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MEMORANDUM

To: Mayor and City Council

From: Ronnie Kurtz
 Planner

Date: July 24, 2017

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

ITEM DESCRIPTION

Request to consider zoning text amendments to the sign code (Chapter 20). The proposed changes are minor in nature and do not represent a fundamental rewrite of the sign code. The alterations in the attached draft are informed by citizen commentary in conjunction with staff experience.

CHANGES FROM FIRST READ

The phrase "people in costumes" has been deleted from the definition of *Animated sign* in Sec. 20-3. People moving/waving signs is already included in the first sentence of the existing definition. This definition now shows no change.

Changes to Sec. 20-56 – Non-commercial messages have been deleted. The section now shows no change, and unlimited standard informational signs remain permitted during political season.

Sec. 20-60(c) has been changed to limit standard informational signs to four (4) per lot, as opposed to one per street frontage.

Council also discussed the option of allowing unlimited standard informational signs only on residential lots, though this change was not included in the draft.

BACKGROUND

Dunwoody adopted its original sign code on December 1, 2008. A significant update to the code was adopted in October 2010. Several amendments have been approved following this initial adoption to reconcile minor inconsistencies and provide for greater clarification. The most recent of these updates was adopted in September 2014.

The proposed amendment was initiated by staff in response to feedback from prospective applicants and local business owners/sign contractors. The objectives of this amendment can be summarized as follows:

1. Update definitions to comport with industry standards;
2. Respond to demand in the market; and
3. Clarify ambiguous code sections for the benefit of the applicant.

Denis Shortal Mayor
 Eric Linton, ICMA-CM City Manager
 Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
 Jim Riticher City Council Post 2
 Doug R. Thompson City Council Post 3

Terry Nall City Council Post 4
 Lynn Deutsch City Council Post 5
 John Heneghan City Council Post 6

DISCUSSION

Update Definitions

The majority of proposed changes in this amendment are confined to the “Definitions” section, Sec. 20-3. In general, changes made in this section are to make definitions consistent with industry standards so as to reduce time to compliance.

Examples of updated definitions include:

- Directional Sign
- Ground Sign
- Halo Lighting
- Projecting Sign

Illustrative images have been included where necessary to provide further clarity.

Respond to Market Demand

New definitions have been inserted into Sec. 20-3 to allow for signage arrangements which applicants frequently request, despite not being permissible under the current code.

Examples of new definitions include:

- Routed push-through
- Shingle/suspended sign

Additionally, allowances are made through the insertion of new clauses to specific code sections. Examples include:

- Allowing subdivision signs to be affixed to a wall (Sec. 20-53(10))
- Permitting electronic changeable copy for fuel pricing only (Sec. 20-55(4))
- Allowing for two directional signs *internal* to a lot (20-59(b))
- Creating administrative process to allow additional directional signs internal to a lot (Sec. 20-59(d))
- Allowing nonconforming signs to be relocated for purposes of right-of-way acquisition (Sec. 20-61(d))

Clarify Ambiguous Code Sections

Updates are made throughout Chapter 20 to clarify what is being asked of applicants.

Examples of such changes include:

- Referencing Dunwoody Village Overlay sign regulations in Chapter 27 (Sec. 20-1(e))
- Defining “building sign” to include wall, canopy, awning, and projecting signs (Sec. 20-3; Sec 20-57)
- Describing how “window sign” area is defined and limited (Sec. 20-49; Sec. 20-51)
- Limiting “standard informational signs” to four (4) per lot (Sec. 20-60(c))



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RECOMMENDATION

Staff recommends Mayor and City Council approve the attached draft changes to Chapter 20—Signs, as prepared.

Attachments:

Ordinance adopting Chapter 20—Signs, with edits

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STATE OF GEORGIA
COUNTY OF DEKALB

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA TO AMEND CHAPTER 20 (SIGNS) OF THE CODE OF THE CITY OF DUNWOODY, GEORGIA; TO DELETE, MODIFY AND ADD PROVISIONS PERTAINING TO THE REGULATION OF SIGNS; 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 City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Dunwoody (the “Code”) to further protect the public health, safety, and welfare of the citizens of Dunwoody.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Dunwoody, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Chapter 20 of the Code relating to signs is hereby amended by deleting the current Chapter 20 in its entirety and replacing it with the amended Chapter 20 to read as follows:

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 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 of Georgia 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.

