



## **CITY OF DUNWOODY**

41 Perimeter Center East, Suite 250

Dunwoody, GA 30346

Phone: 678.382.6800 • Fax: 770.396.4828

[www.dunwoodyga.gov](http://www.dunwoodyga.gov)

---

## **MEMORANDUM**

Date: **October 8, 2009**

Subject: **Text Amendment to the Sign Ordinance**

---

At the behest of the Mayor & City Council, in early 2009 there was convened a citizen committee to review the City Sign Ordinance (Chapter 21 of the City Code). That committee worked in conjunction with city staff and local stake holders to compile a list of changes and amendments to the current sign ordinance, represented by highlighted and redline text in the attached document.

Staff has also made their own additional recommendations following the implementation and administration of the Sign Ordinance over the past nine months. All of the proposed changes are represented on the following draft of the proposed Sign Ordinance.

These proposed changes, and the results of the Community Council discussion, will be heard in November by the Planning Commission at their regular meeting on the 10<sup>th</sup> of November, and will be first read by the Mayor & Council on Monday, November 23<sup>rd</sup>.

## Chapter 21 – Signs

### **Article I. In General**

#### *Section 1: Purpose and Findings*

The City Council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the City can become a threat to public safety as a traffic hazard and a detriment to property values and to the City's general public welfare, as well as create an aesthetic nuisance. The City further finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, and substantially detract from the beauty and appearance of the City. The City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations.

The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The Mayor and council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, public utility signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

The City finds that some signage has a single targeted function and that identification of such signs by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to those persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this Ordinance, the provisions of this Ordinance are unrelated to the content of speech provided and allow maximum expressive potential to sign owners.

The purpose and intent of the governing authority of the City of Dunwoody in enacting this Chapter are as follows:

- (1) To protect the health, safety and general welfare of the citizens of Dunwoody, and to implement the policies and objectives of a comprehensive development plan of the City through the enactment of a comprehensive set of regulations governing signs in the City of Dunwoody;
- (2) To regulate the erection and placement of signs within the City of Dunwoody in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3) To preserve the value of property on which signs are located and from which signs may be viewed;
- (4) To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
- (5) To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the City;
- (6) To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the City;
- (7) To provide fair and reasonable opportunities for **businesses** which are located within the City of Dunwoody, and to provide for the identification of the availability of products, goods or services so as to promote the economic vitality of businesses that are located within the City;
- (8) To ensure the protection of free speech rights under the State and United States Constitutions within the City of Dunwoody;
- (9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
- (10) To allow certain signs that are small, safe, unobtrusive on lots, subject to the substantive requirements of this Chapter but without a requirement for permits;
- (11) To provide for temporary signs in limited circumstances;
- (12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; and

- (13) To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

### *Section 2: Definitions*

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word "shall" is mandatory and not directory, the word "person" includes a firm, organization, partnership, trust and corporation, and the word "City" shall mean the City of Dunwoody, Georgia.

As used in this Chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

*Abandoned or Dilapidated sign* shall mean any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly, or unkempt.

*Aggregate sign area* shall mean the sum total of the sign area of any and all signs for a given lot. Subdivision signs, flags and banners are excluded from any determination of aggregate sign area in residentially zoned districts. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate sign area.

*Animated sign* shall mean a sign that all or any part thereof visibly moves or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that rotate or revolve to display a message in more than one (1) direction and tri-vision signs.

*Area of a sign/sign area* shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members. For double-faced signs, the side of the sign with the largest sign area shall be used in computing the sign area.

*Banner* shall mean a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

*Business* shall mean a licensed entity with proof of that license and authorized to operate in the City.

*Business day* shall mean any day during which city government offices are open for public business. For purposes of this Chapter, a "business day" shall not any include any day

during which city government offices are closed after a partial business day due to a holiday, emergency, inclement weather, or the like.

*Beacon Sign* shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also, any light with one or more beams that rotate or move.

*Canopy sign* shall mean a sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

*Changeable copy sign/reader board* shall mean a sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign.”

*City* shall mean the City of Dunwoody, Georgia.

*Directional sign* shall mean any sign placed within five (5) feet of an authorized curb cut.

