



CITY OF DAHLONEGA

City Council Public Hearing Agenda

June 03, 2024, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

CALL TO ORDER

Public Hearing:

1. Ordinance 2024-03 Amending Sign Regulations
Doug Parks

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare ...for ALL!



Ordinance 2024-03 Amending Sign Regulations

DATE: 5/28/2024
TITLE: Ordinance 2024-03 Amending Sign Regulations
PRESENTED BY: Doug Parks
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2024-03 – At the meeting on June 3rd the Council will take public comment on the sign regulation changes via a public hearing. Action on the ordinance changes will occur on June 17th as the council will at that time vote on Ordinance 2024-03. As the Council may recall, the existing regulations are silent on murals and certain other types of wall signs. Also, the current regulations prohibit inflatables entirely. Ordinance changes addressing proper treatment of murals and inflatables have been prepared by way of amendment to the sign regulations and are ready for review. These changes are amendments to the 2009 sign ordinance.

HISTORY/PAST ACTION

The Planning Commission has reviewed the matters addressed by the regulations and their recommendation is discussed in a detailed memo attached.

FINANCIAL IMPACT

None.

RECOMMENDATION

Recommend approval at the June 17th meeting if the Council desires. The proposal deregulates inflatables in all districts, defines murals as wall signs, calls for HPC review of wall signs which would include murals in their jurisdiction but no review elsewhere and adjusts total wall sign percentage to five percent. Staff confirmed their recommendation regarding this percentage. Master sign percentage is still under review and will be addressed in a future amendment.

SUGGESTED MOTIONS

No action to be taken at the June 3rd meeting. Favorable action regarding Ordinance 2024-03 is recommended to occur at the June 17th meeting.

ATTACHMENTS

Attached is a copy of Ordinance 2024-03 and a memo discussing the planning commission regulation and suggested adjustments.



Dial: 706-864-4184

Fax: 706-864-8826

A Professional Corporation

Memorandum to: City Council
Date: May 28, 2024
From: City Attorney's Office
Subject: Amendment to the sign regulations

There are two areas addressed in the amendment to the sign regulations provided with this memorandum. The first is the subject of murals and how they are to be addressed in the city's regulations which are currently silent on them. The second is the issue of inflatables as inflatables are currently prohibited in the regulations. This issue should be revisited.

The subject matter of the amendment was addressed by the planning commission. The recommendation of the commission regarding murals is summarized as follows: (1) murals should be regulated; (2) should be reviewed by the HPC; (3) placed in a class by themselves; (4) not defined as routine wall signs and (5) required to be hand painted and not computer generated. Also, they recommend that hybrid murals (wall signs that use alternatives to paint such as vinyl wraps) not be allowed.

A concern is raised by the author of the original sign regulations in that there is legal risk in segregating murals from the overall concept of wall signs. Noted was federal precedent in this regard.

To deal with this concern it is necessary to recommend an alternate approach. The modified approach is presented in the ordinance draft attached to this memorandum. The draft as recommended by legal review includes murals within the definition of wall signs. However, some special treatment in the spirit of the planning commission regulation is achieved by virtue of the fact that they also recommended that murals be regulated by the HPC. The ordinance draft reflects that wall signs will be subject to review by the HPC within their jurisdictional areas. Murals as wall signs will be subject to general wall sign regulations in all other districts. In keeping with the planning commission's recommendation vinyl wraps would be part of the review of wall signs by the HPC.

Also, city staff recommended the reduction of large wall signs to five percent of the area of the front wall of the building from the existing ten percent. This recommendation was made by staff after a study of prior approvals indicated the scale of the signs currently allowed is excessive. The planning commission voiced no objection to this change. The master sign regulations regarding this will be deferred to a subsequent revision in order to allow further staff review.

As to inflatables, I suggest deferral of the planning commission's recommendation in favor of regulation for now, but to be revisited by the council should conditions warrant intervention in the future. The ordinance draft is reflective of this approach.

ORDINANCE 2024-03

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA BY ADOPTION OF AN AMENDMENT TO THE SIGN ORDINANCE

WHEREAS, the City Council desires to promote the public health, safety, and general welfare of the residents of the city; and

WHEREAS, the City Council wishes to protect public areas, parks, and streets within the City; and

WHEREAS, the City Council wishes to address signs currently occurring in the City; and

WHEREAS, the City Council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left unregulated, the number, size, design characteristic 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; and

WHEREAS, the City Council finds that signs have become excessive, and that some signs are distracting and dangerous to motorists and pedestrians, and substantially detract from the beauty and appearance of the City; and

WHEREAS, the City Council further finds that there is a substantial need directly related to the public health, safety and welfare to address comprehensively these concerns through the adoption of this amendment to the sign regulations.

NOW THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Georgia shall be amended, as detailed in the paragraphs set forth herein. This amendment is adopted with the express authority for Municode to renumber the ordinance sections based on their numbering system.

Sec. 123-4. Definitions is amended by replacing the existing definition of wall sign as follows:

Wall sign means a sign with messages or copy erected parallel to and attached to the wall of a building and extending not more than six inches from the wall, or painted on the outside of the building or mansard. Murals are considered wall signs.

Sec. 123-5. Applicability, authority, interpretation and enforcement subpart (b) is hereby amended to read as follows:

- (b) *Historic commission authority.* The historic commission, as established under the regulations of the City of Dahlonega, shall review for Certificates of Appropriateness all sign applications for wall signs within the B-3 district, the CBD and overlay districts that touch upon the CBD and B3, as established in the zoning ordinance of the city, ordinance 91-9, as amended, and as such boundaries are established on the official zoning map, as may be amended from time to time. The historic preservation commission shall also have the authority to review and make a recommendation to the city as to variance requests for the erection of all signs and advertising devices within the B-3, CBD and overlay districts that touch upon the CBD and B-3.

Section 123-7 Sign types requiring a permit shall be amended as to subpart (1) f.4 to read as follows:

4. The total area for wall or mansard signage shall not exceed five percent of the area of the building wall.

Section 123-8 Signs subject to a general permit subpart (i) shall be amended to read as follows:

- (i) Inflatable signs in all districts.

Section 123-9 Prohibited signs and devices shall be amended as to subpart (20) to read as follows:

- (20) Reserved.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that if any portion of this Ordinance is for any reason found to be invalid or unconstitutional by the final decision of any tribunal of competent jurisdiction, it is the intention of the City Council of Dahlonega that the remainder of this Ordinance shall be in full force and effect.

So ordained and effective this ____ day of _____ 2024.

JoAnne Taylor, Mayor

Attest: Mary Csukas, City Clerk