall be constructed or maintained within fifty (50) feet of any dwelling within a residential district.

3.4 Special Restrictions.

3.4-1 It shall be unlawful to post any signs or advertisements on any building, fence, or property belonging to another without the written consent of the owner thereof. Such consent shall be exhibited to the zoning administrator on demand by the person erecting, constructing, or maintaining the sign.

3.4-2 Rotating signs which include a standard sign rotating device designated to rotate at a rate of less than six revolutions per minutes shall be permitted within all non-residential districts.

3.4-3 Signs may be mounted back to back when they share the same structure and only one side (the larger side if of unequal dimensions) shall be considered in computing the display area dimensions.

3.5 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 streets, or of a street intersection with a railroad right-of-way. However, a sign structure (example: pole support) not more than ten (10) inches in diameter, 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 lowest elevation of the sign surface is at least eight (8) feet six (6) inches above the ground level.

ARTICLE IV REGULATION OF SIGNS

The following provisions apply to all uses in all zone districts except as may be specified elsewhere in this Ordinance.

4.1 Prohibited Signs. The following signs types are prohibited throughout the city of Ringgold in all zone districts, unless otherwise noted.

4.1-1 Billboards signs. Such signs, even if the properties are zoned C-1, C-2, and I-1, shall be prohibited along the following designated corridors:

- a) Battlefield Parkway from its intersection with Highway 41 to its intersection with Smitherman Road;
- b) Highway 41 (Nashville Street) from its intersection with Cherokee Valley Road to its intersection with Battlefield Parkway;
- c) Highway 151 from its intersection with Interstate 75 to its intersection with Tennessee Street;
- d) Lafayette Street from its intersection with Nashville Street to its intersection with Highway 151.

4.1-2 Roof signs, including those hanging over a parapet wall.

4.1-3 Flashing signs.

4.1-4 Bench signs.

4.1-5 Abandoned signs.

4.1-6 Lighted, neon or luminous signs giving off light resulting in glare, blinding, or any other such adverse effect on traffic shall not be erected or maintained.

4.1-7 A sign which simulates an official traffic control or warning sign in such a manner as to confuse or mislead the traffic, or hide from view any traffic or street sign or signal.

- 4.1-8 Signs which emit or use in any manner any sound capable of being detected by a person with normal hearing that is moving as a pedestrian or within a motor vehicle along any road or highway.
 - 4.1-9 Signs on public rights-of-way.
 - 4.1-10 Signs erected, maintained, affixed, painted, drawn on any tree, rock, or other natural feature. It shall also be unlawful to post signs, upon any utility or telephone poles and traffic control devices.
 - 4.1-11 No sign shall be erected or maintained which obstructs any fire escape, any means of ingress/egress or ventilation, or which prevents free passage from one part of a roof to any other part thereof; nor shall any sign be attached in any form shape or manner to a fire escape.
 - 4.1-12 Portable signs, however, such a sign may be used on grand openings for a period not to exceed four (4) weeks.
 - 4.1-13 Animated signs that change sign copy more frequently than ten (10) seconds.
 - 4.1-14 Signs that contain words, pictures, or statements that are obscene as defined by O.C.G.A § 16-12-80.
 - 4.1-15 Any sign or sign structure that is unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or is not kept in good repair, or is likely to cause electrical shocks to persons expected to come in contact with the sign or sign structure.
- 4.2 **Permanent Signs.** The following sign types require the issuance of permits unless otherwise stated by this ordinance.
- 4.2-1 **Pylon/freestanding Signs.** Such signs shall only be located on property in multi-family residential, commercial (including shopping centers and multi-tenant buildings), or industrially zoned areas, unless otherwise stated. The display area of such signs shall not extend over a public right-of-way line or property line. Those pole signs having all of the display area eight (8) feet six (6) inches or more above ground level when measured from the grade at the right-of-way line may be erected so that the display areas abuts the right-of-way line. Signs with any portion of the display area less than eight (8) feet six (6) inches above ground level must be erected twelve (12) feet from the right-of-way line.
 - a) On parcels less than three (3) acres in size and for multi-family residential developments, the total maximum sign display surface per sign shall be one hundred (128) square feet. [Exception: In the C-3 zone district, where a conventional lot exists, the maximum size is 50 square feet and the maximum height is 25 feet, otherwise a freestanding sign is prohibited;

in the O-1 zone district a freestanding sign is limited to a ground sign. See Section 4.2-2].