*Director* shall mean the director of the Community Development Department, or his/her designee.

*Double-faced sign* shall mean a sign which has two (2) display areas placed back to back against each other and the interior angle formed by the display areas is less than fifty-nine (59) degrees, where one (1) sign face is designed to be seen from one direction and the other face from another direction.

*Electronic sign* shall mean a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a trivision sign or LED sign.

*Entrance sign* shall mean any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, church or industrial complex or some other building with multiple residential or commercial units.

*Facade* shall mean the exterior wall of a building facing any street which provides direct ingress and egress to the lot.

*Flag* shall mean any fabric or bunting containing colors, patterns, or symbols used **only** as a symbol of a government, or other entity or organization..

*Flagpole* shall mean a freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags.

*Ground sign* shall mean a permanent sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign shall include a solid, decorative base and may include a decorative frame. The base shall be at least as wide as the sign and/or frame upon it and a minimum of two (2) feet in height. Decorative based and frame material shall include stone, brick, or stucco. No support posts shall be exposed.

*Illegal sign* shall mean any sign that was erected in violation of the laws, as they existed at the time the sign permit was issued, or signs that were not built in conformance with the issued permit.

*Illuminated sign* shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes or alternates.

LED sign shall mean an electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message.

*Lot* shall mean a designed parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In addition, a lot shall be a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

*Lot, substandard* shall mean a designated parcel, tract, or area of land created after the time of enactment of this Chapter or amendment of this Chapter which does not meet the lot area; lot width, or public street frontage and access requirements of this Chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record as defined in the City Zoning Ordinance.

*Neon Sign* shall mean a sign composed of neon tubing without any protective covering.

*Nonconforming sign* shall mean any sign which was legal at the time of erection but does not conform to the provisions of this chapter.

*Permanent sign* shall mean any sign that is intended to remain at a specified location for an indeterminate period and is related to the residence or business rather than to an event.

*Permit* shall mean a sign permit reviewed, approved and issued by the City.

*Permittee* shall mean the person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

*Person* shall mean a natural or legal person, including a firm, organization, partnership, trust and corporation.

*Planned commercial center* means any commercial, office, industrial or mixed-use development that contains any combination of offices, residences, retail or industrial uses with a common entry from a public street and are managed as a whole and in accordance with all applicable requirements of the Zoning Ordinance.

*Pole banner sign* shall mean a banner sign hung on brackets or arms affixed to a utility pole.

*Portable sign* shall mean any sign not permanently attached to the ground or permanent structure; or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal, day-to-day operations of the business; in such case, the vehicle shall be parked in a designated parking space at the location of the business and furthest from the right-of-way at the location of the business.

*Primary facade* shall be the facade of the building which is most nearly parallel to the widest street to which the building faces.

*Projecting sign* shall mean any sign which is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

*Pump-island sign* shall mean a sign located under a canopy over pump islands of a service station or convenience store with gas pumps.

*Road, accessible* shall mean any road or street that provides a means of ingress and egress to the lot.

*Roof sign* shall mean a sign attached to or supported by the roof of a building that extends above the immediately adjacent roof line of the building or a sign that is wholly or partially above the roof line of a building or sign attached to the sloping phase of a mansard roof or faux mansard roof.

*Rotating sign.* See *animated sign*.

*Secondary facade* shall mean any facade that is not the primary facade.

*Sign* shall mean a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others, and shall include both permanent and temporary signs. For purposes of this Chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein.

*Sign Face* shall mean that part of a sign that is or can be used for advertising purposes.



*Special Event sign shall mean a temporary sign used in conjunction with and for the same time period as a valid special event permit issued by the City.*

*Standard Informational Sign* shall mean a sign with a sign face made for short term use, containing no reflecting elements, flags, or projections and which is mounted on a post, stake or metal frame with a thickness or diameter not greater than three and one-half (3 ½) inches.

*Store front* shall mean the exterior wall of a single, undivided unit located within a planned commercial center or business park.

*Street frontage* shall mean the lot line that is coincident with any road or street that provides a means of direct ingress and egress to the lot.

