



## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Michael Tuller, Community Development Director

**Date:** July 11, 2011

**Subject:** Revisions and Re-adoption of the City of Dunwoody City Code Chapter 20 and all Previous Amendments

The purpose of the item before you is to readopt the Sign Ordinance and all previous revisions. The most current version of the Sign Ordinance to be readopted is attached, save for the following amendments to be discussed tonight:

### **BACKGROUND: DVOD REVISIONS**

[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, mailed by certified mail, emailed, or faxed to the address on the permit application, and post-marked on or before the 15th 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 zoning ordinance. However, notwithstanding the foregoing, a final decision will be rendered within 90 days from~~



~~date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be reversed.~~

a) ***Procedure.*** ~~Permits shall be denied where the applications for signs do not comply with the provisions of this chapter, are incomplete, and where the applications contain 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 revoking 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, mailed by certified mail, emailed, or faxed to the address on the permit application, on or before the 15th 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) ***Appeals.*** ~~The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged that there is an error in the denial or revocation of a sign permit under this chapter. All such appeals shall be heard and decided following the notice requirements of subsection (c) of this section and pursuant to the following criteria and procedural requirements:~~

~~(1) ***Appeal of decision by administrative officials.*** A denial pursuant to this chapter \_\_\_\_\_ shall be appealable by filing with the secretary of the board of zoning appeals an \_\_\_\_\_ application for appeal on the forms provided by the department of planning specifying \_\_\_\_\_ the grounds thereof, within 15 days after the action appealed from was taken. The \_\_\_\_\_ application fee for an appeal under this section shall be the same as that established by \_\_\_\_\_ the city council for an appeal \_\_\_\_\_ under Chapter 27.~~

~~(2) ***Decision of the board.*** Following the consideration of all testimony, documentary evidence, and matters of record, the board shall make a determination on each appeal. An appeal shall be sustained only upon an expressed finding by the board that the \_\_\_\_\_ administrative official's action was based on an erroneous finding of a material fact, or \_\_\_\_\_ that \_\_\_\_\_ the administrative official acted in an arbitrary manner. In exercising its powers, the \_\_\_\_\_ board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that~~



end shall have all the powers of the \_\_\_\_\_ administrative official from whom the appeal was taken and may issue or direct the \_\_\_\_\_ issuance of a permit provided all requirements imposed by all other applicable laws are \_\_\_\_\_ met.

(3) *Time for final decision.* A final decision will be rendered by the board within 90 days \_\_\_\_\_ from date an appeal is filed. If a final decision is not rendered within the 90-day period, \_\_\_\_\_ the decision sought to be appealed shall be reversed.

c) *Notice of public hearings.* Notice of public hearing before the board on any application for appeal, variance, or special exception shall be provided as follows:

(1) Written notice of the nature of the proposed application, and the date, time, and place \_\_\_\_\_ of the public hearing before the board shall be mailed by first class mail to all property \_\_\_\_\_ owners within 500 feet of the boundaries of the subject property as measured by use of \_\_\_\_\_ the official zoning maps, and as such property owners are listed on the tax records of the \_\_\_\_\_ city, at least 30 days before the public hearing before the board;

(2) Signs of no less than 12 square feet, in a color designated by the community \_\_\_\_\_ development director or his designee, shall be posted within the public right-of-way or on \_\_\_\_\_ the subject property at least 30 days before the hearing before the board. One sign shall \_\_\_\_\_ be posted for each 500 feet of street frontage or fraction thereof along each street on \_\_\_\_\_ which the subject property has frontage. Signs shall be double-faced and posted so that \_\_\_\_\_ the face of the sign is at a right angle to the street in order that said signs can be read by \_\_\_\_\_ the traveling public in both directions. The lettering on the signs shall be printed and at \_\_\_\_\_ least one inch in size and the sign shall state the nature of the proposed application and \_\_\_\_\_ the date, time and place of the public hearing before the board; and

(3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation \_\_\_\_\_ within the city in which are carried the legal advertisements of the city at least 30 \_\_\_\_\_ days prior to the date of the hearing before the board and not more than 45 days prior to the \_\_\_\_\_ date of the hearing before the board.

