

**AN ORDINANCE AMENDING CHAPTER 20 (SIGNS) AND CHAPTER 27 (ZONING ORDINANCE) OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AMENDING SIGN REGULATIONS**

**WHEREAS,** the City of Dunwoody Sign Ordinance, Chapter 20 of the City of Dunwoody Code of Ordinances, was adopted in January, 2009, and the Sign Regulations for the Dunwoody Village Overlay District were adopted on December, 2008; and

**WHEREAS,** the desires to make certain changes to the Sign Regulations in Chapter 20 and Chapter 27 of the City Code in order to comport with the standards of the City as well as promote economic development and protect freedom of speech; and

**WHEREAS,** A properly-advertised public hearing has been held on April 29, 2010 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on June \_\_\_\_, 2010.

**THEREFORE,** the Mayor and City Council for the City of Dunwoody hereby ordain as follows:

**Section 1:** Chapter 20 (Signs) of the City of Dunwoody Code of Ordinances shall be amended in its entirety by changing the language of Chapter 20 to read as follows:

**ADDITIONS – underlined**

**DELETIONS – ~~strikethroughs~~**

**CHAPTER 20. SIGNS**

**ARTICLE I. IN GENERAL**

**Sec. 20-1. Purpose and Findings**

- (a) 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, 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.
- (b) 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.
- (c) 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.
- (d) 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 20-2. Applicability**

The provisions of this article shall apply to all signs erected within the corporate limits of the City of Dunwoody that are directed to be viewed from any outdoor space(s). All erection, construction, enlargement, moving, altering or converting of signs in the city shall be performed in compliance with the requirements of this chapter.

### **Section 20-3. Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 or, if multiple users occupy only one lot, per user. Subdivision signs, flags and banners are excluded from any determination of aggregate sign area in residentially zoned districts. Street numbers assigned by the governing authority shall not be considered in calculating the aggregate sign area.

*Animated sign* shall mean a sign that all or any part thereof visibly moves mechanically, and/or as a result of human activity, and/or as a result of air/wind-driven inputs, or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that flash, blink, or rotate/revolve to display a message in more than one (1) direction, and tri-vision signs, but does not include flags, banners, canopies or hand-held 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, or circle, 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, including canvas, that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

*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 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.

*Direct lighting* shall mean a specific style of illumination where the source of light is internal and integral to the sign structure, and where the resultant illumination radiates out in the direction of the viewer.

*Directional sign* shall mean any sign placed within five (5) feet of an authorized curb cut, specifically placed to manage and avoid conflicting vehicular movements.

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

*Double-faced sign* shall mean a sign structure which has two (2) display areas placed back to back, parallel to each other, 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, LCD 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.

*Flag* shall mean any fabric or bunting containing colors, patterns, or symbols used 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 free-standing sign which forms a solid, monolithic structure from the ground to the top of the sign.

*“Halo” lighting (and similar lighting styles)* shall mean a specific style of illumination where the source of light is external and integral to the sign structure; where the resultant illumination radiates toward the viewer, is interrupted by the opaque sign structure, letters, or symbols, and back lights the message area.

*Illegal sign* shall mean any sign that was erected in violation of the laws as they existed at the time the sign was established, including signs built without a permit and/or signs that were not built in conformance with an 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 toward such sign. Such lighting may be affected via direct lighting, indirect lighting, or halo lighting.

*Indirect lighting* shall mean a specific style of illumination where the source of light is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer.

*Institutional Use* for the purposes of this chapter, means both the land use category and activities which include the following uses: Aquariums, Cemeteries, Child Daycare Centers, College or University, Convents & monasteries, Elementary, middle and high school, both public & private, Fire & Rescue Services, Hospital, House of Worship, Jails & Prisons, Library, Museum, Parks & outdoor recreation, including arboretums, wildlife sanctuaries, public forests, public areas for hiking, nature centers, and other passive recreation-oriented parks, Post Offices, Public and/or government buildings, Public indoor recreation centers such as government-run natatoriums, Public utility lines & structures, Solid waste collection sites, Waste water treatment plant, and Zoos.