*String Lights* shall mean signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white holiday lights shall be exempted from this Section and colored holiday lights and decorations displayed **and lit** not more than **forty-five (45)** days before **and ten (10) days after** a holiday shall be exempted from this Section.

*Subdivision sign* shall mean any ground sign placed at the intersection of two (2) roads, at least one (1) of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential subdivision.

*Suspended sign* shall mean a sign securely suspended above a pedestrian passageway from beneath a canopy or awning and oriented perpendicular to the adjacent building facade.

*Temporary event signs shall mean signs for an activity having a specific duration or the end of which is related to a specific action. Temporary event signs shall not be grandfathered unless specifically authorized by this ordinance.*

*Temporary events include, but are not limited to, such activities as:*

- a. The offering of a property or premises for sale or rent;
- b. A model home/apartment or sales office in a residential development;
- c. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state or federal governance;
- d. Special business promotions, such as, but not limited to, "grand openings," "close-out sales," "fire sales," carnivals and seasonal sales events;
- e. A yard sale;
- f. The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building;
- g. A special event related to a specific drive or date(s).

*Tri-faced sign* shall mean a sign structure with more than two (2) sign faces situated so that each sign face is facing a different direction.



Tri-vision sign shall mean a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

*Wall sign* shall mean any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building, or structure.

*Window sign* shall mean any sign that is placed inside a window within ten (10) feet of a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

## **Article II. Administration and Enforcement**

### *Section 1: Permits.*

Except for those signs which may be erected without obtaining a permit, every person desiring to erect a sign in the City shall first obtain a sign permit and all other permits required for the desired structure in accordance with City ordinances. **A business shall have a current business license to operate within the City to apply for a sign permit.**

### *Section 2: Application Information*

- (a) Applications for sign permits required by this Chapter shall be filed by the sign owner or the owner's agent with the Director or his/her designee. The application shall describe and set forth the following:
- (1) The street address of the property upon which the sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign;
  - (2) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located;
  - (3) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign;
  - (4) Name, address, phone number and occupational tax certificate number of the sign contractor;
  - (5) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, how the sign is to be illuminated (if at all) and an explanation of how the sign is to be mounted or erected;

- (6) The size of the lot on which the sign is to be placed;
  - (7) The payment in full of the applicable application fee; and
  - (8) Application for ground signs shall include a site plan drawn to scale, including a closed boundary survey of the property, gross acreage, the proposed location of subject sign, location of all ground signs on the property, entrance driveways from public streets, street rights-of-way, public or private easements, building locations, gross area of buildings and floor area occupied by subject owner or tenants.
  - (9) Application for temporary signs for special business promotions, construction of a building or development project, or announcement of business closings shall require a permit and shall include the expected ending date of the event; in the case of business closings, contain proof of the termination of that business at that site; and in the case of a fire sale, proof of a damaging fire to the structure or contents.
- (b) The Director shall develop such forms as may be necessary to facilitate the permit application process.
  - (c) The applicant shall apply for all other permits or licenses required by City ordinances and State laws and regulations. No sign permit shall be valid unless other required permits or licenses have been issued by the authority responsible thereof.
  - (d) Each application shall contain an agreement to indemnify and save and hold harmless the City harmless from all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the Department, upon request, a certificate of liability insurance prior to the issuance of a sign permit.

### *Section 3: Time for Consideration and Issuance*

The Director shall issue permits for all applications meeting the requirements of this Ordinance and all other laws and ordinances regulating signs within the twenty (20) business day review period provided by this section. Signs not meeting the requirements shall be denied pursuant to the procedure outlined in Section 4. The Director shall give notice to the applicant of his/her decision by hand delivery or first class mail to the address on the permit application on or before the twentieth business day after the Director's receipt of the completed application. If the Director fails to act within the twenty (20)-day period, the permit shall be deemed to have been granted. A sticker or other device bearing the sign permit number shall be affixed to the sign structure.