(4) The cost of all signs posted, and notice mailings sent, pursuant to this section shall be \_\_\_\_\_ specifically paid by the applicant in addition to all other applicable application costs.

— **Applications may be withdrawn by the applicant or applicant's representative in writing without prejudice at any time before the vote of the board of zoning appeals on \_\_\_\_\_ the application. All fees**



**submitted shall be forfeited in any case where the application is withdrawn after it has been advertised for a public hearing in a newspaper of general circulation.**

e)d) Certiorari. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the board of zoning appeals, a person may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

Sec. 20-64. - Zoning ordinance. Sec. 20-64 - Conflicts with Zoning Ordinance Overlay Districts.

~~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 section 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.~~

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 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 which increases the size, aggregate area, sign area of any sign more than 20 percent of that allowed by this chapter.~~
- ~~a) An appeal for a variance from the strict application of the provisions of this chapter may be initiated by the aggrieved party by application to the board of zoning appeals on the form provided by the planning department.~~
- ~~b) Variances from the regulations of this chapter shall be limited to the following hardship situations:~~
- ~~(1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or~~
  - ~~(2) Where visibility of a conforming sign from the proposed street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and~~
    - ~~a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;~~
    - ~~b. Such visibility obstruction was not created by the owner of the subject property; and~~
    - ~~c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.~~
- ~~c) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.~~
- ~~d) The staff or department of planning shall conduct a site inspection of and shall prepare an analysis of each application for variance applying the criteria and standards set forth in this section. Said staff shall present its findings and recommendations in written form to the board at least seven days prior to the public hearing thereon.~~
- ~~e) Relief from the application of the provisions of this chapter by use of variances granted by the board shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed and a final decision rendered by the board using the same time frames and notice requirements as for appeals under this chapter.~~
- ~~f) In the event of dissatisfaction with the decision of the board of zoning appeals, a person may petition for a writ of certiorari to the Superior Court of DeKalb County as provided by law.~~

Sec. 20-68. - Severability.



Should any article, section, clause, or provision of this chapter be declared by a court of competent jurisdiction to be invalid, 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, it being the intent of the City Council of the City that each article, section, clause, and provision hereof be severable.

## **RECOMMENDATION**

At their regularly scheduled meeting, the Community Council voted 5-0 in favor of approval of adopting the revisions and readopting the Sign Ordinance. Additionally, an exemption for drive-thru menu signs was discussed, and the following recommendation was made: allow a maximum of four (4) drive-thru menu signs, limit the size of ground-mounted signs to 18 square feet, and the size of wall-mounted drive-thru menu signs to nine (9) square feet, and allow an exemption from permitting requirements. Drive-thru menu signs are defined in the ordinance:

Drive-thru menu sign shall mean an internally illuminated sign placed so as to be adjacent to a commercial drive-thru lane and may contain a microphone and speaker for the purpose of ordering services and products sold on the premises.

Staff recommends approval of the revisions and re-adoption of the Sign Ordinance including the recommendation for drive-thru menu boards made by Community Council. Staff would also like to bring forward a revision to the sign code discovered after the initiation of the process but before the Community Council Meeting. The sign requirements for office space ground signs in Section 20-58 do not account for buildings with exactly two stories or ten stories, and staff recommends this discrepancy be rectified as a function of these revisions.

At the June 13 Planning Commission Meeting, members voted in favor of all revisions and recommendations by a vote of 6-0.

The legal department recommends moving the amendment regarding drive-thru menu signs to a section that would require a permit.

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## Chapter 20 - SIGNS <sup>[10]</sup>

<sup>(10)</sup> **Editor's note**— Ord. No. 2010-10-39, § 1, adopted October 25, 2010, amended chapter 20 in its entirety to read as herein set out. Formerly, chapter 20, articles I—III, pertained to similar subject matter, and derived from Comp. Ords. 2008, ch. 21, art. I, §§ 1, 2; art. II, §§ 1—8; art. III, §§ 1, 3—12, 14—20, and Ord. No. 2009-11-48, § 1, adopted November 9, 2009.