*LCD sign* shall mean an electronically controlled sign utilizing liquid crystal diodes to form some or all of the sign message.

*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.

*Multi-faced sign* shall mean a sign structure with more than two faces, facing more than two directions, or two (2) directions not back-to-back, whether or not all faces contain some message.

*Neon Sign* shall mean a sign composed of exposed, visible neon tubing. *Neon Sign* shall also include signs similar in appearance but illuminated via other gases similar to neon.

*Nonconforming sign* shall mean any sign which was lawfully permitted by the jurisdiction of record, and was legal at the time of establishment, but does not conform to the provisions of this chapter.

*Permanent sign* shall mean any sign that is not temporary.

*Permit* shall mean a sign permit reviewed, approved and issued by the Community Development Department.

*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 is managed as a whole and in accordance with all applicable requirements of the Zoning Ordinance.

*Portable sign* shall mean any sign not permanently attached to the ground or other 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/or stored while visible from the public right-of-way, except as provided herein.

*Primary facade* shall be the facade of the building which contains the primary building entrance as designated by the owner.

*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, public or private, that provides a means of ingress and egress to a lot, planned commercial center or other multi-tenant development.

*Roof sign* shall mean a sign attached to or supported by the roof of a building, or a sign that extends into and/or above the immediately adjacent roof line of the building irrespective of attachment point, or a sign that wholly or partially encroaches upon any roof line of a building, or a sign attached to, encroaching into or extending above the sloping phase of a mansard roof or faux mansard roof, or any combination thereof.

*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. 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.

*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 1/2) 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, public or private, 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.

*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 a public or private street 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 Signs.* Are any signs which are not affixed to a structure. A stake or similar device is not a structure. This term shall not include any sign meeting the definition and dimensions of a standard informational sign.

Tri-vision sign shall mean a sign designed with a series of triangular slats or columns 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 eight (8) inches from any wall, building, or structure.

*Window sign* shall mean any sign that is placed in close proximity to a window or upon the window panes or glass, either inside or outside the building, and is oriented to be viewed from the exterior of the structure.

**Secs. 20-4 – 20-22. Reserved.**

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

**Sec. 20-23. Permits required.**

Except for those signs which may be erected without obtaining a permit, consistent with the terms in Section 20-49, every person desiring to erect a sign in the City that is directed to be viewed from any outdoor space(s) shall first obtain a sign permit and all other permits required for the desired structure in accordance with City ordinances.

**Sec. 20-24. 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 dimensions of the wall 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 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) A copy of the current paid business license for the business requesting the sign.
- (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 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.

**Sec. 20-25. 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 fifteen (15) 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 fifteen (15)-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.

**Sec. 20-26: 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, and post-marked on or before the fifteenth 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.

(c) *Certiorari.* In the event a person/organization 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.

#### **Sec. 20-27. 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.

#### **Sec. 20-28. 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 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.

**Sec. 20-29. 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, the installer's insurance provider shall provide a current certificate of insurance to the City, prior to the installation of signage.

**Sec. 20-30. Fees.**

The cost of a sign permit shall be established by Resolution of the City Council and collected by the Director, a copy of which shall be kept with the records of the City Clerk. The latest iteration of the duly approved fee schedule for the City of Dunwoody is also available for review in the offices of the Community Development Department, as well as on the official website for the City of Dunwoody, <http://www.dunwoodyga.gov>.

**Sec. 20-31 – 20-48. Reserved.**

**ARTICLE III. REGULATIONS AND RESTRICTIONS**

**Sec. 20-49. 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 taller 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, provided they comply with section 18 of this Article;
- (6) Non-governmental traffic control and directional devices consistent with those found in the Manual of Uniform Traffic Control Devices in or adjacent to parking areas, and driveways and warning signs located at railroad crossings;
- (7) Standard Informational Signs meeting the standards of this Chapter;
- (8) White string lights.
- (9) Hand-carried signs with non-commercial messages.
- (10) Government mandated signs are exempted from all sign regulations, including overlay district regulations.