(e) All properties located within the Dunwoody Village Overlay are additionally subject to section 27-97.

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.

Sec. 20-3. – Definitions.

NOTE: Images appear below the definition to which they refer.

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. The inclusion of a definition in this list below should not be interpreted as a representation that a sign is permitted:

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~~, or which is located on a property or business without an Occupational Tax Certificate.

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 or used by the United States Postal Service shall not be considered in calculating the aggregate sign area.



Image 1: 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.



Image 2: Animated sign

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

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sign message, inclusive of any border and trim, but and excluding the base, apron, supports, border, trim 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.



Image 3: Area of sign

Awning/Canopy shall mean an architectural element that is intended to be hung either with a frame or without a frame, protruding from the building façade with the purpose of protecting pedestrians from the elements. Awnings or canopies may extend over a sidewalk, walkway, or vehicle access area.



Image 4: Awning/Canopy

Awning/Canopy sign shall mean a sign affixed to, superimposed upon, or painted on an awning/canopy or in which graphics and symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself. Awning/canopy signs are considered building signs and are further regulated by section 20-57.



Image 5: Awning/Canopy sign

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. Standard Informational signs are excluded from the definition of a banner. Banners are considered temporary signs and are further regulated by section 20-67.



Image 6: Banner

Beacon sign/search light 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. Beacon signs/search lights are prohibited.

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Building sign shall mean any wall, canopy, awning, or projecting sign affixed to a building. Building signs are further regulated by section 20-57.

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. Changeable copy signs are prohibited, except as allowed by section 20-53 and section 20-55.

Changeable copy sign, Electronic –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.

City shall mean the City of Dunwoody, Georgia.

Direct lighting/illumination 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. Illumination is further regulated by section 20-62.



Image 7: Direct lighting/illumination

~~*Directional sign* shall mean any sign placed within five feet of an authorized curb cut, specifically placed to manage and avoid conflicting vehicular movements, containing directional information to manage vehicular and pedestrian traffic on a property and to minimize and avoid vehicular and pedestrian conflicts. Directional signs are further regulated by section 20-59.~~



Image 8: Directional sign

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. Electronic signs are prohibited, except as allowed by section 20-55.

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.



Image 9: Entrance sign

Facade, Primary shall mean the ~~exterior wall of a building~~ façade of the building which contains the primary building entrance

Façade, Secondary shall mean any façade that is not the primary building facade.

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Flag shall mean any fabric or bunting containing colors, patterns, or symbols ~~used as a symbol of a government or other entity or organization~~ attached to a flagpole. Flags are further regulated by section 20-66.

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. Flagpole height shall be measure from average grade. Flagpoles are further regulated by section 20-66.



Image 10: Flag/Flagpole

Ground sign shall mean a permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The base of the sign face shall be flush with the supporting base, and the supporting base shall be flush with the ground and extend the full width of the sign. All ground signs shall be monument signs. ~~free-standing sign which forms a solid, monolithic structure from the ground to the top of the sign.~~ Ground signs are further regulated by section 20-58.



Image 11: Ground sign

"Halo" lighting (and similar lighting styles) shall mean a specific style of illumination where the sign face and returns are mounted on standoffs away from the wall which project illumination to the wall surface giving the sign a halo effect~~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.~~ Illumination is further regulated by section 20-59.





Image 12: Halo lighting

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 transmitted via direct lighting, indirect lighting, routed push through, or halo lighting, or other acceptable methods. Illumination is further regulated by section 20-62.

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. Illumination is further regulated by section 20-62.



Image 13: Indirect lighting

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. LCD signs are prohibited, except as allowed by section 20-55.