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

ARTICLE III. - REGULATIONS AND RESTRICTIONS

<sup>(10)</sup> **State Law reference**— Control of signs and signals, O.C.G.A. § 32-6-50 et seq.; placement of posters, signs and advertisements on public or private property; permission and limitations, O.C.G.A. § 16-7-58; limitations on signs identifying or advertising sale of distilled spirits, O.C.G.A. § 3-4-3; restrictions on certain signs providing information in the interest of the traveling public and multiple message signs, O.C.G.A. § 32-6-75. (Back)

### ARTICLE I. - IN GENERAL

[Sec. 20-1. - Purpose and findings.](#)

[Sec. 20-2. - Applicability.](#)

[Sec. 20-3. - Definitions.](#)

[Secs. 20-4—20-22. - Reserved.](#)

#### **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

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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 or where O.C.G.A. § 10-1-155 authorizes the department of agriculture to regulate the display of retail fuel station pricing and for the best interest of the public to advertise said prices. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter 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 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;
- (2) To regulate the erection and placement of signs within the city 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, 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;



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- (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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-2. - Applicability.**

The provisions of this article shall apply to all signs erected within the corporate limits of the city 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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 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. 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 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, scroll, fade or rotate/revolve to display a message in more than one direction, and tri-vision signs, but does not include flags, banners, or canopies.

*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.

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*Banner* shall mean a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, flexible plastic, vinyl 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.

*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.

*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.

*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 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 display areas placed back to back, parallel to each other, where one sign face is designed to be seen from one direction and the other face from another direction.

*Drive-thru menu sign* shall mean an internally illuminated sign placed so as to be adjacent to a commercial drive-thru lane and may contain a microphone and speaker for the purpose of ordering services and products sold on the premises.

*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.

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*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 and monasteries, elementary, middle and high school, both public and private, fire and rescue services, hospital, house of worship, jails and prisons, library, museum, parks and 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, 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 situated so that each sign face is facing a different direction, facing more than two directions, or two 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

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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; balloons used as signs; and signs attached to or painted on vehicles while visible from the public right-of-way, except as provided herein. For the purposes of this chapter, sandwich board signs, banners and pole banners as prescribed herein are not considered portable signs.

*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 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 the lot. The term "private road" shall not include drive isles in parking lots.

*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*.

*Sandwich board sign* shall be a single or double-faced, hinged or un-hinged, A-frame, temporary sign designed to be used on a sidewalk or pedestrian way immediately adjacent to a building or structure.

*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

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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 attachments that are not rectangular in proportion and which is mounted on a post, stake or metal frame with a thickness or diameter not greater than three and one-half inches, and which is no greater than 16 square feet in area.

*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 150 feet of a street and visible therefrom.

*Subdivision sign* shall mean any ground sign placed at the intersection of two roads, at least one 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 signs* shall mean any sign not permanently affixed to the ground or other permanent structure and designed to be displayed for a limited time.

*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 inches from any wall, building, or structure.

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

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Secs. 20-4—20-22. - Reserved.**

## ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

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**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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 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.

(b) The director shall develop such forms as may be necessary to facilitate the permit application

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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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-25. - Time for consideration and issuance.**

The director shall issue permits for all applications meeting the requirements of this chapter and all other laws and ordinances regulating signs within the 15 business day review period provided by this section. Signs not meeting the requirements shall be denied pursuant to the procedure outlined in section 20-26. The director shall give notice in writing to the applicant of his/her decision hand-delivered, mailed by certified mail, e-mailed or faxed to the address on the permit application, and post-marked on or before the 15th business day after the director's receipt of the application. If the director fails to act within the 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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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, mailed by certified mail, emailed, or faxed to the address on the permit application, and post-marked on or before the 15th 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 zoning ordinance. However, notwithstanding the foregoing, a final decision will be rendered within 90 days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be reversed.