#### *Section 4: Denial and Revocation*

- (a) *Procedure.* The Director shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this Chapter, incomplete applications, and applications containing any false material statements. Violation of any provision of this Chapter and any other applicable State laws or City ordinances governing signs will be grounds for terminating a permit granted by the City for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this Chapter, the Director shall revoke the permit. Should the Director deny a permit, the reasons for the denial are to be stated in writing and hand delivered or mailed by certified mail, return receipt requested, to the address on the permit application on or before the twentieth business day after the Director's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this Chapter, other applicable ordinances, State or Federal law, or the submission of an incomplete application or an application containing false material statements.
- (b) *Appeal.* A rejection pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the City of Dunwoody Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed. If a final decision is not rendered within the ninety (90) day period, the decision sought to be appealed shall be affirmed.
- (c) *Certiorari.* In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the Board of Zoning Appeals, he/she/it may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

#### *Section 5: Permit Expiration*

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months after the date of issuance. A sixty (60) day extension may be granted to the six (6) month limit to alleviate hardship upon proof of hardship beyond the ability of the owner to rectify. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

#### *Section 6: Enforcement and Penalties*

- (a) The Director or his/her designee may issue a citation for violation of this Chapter by any person, including if applicable, the owner, manager or tenant of the lot

upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this Chapter or in violation of any other applicable ordinance, including, but not limited to, the building and electrical codes.

- (b) The Director and/or his/her designee shall have the same duties, authority, and obligations regarding access to private property, inspections, including the procurement of inspection warrants provided in Article VI of the City of Dunwoody Zoning Ordinance with regard to the enforcement of this Chapter.
- (c) Any person violating any provision of this Chapter shall be guilty of an offense and upon conviction, shall be subject to the general penalty provided in Chapter 1 of the City Code. Each sign installed, created, erected or maintained in violation of this Chapter shall be considered a separate violation, and each day of a continued violation for each sign shall be considered a separate violation when applying the penalties authorized in the City Code.
- (d) The City may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this Chapter or other City ordinances.
- (e) The Director or designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

*Section 7: City Occupation Tax Certificate; Public Liability Insurance Required*

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the City thirty (30) days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium. **If the business has comparable insurance from another city or county in Georgia, proof of such will meet the requirements above.**

*Section 8: Fees.*

The cost of a sign permit shall be established by Resolution of the City Council and collected by the Director.

### **Article III. Regulations and Restrictions**

#### *Section 1: Exemptions from permit requirements.*

The following signs shall be exempt from the permit requirements of Article II, Section 1 above; provided, however, that such signs shall be subject to all other provisions of this Chapter:

- (1) Window signs;
- (2) Door signs not to exceed one (1) square foot in size and not more than one (1) sign per door;
- (3) One (1) suspended sign per tenant of a multi-tenant building when the area of the sign is less than six (6) square feet per side;
- (4) Address numerals no higher than four (4) inches in residential districts and 10 inches in non-residential districts erected for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law;
- (5) Flags as defined in Article 1, Section 2 and as provided in Section 18 of this Article;
- (6) Non-governmental traffic control devices in or adjacent to parking areas and driveways and signs located at railroad crossings.
- (7) Standard Informational Signs meeting the standards of this Chapter.
- (8) Temporary event signs as defined herein unless specifically required to obtain a permit.

**Section 2: Required signs.** All residential, office and commercial buildings throughout the City shall display the number assigned by the US Postal Service, in the size indicated in Article III, Section 1 (4), on the building façade, mailbox, curb or door so that it is discernable from the street. If multiple residences, offices or stores are located in one building, the inclusive numbers shall be displayed on the building façade, mailbox or exterior door, and individual numbers displayed on or over the entry door to each residence, office or store.

#### *Section 3: Prohibited Signs*

The following types of signs are prohibited throughout the City:

- (1) Signs on public rights-of-way other than publicly owned or maintained signs, and signs pertaining to railroad crossings;
- (2) Window signs which exceed thirty (30) percent of the window area;

- (3) Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;
- (4) Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign, except as allowed by Article III, Section 1(b)(6) above;
- (5) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;
- (6) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;
- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure **except pole banners as permitted in Section 19**;
- (8) Signs that obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;
- (9) Signs that do not conform to City building and electrical codes;
- (10) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;
- (11) Roof signs;
- (12) Tri-faced signs;
- (13) Signs that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;
- (14) Any sign constructed of non-durable material including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than sixty (60) days. Nothing herein shall prohibit such a sign from being replaced. This provision does not apply to flags and banners which are governed by Sections 19 and 20;
- (15) Portable signs, **including signs carried or supported by individuals**;
- (16) Abandoned or Dilapidated signs;
- (17) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;

