

MEMORANDUM

To: Mayor and City Council

From: Ronnie Kurtz
Planner II

Date: May 6, 2019 (Changes from original in red)

Subject: Amendment to City of Dunwoody Ordinances
Chapter 20 – Signs

ITEM DESCRIPTION

Request to consider text amendments to the sign code regarding temporary signs (Chapter 20). The proposed changes serves to allow new businesses to be granted a temporary sign permit for up to 60 days.

DISCUSSION

Code currently defines a standard informational sign as “any sign not permanently affixed to the ground or other permanent structure or foundation and designed to be displayed for a limited time” (Sec. 20-3). Further regulations restrict temporary signs to 24 square feet in area.

For commercial lots, temporary signs may be displayed for 14 consecutive days with the issuance of a temporary sign permit, and only 6 such permits may be issued to a lot in a year.

The proposed amendment would allow a temporary sign permit to be issued for up to 60 days to a new business to allow for sufficient advertisement and public awareness. This allowance is operationalized by allowing a temporary sign to be erected **from the time of receipt of an application for a Certificate of Occupancy to 60-days following the issuance of the Certificate of Occupancy**, for a period no greater than 60 consecutive days.

The proposed amendment limits the issuance of such extended permits to no more than one per lot at a time, to prevent excess on large shopping centers and similar developments. Additionally, the amendment exempts the extended permits from the 6-permit annual limit so as to preserve the existing allowances.

RECOMMENDATION

Staff recommends Planning Commission approve the attached draft changes to Chapter 20—Signs, as prepared.

Attachments:

Chapter 20--Signs, with edits

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND CHAPTER 20 (SIGNS); TO AMEND SECTION 67 (TEMPORARY SIGNS); TO REGULATE THE USE OF TEMPORARY SIGNS BY NEW BUSINESSES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Dunwoody; and

WHEREAS, The Mayor and Council believe that signs are an important part of speech, however, signs can become a threat to public safety as a traffic hazard, a detriment to property values, and to the City's general public welfare if left unregulated.

WHEREAS, The Mayor and Council believe that it is prudent to amend the sign ordinance to create regulations which govern the use of temporary signs by new businesses within the City of Dunwoody.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN:

Section 1: Section 20-67 is hereby amended by to read as follows:

Sec. 20-67. - Temporary signs.

(a) General regulations.

- (1) Each temporary sign shall not exceed 24 square feet;*
- (2) Each temporary sign must be individually attached to poles, mast arms, fences, building facade or other similar structures;*

- (3) *No more than two temporary signs shall be displayed on any lot at one time; and*
- (4) *All temporary signs must be maintained in good condition as provided for flags in section 20-66.*
- (5) *No temporary sign shall be displayed for more than 14 consecutive days, with no more than six such 14-day periods being permitted per calendar year per lot, **except as permitted in Sec. 20-67(f).***
- (6) *Pole banners are regulated by section 26-279 and are not subject to the standards of this chapter.*
- (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 a pedestrian entrance of the sponsor of the board;*
 - (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.*
- (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.*
- (f) ***New Businesses.***
 - (1) ***A temporary sign permit may be issued to a new business from the time of receipt of an application for Certificate of Occupancy to 60-days after the granting of the Certificate of Occupancy, for a period of time no greater than 60 consecutive days.***
 - (2) ***No more than one such temporary sign permit may be issued for a lot at one time. Each permit is valid for two signs per Sec. 20-67(a)(3).***

(3) Such temporary sign permits shall not count toward the annual limits established in Sec. 20-67(a)(5).

(Ord. No. 2010-10-39, § 1, 10-25-2010; Ord. No. 2017-07-18, § I, 7-24-2017; Ord. No. 2018-05-10, § IV, 5-21-2018)

Section 2

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that

such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Dunwoody, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this ____ day of _____, 2019.

Approved by:

Approved as to Form and Content

Denis L. Shortal, Mayor

City Attorney

Attest:

Sharon Lowery, City Clerk

SEAL