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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** June 29, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** TA11-002 - An Ordinance to Amend Article 33, Signs, of the City of Sandy Springs Zoning Ordinance

**MEETING DATE:** For Submission onto the July 12, 2011, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Text Amendment

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**APPROVAL BY CITY MANAGER:**   JFM   APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:**   7/12/2011  

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:**   CMT  

**REMARKS:**



To: John McDonough, City Manager

From: Blake J. Dettwiler, AICP, Director of Community Development 

Date: June 28, 2011 for Submission onto the July 12, 2011 City Council Regular Meeting

Subject: TA11-002, An Ordinance to Amend Section 33.18, Prohibited Signs and Devices, of the Sandy Springs Zoning Ordinance

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Please find enclosed a proposed text amendment titled An Ordinance to Amend Section 33.18, Prohibited Signs and Devices, with corresponding mark-up.

***Background:***

The Mayor and City Council have found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. However, the Council has determined that the use of these types of lights for internal illumination of signs does not present a public safety hazard.

***Discussion:***

The use of these types of lights has been expressly prohibited in the sign ordinance. Therefore, it has been determined that this section of the Zoning Ordinance be amended to clarify the Council's intent.

***Planning Commission Recommendation:***

The amendment was heard at the June 16, 2011 Planning Commission hearing. The Commission recommended approval as presented by staff (5-0, Thatcher, Pond, Rupnow, Maziar, and Tart for; Rubenstein absent; Duncan not voting).

***Alternatives:***

The City Council could choose to not approve the changes prepared by staff.

cc: Wendell K. Willard, City Attorney  
Cecil McLendon, Assistant City Attorney

## MARK-UP OF SECTION 33.18 PER TA11-002

### SECTION 18: PROHIBITED SIGNS AND DEVICES.

The following types of signs are prohibited in the City ~~(amended 04/21/09, TA09-002, Ord. 2009-04-19):~~

~~A.~~ — Any sign not specifically identified in this Article as a permitted sign.

~~B.A.~~ Balloons, streamers or air or gas filled figures.

~~C.B.~~ Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, holiday lights and decorations displayed not more than thirty (30) days before a holiday shall be exempted from this Section.

~~D.C.~~ Promotional beacons, search lights or laser lights or images.

~~E.D.~~ Audible signs.

~~F.E.~~ Signs in a public right of way, other than those belonging to a government, public service agency, or railroad.

~~G.F.~~ Signs mounted or located on a tree, utility pole, or other similar structure.

~~H.G.~~ Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.

~~H.H.~~ Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.

~~J.I.~~ Signs which depict obscene material.

~~K.J.~~ Signs which advertise an activity which is illegal under federal, state or local laws.

~~L.K.~~ Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.

~~M.L.~~ Abandoned signs.

~~N.M.~~ Animated signs, flashing signs, and changeable copy signs which change more than once per twenty-four (24) hours within one hundred fifty (150) feet of a road right of way.

## MARK-UP OF SECTION 33.18 PER TA11-002

- | **Q.N.** Signs which contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go,” “slow,” “caution,” “warning,” or similar words in such a manner as to resemble official traffic control signs.
  
- | **P.O.** Projecting Signs.
  
- | **Q.P.** Any sign utilizing LED technology and/or components, **except those where the LED technology is the internal light source as defined by this ordinance for an opaque faced area of the sign.**

ORDINANCE NO. \_\_\_\_\_

TA11-002

Reading: July 12, 2011

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND SECTION 33.18, PROHIBITED SIGNS, OF THE CITY OF SANDY SPRINGS ZONING ORDINANCE**

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Code to correct, clarify, and update the provisions of the Ordinance; and

**WHEREAS**, the existing ordinance related to signs designed with light-emitting diode (LED) technology is prohibitive as it relates to the use of LEDs for internal illumination; and

**WHEREAS**, it has been determined that the ordinance should be amended to allow for the use of LEDs for internal illumination due to the reduction in cost and increase in energy efficiency of this light source.

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Section 33.18, *Prohibited Signs*, of the Sandy Springs Zoning Ordinance is hereby amended by the deletion in its entirety and the following inserted therefor:

**SECTION 18: PROHIBITED SIGNS AND DEVICES.**

The following types of signs are prohibited in the City:

- A. Balloons, streamers or air or gas filled figures.
- B. Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, holiday lights and decorations displayed not more than thirty (30) days before a holiday shall be exempted from this Section.
- C. Promotional beacons, search lights or laser lights or images.

- D. Audible signs.
- E. Signs in a public right of way, other than those belonging to a government, public service agency, or railroad.
- F. Signs mounted or located on a tree, utility pole, or other similar structure.
- G. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
- H. Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.
- I. Signs which depict obscene material.
- J. Signs which advertise an activity which is illegal under federal, state or local laws.
- K. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- L. Abandoned signs.
- M. Animated signs, flashing signs, and changeable copy signs which change more than once per twenty-four (24) hours within one hundred fifty (150) feet of a road right of way.
- N. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
- O. Projecting Signs.
- P. Any sign utilizing LED technology and/or components, except those where the LED technology is the internal light source as defined by this ordinance for an opaque faced area of the sign.

**2.**

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

**3.**

*Severability.* Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

*Repeal of Conflicting Provisions.* It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance is effective July 12, 2011; and

**ORDAINED** this the 12<sup>th</sup> day of July, 2011.

Approved:

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Eva Galambos, Mayor

Attest:

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Michael Casey, City Clerk  
(Seal)