- (18) Animated sign;
- (19) Electronic Sign;
- (20) Beacon Sign;
- (21) LED Sign;
- (22) Changeable copy sign/reader board.
- (23) String Lights **other than as exempted in definitions**;
- (24) Balloons, streamers or air or gas filled figures;
- (25) Neon window signs larger than 3 square feet;
- (26) Tri-vision sign.
- (27) **Signs not professionally designed and constructed.**

*Section 4: Owner's Consent Required*

No sign may be permitted or posted on property without the consent of the property's owner or authorized agent. Should it be determined that a sign was erected on a lot pursuant to an alleged agent's incorrect representation that the record owner of the lot in fact gave permission for the erection of a sign, the permit for such sign shall be revoked as provided in Article II, Section 4 herein.

*Section 5: Restrictions in Residential Zoning Districts*

The following regulations shall pertain to lots located in residential zoning districts:

- (1) Lots used for residential purposes other than for apartments, condominium, mobile home, or townhouse developments shall not have an aggregate sign area greater than **nine (9)** square feet per lot. Flags and banners shall not be included in the calculation of aggregate sign area. Subdivision and entrance signs shall not be included in the calculation of aggregate sign area;
- (2) Lots used for apartments, condominiums, mobile homes, or townhouse developments shall not have an aggregate sign area exceeding six (6) square feet per unit, not to exceed an aggregate of **fifty (50)** square feet for the development;
- (3) There shall be a maximum of two (2) subdivision/entrance signs per entrance into any residential subdivision or real estate development in a residential district;



- (4) Ground signs and standard informational signs having a height of greater than six (6) feet above the grade level of the adjacent street to which the lot on which the sign is located as measured from the top of the sign, pole or support included, or three (3) feet above ground level, as measured from the top of the sign, pole, or support structure to ground level, whichever is greater, are prohibited, with the exception of subdivision signs and entrance signs;
- (5) No sign in any residentially zoned district may be illuminated, except for subdivision and entrance signs, subject to the provisions of Article III, Section 15 hereof. No subdivision or entrance sign may be internally illuminated;
- (6) No single sign in a residential zoning district governed by this section, except for flags, banners, subdivision signs and entrance signs, may exceed six (6) square feet in size;
- (7) Subdivision and entrance signs shall not exceed thirty-two (32) square feet of sign area, excluding the base, and shall not exceed eight (8) feet in height;
- (8) Should any new zoning district be created that incorporates any residential use, this section shall apply to such new district unless otherwise stated in the ordinance creating the new zoning district.

*Section 6: Height and Setback Requirements*

- (a) All signs shall be set back as follows:
  - (1) Ten (10) feet from the curb line of each street adjacent to the lot upon which the sign is situated where an authorized curb cut exists; (applicable to all zoning districts);
  - (2) If the right-of-way is more than ten (10) feet from the curb line as described in (1) above, the sign, including its footing or foundations, shall be setback at least one (1) foot from the right-of-way (applicable to all zoning districts);
  - (3) In a residential zoning district, if the distance between the right of way to the front of the principal structure is less than fifteen (15) feet, signs shall be setback two-thirds (2/3) of the distance between the curblines and the front of the principal structure on the lot on which the sign is located;
  - (4) Along all lot lines which are not adjacent to a road with an authorized curb cut, any and all signs shall be within the buildable area of the lot. All signs shall be so located and shall provide such vertical clearance as to provide

for safe, convenient and unobstructed passage for pedestrians and vehicles.

(5) Construction and other signs for approved permits that are required by code to be placed in the right-of-way are exempt from the above limits.

- (b) No sign or sign structure above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two (2) streets, or of a street intersection with a railroad right-of-way. However, a sign support structure not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this Chapter are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.
- (c) Window signs are only allowed on the ground floor of a commercial building.
- (d) Also see regulations in Section 10 below.