- b) On parcels three (3) acres or more, but less than ten (10) acres in size, the maximum size per sign is one hundred fifty (150) square feet.
- c) On parcels larger than ten (10) acres or more, the maximum size per sign is two hundred twenty (220) square feet.
- d) On parcels zoned R-1 or R-2, the maximum size per sign is not greater than sixteen (16) square feet, not higher than six (6) feet, and not located any closer than ten (10) feet to any property line.

4.2-2 Ground Signs. Allowed in multi-family residential, commercial, and industrial zone districts, a ground sign is a freestanding sign, provided that it does not exceed 3.5 feet in height, and is no bigger than eighteen (18) square feet in area, measured on one side only. Ground signs must be set back at least three feet from the public right-of-way. A freestanding sign in the O-1 zone district shall be limited to a ground sign and the display area shall not exceed 16 square feet.

4.2-3 Wall. Wall signs (including signs attached flat against the wall and painted wall signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. They may project from the building twelve (12) inches provided that, if they project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet six (6) inches above the ground level. A wall sign may be permitted on an existing building which does not meet the setback requirement provided that the sign meets all other requirements of this section and is not located within the right-of-way. In the C-3 zone district, a wall sign shall be below the second floor of a multi-story building and the size of the display areas shall be limited to a maximum height of two (2) feet six (6) inches, but may extend the width of the building.

- a) *Signs on the facades of the building.* The total area of a wall sign on the exterior front surface of a business premise shall not exceed twenty (20) percent of front surface of the business or 200 square feet, whichever is less. The total aggregate area of a wall signs on a side or rear surface of a business premise shall not exceed twenty-five (25) percent of the exterior side or rear surface of the business respectively or 200 square feet, whichever is less. The maximum size of a wall sign for a residential dwelling is sixteen (16) square feet and for a multi-family residential project/development is fifty (50) square feet.
- b) *Larger Buildings.* A non-residential building containing an area of 50,000 square feet, or more, may have multiple wall signs on any facade of the

building, not exceeding ten (10) percent of any facade, but the total number of such signs count as one (1) allowable sign per facade.

4.2-4 Window Signs. The aggregate sign area (permanent and /or temporary window signs) shall not exceed thirty (30) percent of the aggregate window area. Window signs on or above the second floor are prohibited except when a business has no ground floor frontage, then, in such event the provisions of this subsection 4.2-4 shall apply. Direct painted, gold leaf, or similar style, and hanging signs on the interior are allowed. Multiple and conforming window signs that are to be installed contemporaneously with each other may be included in a single permit application. The permit fee for such an application shall be based on the aggregate square footage of the signs.

4.2-5 Projecting Signs. Projecting signs shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. They may project from the building wall no more than four (4) feet to the outside edge of the sign. Projecting signs are not permitted at the intersection of corners except at right angles to the building front, unless otherwise authorized by this ordinance.

a) The maximum size of a projecting sign is forty (40) square feet in commercial and industrial zone districts where such signs are allowed. In the C-3 zone district, projecting signs may overhang the R/W as long as a clear height of eight (8) feet six (6) inches is maintained above the ground, a sidewalk, or pedestrian walkway. Projecting signs are prohibited on all residentially used and zoned properties.

4.2-6 Canopy Signs or hanging signs. Such signs shall not exceed ten (10) square feet in size and shall be not less than eight (8) feet six (6) above the ground at the lowest extremity of the sign. Such signage shall not be internally lighted.

4.3 Temporary/Special Event Signs. Signage may periodically be needed for a short duration rather than permanent usage. These signs shall not be erected within the public right-of-way and shall be located on private property with the permission of the property owner. Only one (1) permit shall be issued to cover all temporary signs. The maximum number of temporary permits to be issued to a single parcel in a multi-family, commercial, or industrial district shall be four (4) per year for a period of time not to exceed thirty (30) days for each permit issued. Not more than one special event permit shall be issued per calendar quarter per business premises.

Banners are allowable as temporary signs.

4.4 Signs exempt from permit requirements.

4.4-1 The following types of signs shall be exempt from the permit requirements of this ordinance:

- (a) Freestanding sign, having a sign area of less than sixteen (16) square feet, provided it is not located in the public right-of-way, does not block vehicle sight visibility, does not exceed three (3) feet in height if a ground sign, or if a pole sign, does not exceed six (6) feet in height.
- (b) *Temporary window sign.* Provided, however, the aggregate sign area shall not exceed 30 percent of the available window space.
- (c) Seasonal displays, located outside of the public right-of-way that are erected for a maximum period of 60 days, not more than twice a year.
- (d) Non-illuminated wall signs, not larger than two (2) square feet.
- (e) Temporary signs erected by schools and non-profit organizations.
- (f) Temporary signs related to a newly opened business or special event shall be allowed for thirty (30) days and its display areas shall be limited to 2.5 feet high and the length of the building facades.