(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, a person may petition for writ of certiorari to the Superior Court

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of DeKalb County as provided by law.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 months after the date of issuance. A 60-day extension may be granted to the six-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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 of the space 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 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. 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 this 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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 an occupation tax certificate in the state 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 \$25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than \$100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the city 30 days in advance of any termination and/or



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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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 is also available for review in the offices of the community development department, as well as on the official website for the city, <http://www.dunwoodyga.gov>.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Secs. 20-31—20-48. - Reserved.**

## ARTICLE III. - REGULATIONS AND RESTRICTIONS

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**Sec. 20-49. - Exemptions from permit requirements.**

The following signs shall be exempt from the permit requirements of section 20-23; provided, however, that such signs shall be subject to all other provisions of this chapter:

- (1) Window signs not to exceed 30 percent of the window area;
- (2) Door signs not to exceed one square foot in size and not more than one sign per door;
- (3) One suspended sign per tenant of a multi-tenant building when the area of the sign is less

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than six square feet per side;

- (4) Address numerals no taller than four inches in residential districts and ten 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 provided in section 20-66;
- (6) Non-governmental traffic control and directional devices located entirely on private property and are 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) String lights;
- (9) Government mandated signs in compliance with the manual of uniform traffic control devices that comply with the requirements of state law for such signs;
- (10) Sandwich boards as prescribed herein; and
- (11) Drive-thru menu sign accessory panel exchanges.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 subsection 20-49(4), on the building facade, mailbox, curb and/or door so that it is discernable from the street. If multiple residences, offices of stores are located in one building, the inclusive numbers shall be displayed on the building facade, mailbox and/or exterior door, and individual numbers displayed on or over the entry door to each residence, office or store.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 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 subsection 20-49(6);

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- (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;
- (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;
- (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 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. 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 and not utilized for said business, are parked at a designated service/loading and unloading area or at the furthest-available parking space from a right-of-way. Alternatively, such a vehicle may be parked behind the business to which it relates if to do so minimizes the view of the portable sign by the general public;
- (16) Abandoned or dilapidated signs;
- (17) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;
- (18) Animated sign except as allowed in subsection 20-51(24);
- (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, except for service stations as prescribed in section 20-55, and institutional uses as prescribed in section 20-58;

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- (24) Balloons, streamers, air or gas filled figures, except in single-family residences and fee simple multi-family residences for non-commercial use;
- (25) Neon window signs larger than three square feet;
- (26) Reserved;
- (27) Tri-vision sign; and
- (28) Any sign that changes color(s), flashes, blinks, oscillates, or intimates movement through lighting effect(s).

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-53. - Restrictions in residential zoning districts and multifamily land use in O-I districts.**

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

- (1) Lots used for residential purposes other than for institutional, multi-family apartments, multi-family condominium, mobile home, or townhouse developments shall not have an aggregate sign area greater than 12 square feet per lot, with no individual sign area exceeding six 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, multi-family apartments, multi-family condominiums, mobile homes, or townhouse developments shall not have a sign area exceeding six square feet per dwelling unit, and/or not to exceed an aggregate of 100 square feet for the lot;
- (3) Residential zoning districts, other than lots used for institutional purposes, shall not display more than two standard informational signs unless otherwise allowed by section 20-56 with each sign not to exceed six square feet;
- (4) Lots used for institutional purposes shall have a maximum aggregate for standard informational signage of 32 square feet, with no one sign having an area greater than 16 square feet;
- (5) Ground signs and standard informational signs having a height of greater than six 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 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;
- (6) All ground signs shall be monument signs. The use of exposed poles in ground signs is

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prohibited;

(7) Multifamily developments. For apartment developments of more than 250 units, ground signs not greater than five feet in height and ten feet in width may be placed on either side of the primary entrance designated as such by the property owner or its designee, and one ground sign no greater than five feet in height and five feet in width for each secondary entrance. For apartment developments of less than 250 units, ground signs shall not exceed five feet in height or five feet in width and are limited to no more than two signs at the designated primary entrance and no more than one sign at the secondary entrance, if any;

(8) No sign in any residentially zoned district may be illuminated, except for institutional, subdivision and entrance signs, subject to the provisions of section 20-62 herein. No institutional, subdivision, or entrance sign may be directly illuminated;

(9) Subdivision and entrance signs shall not exceed 32 square feet of sign area, excluding the base, and shall not exceed eight feet in height;

(10) There shall be a maximum of two subdivision/entrance signs per public or private entrance into any residential subdivision or real estate development in a residential district; and

(11) Notwithstanding the foregoing, changeable copy signs are allowable for institutional uses as follows:

- a. Changeable copy signs must conform to the standards of ground signs as prescribed herein.
- b. Changeable copy signs will be permitted to have interchangeable poster panels, designed to be manually changed;
- c. The total changeable copy sign(s) area shall not exceed a total of 12 square feet per sign face;
- d. Text information shall be a fixed, non-electrical, non-intermittent, static message with no wipes, fades, flashes or similar effects.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 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 feet from the curb line as described in subsection (1), the sign, including its footing or foundations, shall be setback at least one 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 15 feet, signs shall be setback two-thirds of the distance between the curblines and the front of the principal structure on the lot on which the sign is located;

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(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 feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way. However, a sign support structure not more than ten 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 12 feet above the ground level.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 sign per canopy face per public street frontage with a maximum of six square feet.

(2) Within the limits of the canopy covering the pump islands, pump-island signs shall be limited to no more than two signs per island, not to exceed four square feet per sign. However, total square footage of all pump island signs shall not exceed 24 square feet.

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

(4) Notwithstanding the foregoing, changeable copy signs are allowable when accessory to service station, per department of agriculture regulation, as follows: fuel pricing information shall be a fixed, non-electrical, non-intermittent, static message with no wipes, fades, flashes or similar effects.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-56. - 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 section 20-3. Signs shall not be placed in the right-of-way, and permission from the property owner must be obtained.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-57. - Wall, canopy, or projecting signs.**

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

(b) No canopy or projecting sign shall be maintained less than eight feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.

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- (c) Projecting signs shall have a maximum height of 20 feet and a maximum area of 40 square feet, and may project up to 42 inches from the building.
- (d) Wall signs may project from the building up to two feet.
- (e) No wall, canopy or projecting sign shall extend above the parapet wall or any roofline.
- (f) Wall, canopy, or projecting signs are prohibited in residential districts.
- (g) Wall, canopy or projecting signs must be located on the facade(s) of a building.
- (h) Wall, canopy, or projecting signs shall be located only on the facade(s) which are immediately external to the use being advertised.
- (i) At a minimum, a wall sign may be 30 square feet in size. The square footage may be increased to a size which is equal to two square feet per one linear foot of the building's primary facade, up to the maximum sizes set forth in the chart below, whichever is smaller.

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- (j) The size and number of wall signs allowed is dependent upon the size of the space to which they relate as follows:

Floor Area	Max Total Signage per Tenant Space (s.f)*	Maximum Size of Any One Sign (s.f)	Maximum Number of Wall Signs	Maximum Number of Signs per Facade
Less than 2,500				
square feet	80	50	2	1
2,500—10,000				
square feet	150	80	2	1
10,000—25,000				
square feet	225	125	2	1
25,000—50,000				
square feet	350	200	2	2
50,000—100,000				
square feet	450	225	3	3
100,000—150,000				
square feet	550	275	4	4
Over 150,000				
square feet	800	300	5	5

\* For the purpose of this section, tenant space shall mean an area within a building directly accessible by an exterior entrance.

- (k) For buildings which provide access via vestibules and other common areas, with no direct access to any tenant space, the size and number of wall signs allowed is dependent upon the total floor area of the building to which they relate as follows:

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Floor Area	Max Total Signage per Building (s.f.)	Maximum Size of Any One Sign (s.f.)	Maximum Number of Wall Signs	Maximum Number of Signs per Facade
Less than 2,500				
square feet	80	50	2	1
2,500—10,000				
square feet	150	80	2	1
10,000—25,000				
square feet	225	125	2	1
25,000—50,000				
square feet	350	200	2	2
50,000—100,000				
square feet	450	225	3	3
100,000—150,000				
square feet	550	275	4	4
Over 150,000				
square feet	800	300	5	5

(l) For purposes of this chapter, the existing hanging signs in Dunwoody Village will be considered lawful projecting signs, and may be repaired or replaced as tenants change; provided the same size, style and color palette are followed.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-58. - Ground signs.**

(a) The height of all ground signs shall be measured from finished grade, which shall not be raised so as to create additional sign height. However, when the finished 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 the maximum height above the center line of street. Residentially zoned districts shall be governed by section 20-53. 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) All ground signs shall be monument signs. The use of exposed poles in ground signs is prohibited.