**Section 7:** *Convenience Stores and Service Stations with Pump Islands*

In addition to the signs otherwise allowed in this Chapter, convenience stores and service stations with pump islands may have signage subject to the following limitations:

- (a) Within the limits of the canopy covering the pump islands, one (1) sign per canopy face per public street frontage with a maximum of six (6) square feet.
- (b) Within the limits of the canopy covering the pump islands, pump-island signs shall be limited to no more than two (2) signs per island, not to exceed four (4) square feet per sign. However, total square footage of all pump island signs shall not exceed twenty-four (24) square feet.
- (c) Accessory car wash, if a separate drive-through car wash building is on site, one (1) additional wall sign per face of car wash, not to exceed five (5) square feet, may be permitted.

**Section 8:** *Non-Commercial Messages*

Any sign provided for in any zoning district may contain non-commercial messages. In addition, during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of standard informational signs as defined in Article I, Section 2 of this Chapter.

**Section 9:** *Wall or Projecting Signs*

- (a) Wall or projecting signs shall be securely fastened to the building surface.

- (b) No wall sign greater than one hundred eighty (180) square feet shall be placed below the twelfth story of a building.
- (c) Projecting signs may project from the building up to two (2) feet; provided that no projecting sign shall be maintained less than ten (10) feet above the ground level when erected over pedestrian walkways or driveways and no less than fourteen (14) feet above vehicle access.
- (d) No wall or projecting sign shall extend above the parapet wall.
- (e) Wall or Projecting Signs are prohibited in residential districts.

*Section 10: Ground Signs*

- (a) The height of all ground signs at their highest point above the level of the ground shall not exceed twenty (20) feet in non-residentially zoned districts; however, when the ground level is lower than the level of the adjoining street pavement, then a sign may be raised so as to be no more than twenty (20) feet above the center line of street. Residentially zoned districts shall be governed by Article III, Section 5 above. The level of the ground shall not be altered in such a way to provide additional sign height. Ground signs shall be measured from the ground level base of the sign structure (deemed to include any skirting) to the highest point of the sign.
- (b) The height of any directional sign shall not be more than three (3) feet above the ground and not more than 6 Square Feet.
- (c) All ground signs allowed for primary facades shall place between the primary facade and the street the primary facade faces.
- (d) All ground signs allowed for secondary facades shall place between the secondary facade and the street the secondary facade faces.

*Section 11: Canopy Signs*

Canopy signs are permitted in non-residential districts and shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and fourteen (14) feet above areas of vehicle service access at the lowest extremity of the sign. No canopy sign shall extend above the parapet wall.

*Section 12: Non-Residential Zoning District Regulations*

- (a) In addition to all other applicable regulations in this Chapter, all lots that are located in non-residential districts not developed as a planned commercial center are limited to the following signs:

TABLE INSET:

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Entrance Sign	Subdivision Sign	Window Sign	Standard Informational Sign
Max Height	20 feet	N/A	20 feet or height of building	3 feet	8 feet	12 feet	N/A	10 feet
Max Width	15 feet	80% of the Wall or Canopy Width	N/A	3 feet	8 feet	15 feet	N/A	N/A
Max sq. ft.	160	30 sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 21 stories or more (See Article III, Section 9(b))	40 feet	6 feet	32 feet	100 feet	10% of the window space	16 feet
Max number allowed	1/ façade	1 sign per business entity or tenant	1/primary façade and 1/secondary façade	2/ authorized curb cut	1/ entrance	1/ subdivision	N/A	1 per lot
Max projection from structure	N/A	6 feet	2 feet	N/A	N/A	N/A	N/A	N/A
Required setback from electrical transmission lines	10 feet	N/A	0 feet	10 feet	N/A	10 feet	N/A	10 feet

- (b) In lieu of the sign regulations of Table (a) above, a lot located in a non-residential district and developed as a planned commercial center shall be allowed the following:

TABLE INSET:

	Ground Sign	Canopy or Wall Sign	Directional Sign	Entrance Sign	Window Sign	Standard Informational Sign
Maximum height	20 feet	N/A	3 feet	8 feet	N/A	10 feet
Maximum Width	20 feet	80% of the wall or canopy width	3 feet	8 feet	N/A	N/A
Max. sq. ft.	200	30 sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more (See Article III, Section 9(b))	6	32	30% of the window space for buildings under 50,000 sq. ft.; 10 % of the window area for buildings 50,000 sq. ft. or over	16 feet
Maximum number allowed	1 sign per business entity or tenant	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	N/A	1 per lot
Maximum projection from structure	N/A	6 feet	2 feet	N/A	N/A	N/A
Required setback from electrical transmission lines	10 feet	N/A	0 feet	10 feet	N/A	10 feet