4.4-2 Flagpoles in residentially zoned districts shall not exceed 25 feet in height or the height of the primary structure, whichever is less. Flagpoles in commercial or industrial zoned districts shall not exceed 60 feet in height. The dimensions of any flag shall not exceed 50 percent of the vertical height.

4.5 Use of signs by zone districts.

4.5-1 Residential districts.

- a) Platted residential subdivisions may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of five (5) feet above the grade level of the centerline of the adjacent street and shall not have a sign area greater than 25 square feet.
- b) Other than subdivision entrance signs allowed under subsection (a) above, parcels located in residential zoning districts shall not contain signs having an aggregate sign area greater than fifteen (15) square feet. No individual sign shall exceed four (4) square feet in sign areas in a residential zoning district. Signs having a height greater than six (6) feet above the grade level of the centerline of the adjacent street to which the parcel is oriented are prohibited in residential zoning districts.

4.5-2 Commercial/industrial districts.

- a) Parcels may contain more than one freestanding sign, provided that:

- (1) Unless otherwise stated in this ordinance, parcels exceeding three acres shall be allowed a maximum aggregate sign area of 300 square feet for the entire parcel, but no single sign shall have a display area exceeding 200 square feet.
 - (2) Unless otherwise stated in this ordinance, parcels less than three acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign area of 128 square feet for the entire parcel.
 - (3) Unless otherwise stated in this ordinance, parcels less than 30,000 square feet in size shall be allowed a maximum aggregate sign area of 100 square feet for the entire parcel.
- b) Residential uses in the commercial and industrial districts shall comply with the signage requirements of sub-section 4.5-1

4.6 Billboard signs.

- 4.6-1 Billboard signs are allowed on commercial or industrial parcels within the interstate corridor as provided herein.
- 4.6-2 Size. The display area and trim of an Interstate billboard sign shall not exceed twelve (12) feet in height and fifty (50) in length or a display area in excess of 600 square feet. The display area and trim of a Non-interstate billboard sign shall not exceed twelve (12) feet in height and twenty-four (24) feet in length or a display area in excess of 288 square feet.
- 4.6-3 Form and Number. Billboard signs shall not be placed side-by-side or stacked. A sign at a single location, whether back-to-back or "V" formation, shall be the same height above the interstate highway surface. Not more than six (6) billboard signs shall be permitted per quadrant of any interchange adjacent to the interstate highway.
- 4.6-4 Height and Setback. All billboard signs shall be a minimum of ten (10) feet above adjacent interstate highway pavement measuring from the lower portion of the sign face. Non-interstate billboard signs shall not extend more than forty (40) feet in height above the adjacent ground. Interstate billboard signs shall not extend more than seventy (70) feet in height above the adjacent ground. The following rules shall apply in determining adjacent ground: If the base of the sign structure is below the grade of the adjacent roadway, the sign height is measured from the elevation of the adjacent roadway that is nearest to the sign structure. The ground shall not be altered for the sole purpose of providing additional sign

height. The edge of the display area for any sign structures shall be not less than ten (10) feet from any property or right-of-way line.

4.6-5 Spacing. Billboard signs shall be spaced a minimum of 500 feet apart measured on the same side of the roadway and from the closest point relative to each other.

4.6-6 Illumination. All illuminated signs shall use base mounted fluorescent or mercury vapor lights and shall be activated by photo-electric cells and shall be so directed as to avoid any potential traffic hazard. Additional lighting including but not limited to neon, animation and running lights are prohibited on Interstate Billboards. Non-interstate Billboards, pylon signs and wall signs may have LED or digital displays.

4.6-7 Extrusions Prohibited. Extrusions beyond the face of the sign, excluding aprons, are prohibited.

ARTICLE V

NON-CONFORMING USES

Except as provided in this Ordinance, all signs shall be subject to the provisions below, governing non-conforming uses. Such provisions, however, shall not be construed to prevent a legally operating non-conforming use from using signs otherwise permitted for similar conforming uses.