#### **Sec. 20-50. Display of Property Numbering**

Consistent with the provisions spelled out in the International Fire Code, Section 505, and International Property Maintenance Code, Section 304, all structures throughout the City shall display the street number assigned by the issuing authority, in the size indicated in Section 20-49(4), on the building façade, mailbox, curb and/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 and/or exterior door, and individual numbers displayed on or over the entry door to each residence, office or store.

#### **Sec. 20-51. 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 Section 20-49(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 attached to utility poles as permitted in Section 20-67;
- (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) Multi-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 20-66 and 20-67;
- (15) Portable signs, subject to the exceptions found in this article. Excluded from this prohibition are signs mounted, wrapped or painted on a vehicle, so long as the vehicle is currently being utilized for a properly-licensed business and, whenever parked, are parked at the furthest-available parking space from a right-of-way. Alternately, such vehicles may be parked behind the business to which it relates in a service area.
- (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) LCD Signs and similar type technologies;
- (22) LED Signs and similar type technologies;
- (23) Changeable copy sign/reader board, excluding institutional uses.
- (24) Multicolored String Lights in non-residential areas except not more than thirty (30) days before until ten (10) days after a holiday;
- (25) Balloons, streamers, air or gas filled figures, except in single-family residential areas;
- (26) Neon window signs larger than 3 square feet;
- (27) Tri-vision sign.
- (28) Any sign that changes color(s), flashes, blinks, oscillates, or intimates movement through lighting effect(s).

**Sec. 20-52. 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 section 20-26.

**Sec. 20-53. 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 institutional, apartments, condominium, mobile home, or townhouse developments shall not have an aggregate sign area greater than sixteen (16) square feet per lot, with no individual sign area exceeding six (6) square feet. 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 institutional, apartments, condominiums, mobile homes, or townhouse developments shall not have a sign area exceeding six (6) square feet per dwelling unit, and/or not to exceed an aggregate of one hundred (100) square feet for the development;
- (3) There shall be a maximum of two (2) subdivision/entrance signs 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 directly or halo illuminated;
- (6) 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;

**Sec. 20-54. Height and Setback Requirements**

- (a) Except for those signs permitted or required to be placed in the right-of-way, such as traffic control devices, all signs shall be setback 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 curbline 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.
- (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 except that two story commercial structures may have window signs in tenant spaces on the second floor.

(d) Also see regulations in Section 10 below.

**Sec. 20-55. 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:

- (1) 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.
- (2) 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.
- (3) Accessory car wash, if a separate drive-through car wash building is on site, one (1) additional wall sign per wall of the car wash, not to exceed five (5) square feet per sign, may be permitted.

**Sec. 20-56. Non-Commercial Messages**

Any sign provided for in any zoning district may contain non-commercial messages.

**Sec. 20-57. 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 eight (8) 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 or any roofline.
- (e) Wall or Projecting Signs are prohibited in residential districts.

**Sec. 20-58. Ground Signs**

- (a) The height of all ground signs at their highest point above the level of the ground shall not exceed ten (10) 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 ten (10) feet above the center line of street.



Residentially zoned districts shall be governed by Section 20-53 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.