- (c) No property zoned for non-residential use may have more than one (1) ground sign that is oriented towards travelers along the same street.
- (d) In addition to those regulations set forth in subsection (a) and (b) above, no person may maintain a lot zoned for commercial use where the aggregate sign area exceeds four hundred fifty (450) square feet, or two (2) square feet of

signage for each one hundred (100) square feet of floor area, whichever is greater, regardless of the construction, placement or type of sign or signs.

*Section 13: Nonconforming Signs*

(a) Maintenance.

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 shall be permitted. All nonconforming signs shall be maintained in good repair.

(b) Repairs; Material Change.

Minor repairs and maintenance of nonconforming signs shall be permitted. Provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of the sign then such sign may be repaired without regard to the restrictions of this paragraph.

(c) Grandfathering

Subject to the restrictions of this paragraph, a nonconforming sign may be used, but not expanded nor improved unless the sign is made conforming. Nonconforming signs are subject to the maintenance requirements of this Chapter and may be subject to removal for violations of maintenance standards. No structural repairs or change in shape or size of a nonconforming sign shall be permitted except to make the sign comply with all standards of this Chapter, provided that a nonconforming sign damaged or destroyed by act of God or by other circumstances beyond the control of the owner of the sign may be repaired without regard to the restrictions of this paragraph.

*Section 14: Illumination*

(a) Internally lit signs shall be prohibited.

(b) Externally illuminated signs shall not exceed twenty (20) foot candles of light at a distance of ten (10) feet from such structure. All exterior light fixtures shall be ground mounted and no more than 2 fixtures per side. The light from an illuminated sign shall be established in such a way that no direct light is cast upon

adjacent properties and roadways. No illuminated sign shall be constructed or maintained within seventy-five (75) feet of any single-family lot property line.

*Section 15: Building Code*

To the extent that it is not inconsistent with this Chapter, the present edition of the Standard Building Code, National Electric Code and other building and construction codes as adopted and modified by the City and the Georgia Department of Community Affairs are incorporated as a part of this Chapter as if fully restated herein for the same purposes stated in Article I, Section 1 hereof and for the same purposes for which the Standard Building Code was promulgated and enacted, which purposes are expressly incorporated herein.

*Section 16: Zoning Ordinance*

Except as provided elsewhere in this section, to the extent that it is not inconsistent with this Chapter, the City of Dunwoody Zoning Ordinance, as amended including, but not limited to, definitions of terms contained therein, is incorporated as a part of this Chapter as if fully restated herein for the same purposes stated in Article I, Section 1 hereof and for the same purposes for which the Zoning Ordinance, and any amendments thereto, were adopted, which purposes are expressly incorporated herein. However, to the extent that any regulations governing any zoning overlay district now existing or later enacted conflict with this Article, the rules of the zoning overlay district shall control.

*Section 17: Variances*

- (a) Where a literal application of this Article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the Board of Zoning Appeals after receiving evidence that the applicant meets all of the following criteria:
  - (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
  - (2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
  - (3) The exceptional circumstances are not the result of action by the applicant;
  - (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
  - (5) Granting of the variance would not violate more than one (1) standard of this Article; and



- (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this Chapter.

**Section 18: Flags**

- (a) All flags shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. In non-residential districts, flagpoles shall not exceed the height allowed in the applicable zoning district, or sixty (60) feet, whichever is less. Flagpoles in residential districts shall not exceed twenty-five (25) feet in height or the height of the primary structure on the lot, whichever is less.
- (b) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flagpole. In addition, flags are subject to the following limitations:

TABLE INSET:

<b>Pole Height (feet)</b>	<b>Flag Size Maximum (total square feet)</b>
Up to 25	24
25 – 39	40
40 – 49	60
50 – 60	96

- (c) Each lot shall be allowed a maximum of three (3) flagpoles.
- (d) A maximum of two (2) flags shall be allowed per flagpole.
- (e) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (f) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (g) On officially designated City, State, or Federal holidays, there shall be no maximum flag size or number or other limitations on display.
- (h) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this Article.