5.1 **Continuance of Non-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 structures shall not be:

- 1) Changed to another non-conforming sign;
- 2) Torn down and rebuilt or moved and rebuilt as a non-conforming sign;
- 3) Extended or enlarged; or
- 4) Rebuilt, altered, or repaired after damage exceeding fifty (50) percent of the fair market value of the improvements, except when changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.

For the purpose of administration of this provision ordinary maintenance of a sign is not deemed to be or constitute an extension or enlargement of the sign; and changing the face of the sign is not deemed a change prohibited by this section.

- 5.2 **Deterioration.** Non-conforming signs which have been allowed to deteriorate so as to constitute either an aesthetic nuisance or a safety hazard are subject to removal pursuant to Article VII of this ordinance. A sign shall be deemed to be deteriorated if the paint on its face is faded, cracked or peeling, if removable letters on the changeable copy board are missing or in disarray, if plastic panels are missing, broken or stained, if the sign face or its supporting frame work is rusty or in need of paint, if the area surrounding the sign base is not maintained and kept free of weeds and debris, or if the sign is in need of structural repair.
- 5.3 **Abandonment.** Nonconforming signs which have been abandoned, shall be removed in their entirety by the record owner of the building or the person who obtained the sign license, whichever owns the sign or portion thereof, within 90 days after the business using the sign closes or ceases to operate on the premises where the sign is located.
- 5.4 **Relocation of existing nonconforming sign.** Notwithstanding the limitation on existing nonconforming sign structures set out in Section 5.1 of this article, the mayor and council are authorized to permit an existing nonconforming sign structure to be relocated and rebuilt upon the same or contiguous parcel if the mayor and council determine that such relocation would:
- (1) Enhance the aesthetic value, economic value, or future development potential of the effected property;
 - (2) Not increase any dimensions of the original existing nonconforming sign structure;
 - (3) Not require any extension to the then-existing lease term, if any, of the non-conforming sign structure; and
 - (4) Not violate applicable zoning restrictions or permitting requirements.

ARTICLE VI

BOARD OF APPEALS

- 6.1 Procedures.** An applicant whose permit application has been denied or a permittee who alleges that there is error in any order, requirement, decisions, or determination made by the zoning administrator or any other administrative official in connection with the enforcement of this ordinance, may appeal the decision to the zoning board of appeals as established by article VIII of the city zoning ordinance upon filing a written notice of an appeal with the zoning administrator within ten (10) days of the challenged decision. The Board of Zoning Appeals shall consider an appeal at the next meeting held after the city's receipt of the written notice of appeal, provided that the notice of appeal is received a minimum of five (5) full business days before the meeting. If the appeal is not heard at the next meeting it shall be heard at the next regular meeting of the zoning board of appeals thereafter, but in any event no later than 45 days from the date the written notice of an appeal was filed with the zoning administrator. The zoning board of appeals shall make a final decision not later than 30 days from the date of the hearing.
- 6.2 Powers.** The duly appointed Zoning Board of Appeals shall have the power to reverse or amend the decision of the zoning administrator, and/or authorize a variance from the strict application of this ordinance where such application will result in practical difficulties or unnecessary hardships to the person owning or having the beneficial use of the property or sign for which the variance is sought.
- 6.3 Application of the Variance Power.** A variance may be allowed by the Board of Appeals only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all the following affirmative findings:
- (1) That the alleged hardships or practical difficulties or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.
 - (2) That the alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both. (This is fairly standard variance language – it gives the commission a little wiggle room.)
 - (3) That allowing the variance will result in substantial justice being done:
 - a) considering the public benefits intended to be secured by this ordinance;
 - b) the individual hardships that will be suffered by a failure of the Board to grant a variance; and

- c) the rights of others whose property would be affected by the allowance of the variance.
- (4) That the requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
- (5) That granting of the variance would not violate more than one standard of this ordinance.

The above findings of fact shall be made by the Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact on the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.

Nothing contained herein shall be construed to empower the Board of Appeals to change the terms of this Ordinance or to add to the signs permitted in any district.