**Sec. 20-59. 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 or any roofline.

**Sec. 20-60. 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 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	12 Feet [sign committee]	N/A	20 feet	3 feet	8 feet	12 feet	[sign committee]	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.	<u>120 sq. ft.</u>	30 sq. ft. or 4 sq. ft. per linear foot of the tenant width or canopy, whichever is greater, up to a maximum of 180 sq. ft. per sign for	40 feet	6 feet	32 feet	100 feet	10% of the window space	16 feet

		buildings under 12 stories, with a maximum of two signs and up to 500 sq. ft. per sign for buildings <del>24</del> <u>12</u> stories or more (See Article III, Section 9(b))						
Max number allowed	1/ Street frontage	1 sign per façade/tenant for a maximum number of 2 signs/tenant. See table footnote (1), below.	1/ street frontage	2/ authorized curb cut	1/ entrance	2/ subdivision on entrance	N/A	1 per lot
Max projection from structure	N/A	2 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

Table footnote (1) – Maximum number of canopy or wall signs: The ZBA is empowered to grant variances to this provision without a hardship determination. Instead, the ZBA should consider the size of the structure, its orientation, sign visibility and historical use of the signs on the structure.

- (b) No property zoned for non-residential or mixed use may have more than one (1) ground sign per entrance, but no such sign shall be within 260 feet of another such sign or whatever is necessary to maintain public safety, whichever is greater..
- (c) In addition to those regulations set forth above, no person may maintain a store or office 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.

**Sec. 20-61. 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; this includes the replacement of channel letters on raceway wall signs, and poles and/or frames for ground signs. 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 section.
- (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.

**Sec. 20-62. Illumination**

Illuminated signs are limited to halo/backlighting and indirect lighting and 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 **or** affixed directly and immediately above the sign face (e.g. gooseneck mounts). The light from an illuminated sign shall be established in such a way that no direct light is cast upon adjacent properties and roadways.

**Sec. 20-63. 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 Sec. 20-1 hereof and for the

same purposes for which the International Building Code was promulgated and enacted, which purposes are expressly incorporated herein.

**Sec. 20-64. Zoning Ordinance**

Except as provided elsewhere in this section, to the extent that it is not inconsistent with this Chapter, the City 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 Sec. 20-1 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.

**Sec. 20-65. 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.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this Chapter.

**Sec. 20-66. 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 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 when ground-mounted.
- (c) 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

- (d) Each lot shall be allowed a maximum of three (3) flagpoles.
- (e) A maximum of two (2) flags shall be allowed per flagpole.
- (f) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (g) 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.
- (h) On officially designated City, State, or Federal holidays, there shall be no maximum flag size or number or other limitations on display.
- (i) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this Article.

**Sec. 20-67. Banners**

- (a) Banners shall conform to the following standards:
  - (1) Each banner shall not exceed twenty-four (24) square feet;
  - (2) Each banner must 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 Sec. 20-66.
- (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.

**Sec. 20-68. Temporary Event Signs**

- A. Temporary Signs are prohibited except as otherwise permitted herein.
- B. Exceptions. Temporary Signs are allowed under the following circumstances:
  1. Signage which advertises a sale event, provided it relates to the sale of on-premises goods or services; is erected no more than ten (10) business days before the sale; and is removed within twenty-four (24) hours after the end of the sale.
  2. Grand opening signage, provided it is erected no more than fifteen (15 ) business days before the opening; relates exclusively to the space or use which is opening; and is removed within thirty (30) days of the opening. For purposes of this section the owner/operator must select one calendar date as the date of the Grand Opening.
  3. "Sandwich" boards of no greater size than 3' x 5', located within 5 feet of the storefront to which they relate; and shall relate only to goods or activities carried on within the inside of the store. Such a board may be utilized only during the hours of operation of the store or other entity using it and must be removed during the hours it is closed.
  4. For any nonresidential lot on which only one use operates, 12 temporary signs during any calendar year provided said signs do not have any balloons, streamers, pennants or similar items attached; are not illuminated; shall be placed no closer than 10' from the back of any curb or outside of public right-of-way, whichever is greater; shall not exceed a size of 5' by 6' (including supports); and shall be erected for no more than 15 days, which must be consecutive.
  5. For nonresidential property which contains multiple tenants, such as a shopping center, the center shall be allowed to erect no more than 4 temporary signs per tenant per year, and then subject to the requirements of § (B)(4) above.
  6. Directional signs, provided such signs do not exceed four square feet in size and 30 inches in height (including supporting stakes, poles and structures); are located within two (2) miles of property to which they relate; are limited to no more than two signs at any given 4-way intersection (one at a "T" intersection); and shall be removed no later than one (1) day following the last day of event, (which removal must include removal of the sign face, the sign structure and all supporting elements such as supporting poles or stakes).
  7. During a political election, between the date of qualification and final determination on each ballot issue or candidate, any lot may display an unlimited number of standard political signs as defined in Article I, Section 2 of this Chapter.
- C. Under no circumstances shall any temporary sign be located so as to block the view of permanent sign or so as to create a safety hazard.
- D. Under no circumstances shall a temporary sign exceed the size of any permanent sign relating to the same user.