Section 19: Banners

- (a) Banners shall conform to the following standards:
  - (1) Each banner shall not exceed twenty-four (24) square feet;
  - (2) Each banner shall be individually attached to poles, mast arms, or other structures;
  - (3) No more than two (2) banners shall be displayed on any lot at one (1) time; and
  - (4) All banners must be maintained in good condition as provided for flags in Section 19 above.
- (5) No banner shall be displayed for more than fourteen (14) days, with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot.

Section 20: Temporary event signs.

A. Temporary signs.

(1) Duration.

(a) Public announcement signs may be placed up to two weeks prior to the announced day of the event and must be removed no later than one week after the event ends.

(b) Only banner(s) complying with the restrictions of this subsection shall be approved by the city manager.

(2) Size. Temporary signs for a public announcement shall not exceed thirty (30) square-feet in area (each side if two-sided) and six (6) feet in height.

(3) Number and location.

(a) Each organization is limited to twelve (12) temporary sign permits per calendar year.

(b) Only one freestanding sign per street frontage on the property related to the event may be erected.

(c) Freestanding public announcement signs shall be placed no less than ten (10) feet from back of street curb of any street, but in no case shall the view of motorists or pedestrians be obstructed.

(d) Such signs shall not have any balloons, streamers, pennants, or similar items attached.

(e) Temporary signs shall not be carried or held by a person while displayed to the public.

(f) Lighting. Such signs shall not be illuminated.

(g) Temporary signs shall be located so they do not block the view of permanent signs and shall be no larger than the permanent sign(s) on that lot.

B. Directional signs. Directional signs are allowed as temporary public announcement signs under the following additional provisions.

(1) Duration. Directional signs shall be allowed only one (1) day prior to the first day of the event and will be removed no later than one day following the last day of the event. Removal of the signs shall include removal of the sign face, the sign structure and all structural elements such as supporting poles or stakes.

(2) Size. Directional signs shall not exceed four (4) square feet nor be more than thirty (30) inches in height including supporting poles or structure.

(3) Number and location.

(a) Such directional signs shall be located within two (2) miles of the property to which they refer, as measured along existing streets.

(b) Not more than one (1) directional sign shall be allowed at any "T" intersection.

(c) Not more than two (2) directional signs shall be allowed at any four-way intersection.

C. Pole banners. Pole banners are temporary signs suspended between brackets attached to utility poles in the City right-of-way.

(1) Pole banners shall require a permit as detailed in this ordinance. Permits shall be issued only for events located in the City.

(2) The requesting organization will pay to design, fabricate, install and remove pole banners.

(3) Size. Removable pole banners shall measure 30" wide by 72" high when measured flat, and shall incorporate a pocket on bottom and top to accommodate pole brackets. Vertical orientation of the rectangle shall be 72" with 30" width at top and bottom in use.

(4) Quality. Pole banners shall be fabricated using vinyl or canvas. Specific graphic design standards are spelled out and shall be supplied at the time permit application is made for sign approval. Pole banners constructed and displayed in the City before January 1, 2009, shall be considered grandfathered under this regulation and shall be allowed to be displayed so long as they remain structurally sound.

(5) Number and locations.

(a) The City shall approve locations for pole banners and shall maintain a map detailing approved pole banner locations.

(b) No more than twenty-four (24) pole banners shall be erected for each event.

(6) Duration and installation.

(a) The City shall certify companies authorized to install pole banners.

(b) Pole banners shall be erected no more than two (2) weeks prior to the beginning date of the event and shall be removed no later than one week after the event ends.

(c) An organization wishing to erect pole banners to announce a public event shall submit a request in writing indicating the name of the organization, date(s) and time of the event, location of the utility poles to be used, and company that will attach the banners

#### *Section 21: Severability*

Should any article, section, clause, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid or unconstitutional, it being the intent of the City Council of the City of Dunwoody that each article, section, clause, and provision hereof be severable.