

MEMORANDUM

To: Mayor & Council

From: Steve Foote, AICP
Director of Community Development

Date: September 8, 2014 and September 22, 2014

Subject: Text Amendment to City of Dunwoody Chapter 20, "Signs"

BACKGROUND

Based on various complaints the City received from a resident regarding the display of numerous American flags at a local church, Mayor and Council initiated an amendment to the sign code to address the display of multiple flags on one property and to extend the time period for such displays. The Sign Ordinance currently restricts the number of flags that may be displayed on a property, but removes the limitation on select holidays. Thus, the display of excessive quantities of flags on any day but the prescribed holidays is a violation of the ordinance.

The proposed changes below modify the sign code by defining and expanding the exemptions to include election days, and also providing for longer time periods for flags to be displayed. Other minor changes that were identified throughout the process have also been addressed. All changes are as indicated below.

Sec. 20-66. Flags.

- (a) All flags shall be displayed on a flagpoles or according to recognized flag etiquette~~which may be vertical or mast arm flagpoles~~. In non-residential districts, flagpoles shall not exceed the maximum height applicable for the 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:

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 or recognized city, county, state, or federal holiday, or election days when polling places are open in the City of Dunwoody, flags may be displayed seven (7) days prior through seven (7) days after these dates and there shall be no maximum flag size, ~~or~~ number or other limitations on the 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)

RECOMMENDATION

The Community Council and Planning Commission both reviewed the proposed text amendment at their regular July and August meetings, respectively. Discussions resulted in a motion to approve with staff's recommendations, which the Community Council voted and passed (6 – 1) and Planning Commission voted and passed (5 – 0). Tony Delmichi was the dissenting vote at the July Community Council meeting.

Staff recommends Council readopt Section 20-66, Flags, as presented.

**AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY OF
DUNWOODY CODE OF ORDINANCES BY REVISING THE FLAG
REGULATIONS IN THE SIGN CODE**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody Sign Code currently provides for regulation on the number of flags any private property is allowed to display at one time, including on or around Federal or State holidays; and

WHEREAS, in order to allow flexibility for property owners to place flags prior to a designated holiday and to take them down after the holiday, the Mayor and City Council desire to extend the time period for placement of multiple flags for said holiday(s) and to more specifically define the holidays on which said extended display will be permitted; and

WHEREAS, the Mayor and City Council have held a properly advertised public hearing in accordance with the Georgia Zoning Procedures Act in order to receive comments from the public on the proposed amendment.

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

Section 1: Chapter 20 (Signs) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article III ("Regulations and Restrictions"), Section 20-66 ("Flags") to read as follows:

Sec. 20-66. Flags

- (a) All flags shall be displayed on a flagpoles or according to recognized flag etiquette, which may be vertical or mast arm flagpoles. In non-residential districts, flagpoles shall not exceed the maximum height applicable for the 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)
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- (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 or recognized city, county, state, or federal holidays, or election days when polling places are open in the City of Dunwoody, flags may be displayed seven (7) days prior through seven (7) days after these dates and 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.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2014.

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2014-XX-XX

Sharon Lowery, City Clerk
(Seal)

Cecil G. McLendon, City Attorney