- E. 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.
  - (3) The requesting organization will pay to design, fabricate, install and remove pole banners.
  - (4) Size. Removable pole banners shall measure 30 inches wide by 72 inches 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 inches with 30 inch width at top and bottom in use. Bottom bracket is to be located nine (9) feet above grade.
  - (5) Quality. Pole banners shall be fabricated using vinyl or canvas.
  - (6) 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 qualify companies authorized to install pole banners.
    - (b) Pole banners shall be erected no more than four (4) weeks prior to the beginning date of the event and shall be removed no later than one (1) week after the event ends.
- F. 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 and remove the banners.

**Section 2:** Chapter 27 (Zoning Ordinance), Article III (Overlay Districts) of the City of Dunwoody Code of Ordinances shall be amended by changing the language of Section 27-1276 (Sign Regulations) to read as follows:

ADDITIONS – underlined  
DELETIONS – ~~strikethroughs~~

Sec. 27-1276. Signs regulations.

All lots in the Dunwoody Village Overlay District shall comply with all requirements of the City's Sign Ordinance, subject to the following additional regulations:

- (1) Signs shall be designed so as to be compatible with the style that is characteristic of the Dunwoody Village Overlay District area;
- (2) Ground signs for more than two tenants in the same building shall be monument style signs with a base and framework made of brick;
- (4) Free-standing signs shall not be permitted in the public right of way;
- (5) For lots containing nine (9) or fewer store fronts, ground signs shall not exceed eight (8) feet in height and eight (8) feet in width;
- (6) For lots containing ten (10) or more store fronts, ground signs shall not exceed twelve (12) feet in height and eight (8) feet in width;
- (7) Window signs larger than two (2) square feet are prohibited;
- (8) Banners with the exception of pole banners as permitted in Chapter 20, are prohibited;
- (9) Signs shall have a matte finish consistent with a wood or wood-like appearance;
- (10) Sign colors, except for logos, shall be equal to or similar to colors available in Martin Senour Williamsburg Paint;
- (11) All signs shall be indirectly lighted; halo lighting is prohibited;
- (12) Internally lighted neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited; all exposed neon is prohibited.
- (13) Sign shape and lettering shall be limited as follows:
  - a. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches.
  - b. Signs with more than two (2) faces are prohibited.
  - c. Sign lettering and logo content shall not exceed eighteen (18) inches in height.



- (14) Standard Informational Signs in the Dunwoody Village Overlay District:
- a. shall not be more than three (3) feet above the ground;
  - b. shall not exceed six (6) Square Feet in area;
  - c. shall not have more than two (2) sign faces;
  - d. shall not be made from flexible materials, such as vinyl, cloth or paper;
  - e. shall be free-standing, and not attached to permanent or temporary structures;
  - f. shall conform to the color standards of the district;
  - g. shall be maintained in good repair.

**Section 3:** These Amendments shall become effective immediately upon their adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. These Amendments hereby repeal any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_ day of \_\_\_\_\_, 2010.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
Brian Anderson, City Attorney