6.4 Appeals of Decisions.

Should the appellant wish to appeal the board's decision, the appellant must do so by *writ of certiorari* directly to the Superior Court of Catoosa County. There shall be no intermediate appeal to the mayor and council or any other administrative body. An application for a *writ of certiorari* must be filed within 30 days of the applicant's receipt of the written decision of the board.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

7.1 Sign Permit.

- 7.1-1 A sign permit is required before a permanent or temporary/special event 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 using electrical wiring and connections shall require an electrical permit.
- 7.1-2 A sign permit shall be issued by the code enforcement office/building inspector when the plans, specifications and intended use of the permanent sign or part thereof conform in all respects to the applicable provisions of this ordinance, the city building code, and the requirements of the electrical code as certified by the zoning administrator and a permit fee has been paid by the applicant. The administrative application shall be accompanied by plans or such other information (property lines, street names, building locations, distances from

building to the road, distances to sign from road, along with a detailed drawing of the sign(s) itself) and such other information as the zoning administrator may reasonably require in the exercise of his duties. Standardized sign plans may be filed with the zoning administrator in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application. The zoning administrator shall process the application and either grant or deny the application within thirty (30) business days from the date of receipt of a complete application and payment of the proper fee. The failure of zoning administrator to timely act on the application shall be deemed a grant of the application.

- 7.1-3 Each permit application shall contain an agreement to indemnify and save the city harmless of all damages, demands or expenses, which may in any manner be caused by the sign(s) or sign structure.
- 7.1-4 The city shall deny permits to applicants that submit applications for signs that either do not comply with the provisions of this ordinance, or for incomplete applications, or for applications containing false material statements. Should it be determined that a sign permit was erroneously issued, then such permit is void *ab initio*. Denial of a permit shall be expressed in writing by the zoning administrator before the end of the 30- business days established for review of the application and shall state the reasons for denial of the application. For the purposes of this ordinance, the communication may be made by email or facsimile. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within thirty (30) business days after the city's receipt of the application. The sign applicant shall have the right to appeal the denial of a permit to the city's zoning board of appeals by written notice of appeal as provide in Section 6.3 above.
- 7.1-5 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. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. Where a permit has expired for failure to erect the sign and a sign is later desired in the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of re-application.

7.2 Permit Fee.

- 7.2-1 A permit fee shall be paid to the zoning administrator for each permit required by this ordinance. The fee shall be in accordance to rate schedule maintained in the office of the city manager. No permit shall be issued until the exact dimensions and area of the sign have been filed with the zoning administrator.

7.2-2 Permit fees shall not apply to the ordinary servicing, repainting of existing sign message, cleaning of a sign, nor to changing of advertising on a sign specifically designed for periodic change of message without change in structure.

7.3 **Construction and Maintenance.** All signs, 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. In addition to the above provisions, the zoning administrator may cause any sign or structure which:

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

7.4 **Enforcement.** If any sign is erected or maintained in violation of the provisions of this ordinance, the zoning administrator shall have the power to give the owner thereof written notice of such violation, said notice to include a brief statement of the particulars in which such violation is to be remedied. If a sign has been registered with the zoning administrator, 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. Notwithstanding the foregoing, in the interest of safety, any official or employee of the city shall have the authority to remove and dispose of any sign placed within the public right-of-way without notice to the owner.

If such a violation is not remedied within thirty (30) days after such notice, the owner shall remove the sign immediately or be subject to a \$100.00 a day fine for each day the sign remains. If the sign is not removed by the owner, the zoning administrator shall have the right to remove such sign at the expense of the owner thereof and to destroy or otherwise dispose of the same.

7.5 **New Zoning Districts.** If a new zoning district is created after the initial enactment of this ordinance or subsequent amendment, no signs shall be permitted therein until this ordinance shall be amended to include such zone district.

ARTICLE VIII

ADOPTION AND AMENDMENTS

- 8.1 Adoption and Amendment.** This ordinance shall both be adopted and amended hereafter, only after the mayor and council shall have authorized the Ringgold Planning Commission or equivalent (hereafter known as the planning commission) to conduct a public hearing, then review and recommend the adoption or subsequent amendment. After conclusion of the required public hearing (Section 8.2), the Planning Commission shall have thirty (30) days within which to submit its written report to the mayor and council. If the planning commission fails to submit a report within the thirty (30) day period it shall be deemed to have approved the adoption or subsequent amendment.
- 8.2 Public Hearing.** Before enacting an amendment to this Ordinance, the Planning Commission of the City of Ringgold, Georgia, shall hold a public hearing thereon, and at least fifteen (15) days notice of the date, time, place, and purpose shall be published in the legal organ of Catoosa County, Georgia.
- 8.3 Presentment to Mayor and Council.** After the expiration of the thirty (30) day period within which the planning commission must act, the mayor and council of the city of Ringgold may proceed to final action on the adoption or subsequent amendment.