LED sign shall mean an electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message. LED signs are prohibited, except as allowed by section 20-55.

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.

Menu sign/ordering kiosk shall mean a sign/kiosk that may contain a microphone, ordering screen, and speaker for the purpose of ordering services and products sold on the premises. Menu signs/ordering kiosks are further regulated by subsection 20-49(11) and subsection 20-55(3).

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. Multi-faced signs are prohibited.

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 or liquids 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. Nonconforming signs are further regulated by section 20-61.

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 multiple~~ offices, residences, retail or industrial uses, or combination of such 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.

Pole sign shall mean a permanent sign that is mounted on a freestanding pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure. Pole signs are prohibited.

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Image 14: Pole sign

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. Portable signs are prohibited, except as allowed by subsection 20-51(15).



Image 15: Portable sign

~~*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 projects outward from~~is attached perpendicular to~~ a building or other structure and extends more than 24~~42~~ inches horizontally from the plane of the building wall. The signage area must not be parallel to the building. Projecting signs are considered building signs and are further regulated by section 20-57.



Image 16: Projecting sign

Pump-island sign shall mean a sign located under a canopy and of top of the over pump islands of a service station or convenience store with gas pumps. Pump island signs are further regulated by section 20-55.

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. Roof signs are prohibited.



Image 17: Roof Sign

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Rotating sign. See Animated sign.

Routed push-through shall mean illumination that displays information on the sign face with the letters/logo routed-out and an acrylic panel placed behind it, to allow light to penetrate through the sides of the letters/logos only. Faces of signs must be opaque, and letters/logos may extend no more than ¼-inch from the sign. Illumination is further regulated by section 20-62.



Image 18: Routed push-through

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.~~ Sandwich boards are further regulated by section 20-67.



Image 19: Sandwich board sign

Secondary facade shall mean any facade that is not the primary facade.

Shingle/suspended sign shall mean a sign that projects less than 24-inches outward from a building, typically at a ninety degree angle, and hangs downward from a bracket or support. Shingle/suspended signs may extend over a sidewalk, walkway, or vehicle access area. No shingle/suspended sign shall be maintained less than 8 feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access. Shingle/suspended signs are further regulated by section 20-66.



Image 20: Shingle/suspended sign

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 and is directed to be viewed from any outdoor space. 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

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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. Banners and directional signs are not included in the definition of a standard informational signs. Banners are considered temporary signs. Standard informational signs are further regulated by section 20-60.



Image 21: Standard informational sign

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. String lights are prohibited, except as allowed by subsection 20-49(8).

Subdivision sign shall mean ~~any ground-a~~ 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 development~~ and consisting of either a ground sign or a wall sign as permitted otherwise in this ordinance. Subdivision signs are further regulated by section 20-53.

~~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 or foundation and designed to be displayed for a limited time. Temporary signs are further regulated by section 20-67.

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. Tri-vision signs are prohibited.

Wall sign shall mean any sign attached parallel/flat 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. Wall signs are considered building signs and are further regulated by section 20-57.

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. Customary displays of merchandise behind a store window are not considered window signs. Window signs are further regulated by subsection 20-49(1) and subsection 20-51(2).

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 on a scaled drawing;

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- (6) The dimensions of the wall on which the sign is to be placed with appropriate drawings and photographs;
- (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 existing ground signs on the property, entrance driveways from public streets, street rights-of-way, public or private easements, building locations, sidewalks, utilities, gross area of buildings and floor area occupied by subject owner or tenants.
- (9) The Director may require other such information required to determine the sign complies with the requirements of this Ordinance.
- (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 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.

Sec. 20-26. - Denial and revocation.

- (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 of community

development 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 zoning board of appeals~~ an application for appeal on the forms provided by the community development department 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 Zoning Board of Appeals~~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 ~~4590~~ days from date an appeal is filed. If a final decision is not rendered within the ~~4590~~-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

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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, published advertisement and notice mailings sent, pursuant to this section shall be specifically paid by the applicant in addition to all other applicable application costs.
- (5) Applications may be withdrawn by the applicant or applicant's representative in writing without prejudice at any time before the vote of the zoning board of 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.
- (d) *Certiorari*. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the zoning board of appeals, a person 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 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.

