



CITY OF DUNWOODY

41 Perimeter Center East, Suite 250

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MEMORANDUM

To: **City of Dunwoody, Georgia – Mayor and City Council**

From: **Howard J. Koontz, City Planner**

Date: **July 26, 2010**

Subject: **Amendments to Sign provisions of Chapter 20 and Chapter 27**

At the request of the Mayor and City Council, in early 2009, there was convened a citizen committee to review the city sign ordinance (then Chapter 21, now Chapter 20 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 and the Dunwoody Village Overlay District sign regulations, located in Chapter 27, the city zoning ordinance. Staff has also made their own recommendations/suggestions, based on their experience with the document gained since the implementation and administration of the sign ordinance in January 2009. Finally, the legal team perused the document after both the sign committee and staff completed their reviews. At the March 11, 2010 Community Council Meeting and the April 13, 2010 Planning Commission Meeting, the Council and Commission made recommendations, and the changes from the four entities were transmitted to the Mayor and City Council for review and approval.

This item was first read by the Mayor and City Council at a Special Called Work Session on April 29, 2010. At that meeting, comments from prior reviews were discussed, as well as a host of other new changes being introduced by the Council itself. Once slated to be voted upon at the May 24, 2010 regular voting meeting, the item was deferred that night to the next available voting meeting, occurring on June 21. At that June meeting, the Mayor and City Council instructed staff to meet with the sign committee to again work on the final topics of dissent between the Community Development Staff and the committee. That meeting was held on July 1. The product of that meeting was heard at the regular July work session. Staff and the sign committee were again instructed to meet for a final meeting, which was conducted on July 20.

Between the March 2010 Community Council meeting and today, the sign committee membership has rotated, and the document through its incremental changes has evolved into a mildly altered document that relaxed many of Dunwoody's sign standards. Rather than pass that document, the Council directed staff and the sign committee to convene a meeting to again review the terms of the new document. The product of that review, completed after three meetings, is attached to this memo.

On most points the Community Development staff agrees with the sign committee that the changes noted are positive changes to carry out the mission of the sign ordinance, delineated in



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Section 20-1, Purpose and Findings. On select items, staff differs in opinion with the committee, and those differences are called out in the margin notes of the attached ordinance. Concerning a few items staff still holds a dissenting opinion to that of the committee.

Once a sign is legally permitted under this code, it is permanent until removed by the owner or through regulatory condemnation. The useful lifespan of a modern sign can exceed 40 years. The decisions made related to this document will have long-lasting effects in the community, even if new document amendments are affected in the near future.

The concerns staff has are related to sign proliferation, and the idea that the maximum allowable sign message area and sign structure bulk belie the proposed plans for Dunwoody's commercial corridors. Staff is also cognizant of certain proposed clauses that could suffer constitutional challenges.

If it is the intent in the future to make Dunwoody a walkable community, then it would appear inappropriate to make signs larger if made to be viewed at a pedestrian scale. A sign structure nearly four-stories tall and twenty-feet wide is not meant to be viewed by pedestrians; it's made to be viewed by cars passing at interstate speeds. Creating larger signs will not necessarily compel business owners to reduce existing ground signage and instead co-locate on newer, larger signs; it may simply create more large signs, especially when ground signs are permissible for every lot of record.

The idea that signs should be permitted for sign area and structure scale is fair, because it treats all buildings at the same standard; staff supports the "sliding scale" standard. However, staff would like to point out that the lines of demarcation proposed by the sign committee encompass more than 60% of all of Dunwoody's retail space at the lowest quartile. Wall signs and ground signs should be predicated first for tenant spaces under 2,500 square feet, which is a space 45 feet wide and 55 feet deep. Most of Dunwoody's retail and spaces fit in this category. Starting the scale at 50,000 square feet does not adequately allow for variation in sign size based on tenant space for our smaller retailers. Staff recommends the text for wall signage reads as follows:

<u>Floor Area of Tenant Space</u>	<u>Maximum Total Allowed Signage per Tenant Space</u>	<u>Maximum Size of Any One Sign</u>	<u>Maximum Number of Wall Signs</u>
Less than 2,500 square feet	80 square feet	50 square feet	2
2,501 to 15,000 square feet	150 square feet	80 square feet	2
15,001 to 50,000 square feet	250 square feet	140 square feet	3
50,001 to 125,000	400 square feet	200 square feet	4



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square feet			
Over 125,000 square feet	500 square feet	250 square feet	5

Staff recommends the text for ground signs reads as follows:

(5) Ground signage for a lot with multiple retail tenants or planned commercial center whose total size for all users is **less than 2,500 square feet**, may have ground signs no taller than **7 feet in height and 8 feet in width. Sign area is not to exceed 32 square feet.**

(6) Ground signage for a lot with multiple retail tenants or planned commercial center whose total size for all users is **between 2,501 square feet and 15,000 square feet**, may have ground signs no taller than **10 feet in height and 10 feet in width. Sign area is not to exceed 60 square feet.**

(7) Ground signage for a lot with multiple retail tenants or planned commercial center whose total size for all users is between **15,001 square feet and 50,000 square feet**, may have ground signs no taller than **15 feet in height and 10 feet in width. Sign area is not to exceed 100 square feet.**

(8) Ground signage for a lot with multiple retail tenants or planned commercial center whose total size for all users is between **50,001 square feet and 125,000 square feet**, may have ground signs no taller than **15 feet in height and 15 feet in width. Sign area is not to exceed 200 square feet.**

(8) Ground signage for a lot with multiple retail tenants or planned commercial center whose total size for all users **exceeds 125,00 square feet** may have ground signs no taller than **20 feet in height and 15 feet in width. Sign area is not to exceed 200 square feet.**

We must strive to limit content-based regulation of signage, and regulation that exempts one group but not other(s). If a sign needs to be read to ensure code compliance, it could be construed as a violation of the sign owner's constitutional right to free speech. In limited and specific instances content based regulation is permissible, especially when undertaken in the interest of public safety, like directional signs and railroad crossing warning signs. However, "hand carried signs with non-commercial messages" being exempted from sign permitting requirements wades into the sea of content-based regulation. Similarly, if you allow one group in a zoning district a certain type of signage, under equal protection laws you should allow all groups in that district the same permissions. Staff can readily identify the efficacy of just such clauses in the sign ordinance, but cannot quantify the risk of a challenge associated with its inclusion.



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Temporary signs, if approved as recommended by the committee, would be allowed for institutional land uses 15 times per year for a period of 30 days each, in addition to banners, standard informational signs and changeable message text signs. This is sign proliferation, and is not supported by the staff. If there are that many messages that need to be conveyed by our city's institutions, perhaps a more permanent solution could be undertaken, like a permanent, changeable message board sign, or alternative advertising like newspapers and radio.

Lastly, the original purpose of this ordinance change was never affected to make conforming those signs already established which are non-conforming. Ironically, the end result has been exactly that: to legalize those signs already existing in the city, whether or not they are currently legal. As a point of fact, much of the committee's field research used to create the proposed text was undertaken in the PCIDs.

When a challenge to a change is introduced, based on the likelihood of future compliance, the purpose of the change is missing. Dunwoody seeks to establish for itself a superior sense of place, and prevention of the visual blight that is possible through unsightly signage is a contributing factor in the creation of a pleasant sense of place. There does have to be a balance struck between economic development of an area and the pleasurable use and enjoyment of the built environment by its users. Signs and the information they convey are often crucial, but left unchecked they can become a community's biggest detriment.