(c) The height of ground signs shall depend upon the nature of the uses to which the sign relates, as follows:

(1) Lots which contain only one retail user or one office building of one story in height may have ground signs no greater than seven feet in height and eight feet in width. Sign area is not to exceed 45 square feet;

(2) Multi-story office buildings with more than two stories but less than ten stories may have ground signs no greater than ten feet in height and five feet in width. Sign area is not to exceed 40 square feet;

(3) Multi-story office buildings with more than ten stories may have ground signs no greater than 20 feet in height and ten feet in width. Sign area is not to exceed 160 square feet; and



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(4) Ground sign for a lot with multiple retail tenants or planned commercial centers shall be as follows:

Building Floor Area of Lot	Maximum Height	Maximum Width	Maximum Sign Area
Less than 2,500 square feet	7 feet	6 feet	34 square feet
2,500—10,000 square feet	10 feet	8 feet	64 square feet
10,000—25,000 square feet	12 feet	10 feet	96 square feet
25,000—50,000 square feet	15 feet	10 feet	120 square feet
50,000—100,000 square feet	15 feet	12 feet	144 square feet
100,000—150,000 square feet	17 feet	15 feet	204 square feet
150,000—250,000 square feet	20 feet	15 feet	240 square feet
Over 250,000 square feet	25 feet	15 feet	300 square feet

(d) There shall be no more than one ground sign per street frontage per lot.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-59. - Directional signs.**

(a) The height of any directional sign shall not exceed three feet above the ground and shall not exceed six square feet in area.

(b) Two directional signs are allowed per authorized curb cut.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-60. - Standard informational signs.**

(a) Standard informational signs shall not exceed six feet in height or 16 square feet of sign area.

(b) The maximum aggregate area of standard informational signage on a lot is 32 square feet unless otherwise allowed by section 20-56.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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.

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(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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-62. - Illumination.**

(a) Illuminated signs are limited to halo and indirect lighting and shall not exceed 20 foot candles of light at a distance of ten 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.

(b) Notwithstanding the foregoing, direct (also known as "internal") lighting may be used, but shall be limited as follows:

- (1) Directly lit channel letters, numbers and logos may be used on building facades on buildings with three or more stories, provided these raceway signs are located 50 feet or higher from ground level.
- (2) Animated signs as permitted in subsection 20-51(18).
- (3) All other directly lit cabinet lighting is prohibited.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 section 20-1 hereof and for the same purposes for which the International Building Code was promulgated and enacted, which purposes are expressly incorporated herein.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

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**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 section 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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 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 which increases the size, aggregate area, sign area of any sign more than 20 percent of that allowed by this chapter.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**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 applicable zoning district, or 60 feet, whichever is less. Flagpoles in residential districts shall not exceed 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 20 percent of the vertical height of the flagpole when ground-mounted.

(c) In addition, flags are subject to the following limitations:

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Pole Height (feet)	Flag Size Maximum (total square feet)
Up to 25	24
25—39	40
40—49	60
50—60	96

- (d) Each lot shall be allowed a maximum of three flagpoles.
- (e) A maximum of two 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.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

**Sec. 20-67. - Temporary signs.**

- (a) Banners.
  - (1) Each banner shall not exceed 24 square feet;
  - (2) Each banner must be individually attached to poles, mast arms, or other structures;
  - (3) No more than two banners shall be displayed on any lot at one time; and
  - (4) All banners must be maintained in good condition as provided for flags in section 20-66.
  - (5) No banner shall be displayed for more than 14 days, with no more than six such 14-day periods being permitted per calendar year per lot.
- (b) Sandwich boards.
  - (1) Each sandwich board shall not exceed three feet wide by five feet tall.
  - (2) Each board must be located within ten feet of the pedestrian entrance to which the board relates;
  - (3) Such a board may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.
  - (4) Sandwich boards are limited to one per tenant space.

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(c) For any institutional use, 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 ten feet from the back of any curb or outside of public right-of-way, whichever is greater; shall not exceed a size of five feet by six feet (including supports); and shall be erected for no more than 30 days, which must be consecutive.

(d) 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.

(e) Under no circumstances shall a temporary sign exceed the size of any permanent sign relating to the same user.

(Ord. No. 2010-10-39, § 1, 10-25-2010)