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 and 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.

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 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 or designee; ~~a~~ copy of ~~which the fee schedule~~ 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>.

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~~area of an individual window frame; Multiple window signs shall not total more than 30 percent of the entire window area;
- (2) Door signs not to exceed one square foot in size and not more than one sign per door;
- (3) Directional signs meeting the standards of this chapter ~~One suspended sign per tenant of a multi-tenant building when the area of the sign is less 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) ~~Non-LED s~~String lights; used in courtyards and outdoor dining areas so long as they do not constitute an animated sign;
- (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 placed or required to be placed by a government entity;
- (10) Sandwich boards as prescribed herein; ~~and~~
- (11) ~~Drive-thru m~~Menu signs/ordering kiosks placed adjacent to a commercial drive thru, with a maximum of four such signs per property, so long as any ground-mounted ~~drive-thru~~ menu sign does not exceed 18 square feet and any wall-mounted menu-sign does not exceed ~~9~~nine square feet, as well as drive-thru menu sign accessory panel exchanges.

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.

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~~area of an individual window frame or multiple window signs that exceed 30 percent of the total 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 visually 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);
- (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, fence, street sign, or other structure with the exception of signs on fences and walls as permitted herein;
- (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, canvas, vinyl, 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 awnings (as defined in section 20-3), flags and banners which are governed by sections 20-66 and 20-67, respectively;
- (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;

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- (16) Abandoned or dilapidated signs;
- (17) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;
- (18) Animated signs, including balloons, streamers, air or gas filled figures, except in single-family residences and fee simple multi-family residences for non-commercial use; except as allowed in subsection 20-51(24);
- (19) Electronic signs except those permitted by Sec 20-55;
- (20) Beacon sign/search light;
- (21) LCD signs and similar type technologies, except those permitted by Sec 20-55;
- (22) LED signs and similar type technologies, except those permitted by Sec 20-55;
- (23) Changeable copy sign/reader board, except for service stations as prescribed in section 20-55, and institutional uses as prescribed in section 20-538;
- (24) Pole signs~~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).

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 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 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) Subdivision signs may exist as a ground sign or as a sign affixed to a retaining wall or decorative wall established for the entrance;
- (101) 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
- (124) 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;

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- d. Text information shall be a fixed, non-electrical, non-intermittent, static message with no wipes, fades, flashes or similar effects.

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 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 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.

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. In addition, one menu sign/ordering kiosk is permitted.

- (4) Notwithstanding the foregoing, changeable copy signs are allowable when accessory to service station, ~~per department of agriculture regulations permitted by state law~~, as follows: fuel pricing information shall be a fixed, ~~non-electrical~~, non-intermittent, static message with no wipes, fades, flashes or similar effects. LED, LCD, and/or electronic lighting is permissible for fuel pricing only.

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.

Sec. 20-57. - ~~Wall, canopy, or projecting~~Building signs.

- (a) Wall, canopy, awning, 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.
 - (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, awning, or projecting sign shall extend above the parapet wall or any roofline.
 - (f) Wall, canopy, awning, or projecting signs are prohibited in residential districts.
 - (g) Wall, canopy, awning, or projecting signs must be located on or attached to the facade(s) of a building.
 - (h) Wall, canopy, awning, 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.~~
- (j) The size and number of ~~wall-building~~ signs allowed is dependent upon the size of the space to which they relate as follows:

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Floor Area	Max Total Signage per Tenant Space (s.f)*	Maximum Size of Any One Sign (s.f)	Maximum Number of Wall <u>Building</u> 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~~j) 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:

Floor Area	Max Signage Building (s.f.)	Total per	Maximum Size of Any One Sign (s.f.)	Maximum Number of Wall — <u>Building</u> 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

(~~H~~) 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.

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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 for non-residential uses 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 a single-use building~~ which 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 two or more 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 ~~6040~~ square feet;
 - (3) Multi-story office buildings with ten or more stories may have ground signs no greater than 20 feet in height and ten feet in width. Sign area is not to exceed ~~160-100~~ square feet; and
 - (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.

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. Additionally, two directional signs are allowed internal to the lot.
- (c) Directional signs must meet the illumination standards of section 20-62.
- (d) Additional internal directional signs.
 - (1) The director may administratively approve additional directional signs for the purposes of safety, traffic control, or wayfinding, provided they are internal to the lot and not visible from public right-of-way.
 - (2) Applicants must submit to the director:
 - a. Project narrative, explaining need for and scope of additional directional signs;
 - b. Site Plan, showing proposed locations for additional directional signs;
 - c. Elevations of proposed additional directional signs; and
 - d. Other items as requested by the director.
 - (3) The director shall issue a decision within the 15 business day review period provided by this section.

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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.
- (c) There may be no more than four (4) standard informational signs per lot.

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. Panel replacements shall have an opaque background with only the actual letters and logo of the signage area illuminated. 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 s~~ Structural repairs or changes in the size or shape of a nonconforming sign shall be permitted as long as the changes do not expand the nonconforming nature of the sign. 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. 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 or replaced as long as the repairs do not exceed 50% of total replacement cost. 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 as long as the changes do not expand the nonconforming nature of the sign. shall be permitted except to make the sign comply with all standards of this chapter, provided that a A nonconforming sign damaged or destroyed by act of God or by other circumstances beyond the control of the owner of the sign by more than 50% may not be repaired or replaced. without regard to the restrictions of this paragraph.
- (d) *Right of Way.* A non-conforming sign may be relocated for the purposes of road or sidewalk construction, purchases of Right-of-Way, or other Public Works or Transportation project initiated by the City of Dunwoody or other public agency.

Sec. 20-62. - Illumination.

- (a) Illuminated signs are limited to halo, routed push through, and indirect lighting and shall not exceed 20 foot candles of light at a distance of ten feet from such structure. White light only

shall be allowed. All exterior light fixtures shall be ground-mounted or affixed directly and immediately above the sign face (e.g. gooseneck mounts) without obscuring the sign. 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.

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.

Sec. 20-64. - Conflicts with zoning ordinance overlay districts.

To the extent that any regulations governing any zoning overlay district now existing or later enacted conflict with this article, the provisions of the overlay district shall control.

Sec. 20-65. - Variances.

- (a) An application for a variance from the strict application of the provisions of this chapter may be initiated by application to the zoning board of appeals on the form provided by the community development 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 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;

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- 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 community development department 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 zoning board of appeals, a person may petition for a writ of certiorari to the Superior Court of DeKalb County as provided by law.

Sec. 20-66. - Flags.

- (a) All flags shall be displayed on a flagpole or according to recognized flag etiquette. In non-residential districts, flagpoles shall not exceed the maximum building 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 in addition to the maximum building height of the applicable zoning district:

Pole Height (feet)	Flag Size (total square feet)	Maximum
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 holidays, or election days when polling places are open in the City of Dunwoody, flags may be displayed seven days prior through seven 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.

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, fences, building facade or other similar 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 consecutive days, with no more than six such 14-day periods being permitted per calendar year per lot.
- (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 ~~the a~~ pedestrian entrance ~~to which the board relates~~ 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

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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.

Sec. 20-68. – Shingle/suspended signs.

(a) One shingle or suspended sign per tenant of a multi-tenant building may be permitted.

(b) No shingle or suspended sign may exceed 6 square feet in area.

(c) Shingle and suspended signs are not exempt from the permit requirements of this chapter.

Sec. 20-6~~8~~⁹. - 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 that each article, section, clause, and provision hereof be severable.

SECTION VI: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Dunwoody, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

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

SECTION VIII: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION IX: This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this ____ day of _____, 2017.

CITY OF DUNWOODY, GEORGIA

By: _____

Denis Shortal, Mayor

Attest:

Sharon Lowry, City Clerk

(SEAL)

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