



CITY OF DAHLONEGA

City Council Special Called Meeting Agenda

June 17, 2024, 4:00 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 AND WELCOME

APPROVAL OF AGENDA

NEW BUSINESS

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: 6/17/2024
TITLE: Ordinance 2024-03 Amending Sign Regulations
PRESENTED BY: Doug Parks
PRIORITY: Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

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 review and a council public hearing have been conducted.

FINANCIAL IMPACT

None.

RECOMMENDATION

Recommend approval. 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 and has provided visuals/demonstratives in support of the recommendation. Those will be provided to you at or before the meeting.

SUGGESTED MOTIONS

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 information.

2023.290 Muni Meeting Memo for Public Hearing Signs as of 6/7/2024

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



A Professional Corporation

Memo to: City Council
Re: Adoption of Ordinance 2024-03
Date: June 17, 2024

Over the past few weeks, the city has been engaged in a limited amendment process for the sign ordinance. Based upon the planning commission's comments, outside legal opinion, the particularly important guidelines of the HPC, the general aesthetic goals of the policy behind the sign ordinance as to scale, the many comments by staff, interested parties and general community members some comments and recommendations have emerged:

(1) Inflatables. On this topic the council is being asked to defer regulation of inflatables. In lieu of regulation, for the present the city will encourage responsible display of inflatables by the citizenry. Currently the business community seems to be exercising restraint as to this sign type and thus the necessity for intervention is not apparent at this juncture. The ordinance amendment reflects that approach by deregulating inflatables in all districts.

(2) Murals. The current regulations are silent on murals, and thus some policy-based regulation should be provided to create certainty on the part of the business community as to what they can and cannot do regarding murals. Although consideration of murals as a separate sign type would have been feasible in years past, legal advice from Dana Maine indicates that under current law it is constitutionally inappropriate to attempt to differential between murals and traditional wall signs. Dana is the author of our current ordinance and is one of the litigators who argued before the Supreme Court of the United States in what is known as the Reed case, the key sign case of the last decade. Her credentials are superior and thus the recommendation is to accept Dana's advice. Dana also suggested that wall signs should be reviewed by the HPC for certificates of appropriateness within their jurisdictional areas.

(3) Murals and wall signs share the same size allocation under the ordinance. Given that legal requirements restrain treatment of murals independently of wall signs, murals must share the same space allocation with other wall signage. Wall sign size (inclusive of murals) is limited by the size of the available wall upon which signage including murals can be placed. Although the formula is the same in all districts, a large store building in the B2 district will obviously have a large square footage allocation available for signage including murals if desired while a small building in the CBD will have significantly less space. This formula very logically tends to compel rational scale so that no sign and/or mural tends to overwhelm its surrounding environment. Dahlonega's history has been all about maintaining some rational scale of signage going back to

the time McDonald's wished to bring overly dominant signage to the city.

(4) Steps for implementation in the HPC jurisdictional areas. The areas outside of the HPC jurisdiction will for the most part take care of themselves, but the HPC areas are different. In that regard some adjustments should be made to the design guidelines of the HPC:

(a) Historic buildings have finishes and fenestration that contribute to the overall aesthetic of the buildings in the B3 District, the vintage branding of Dahlonga and to the larger jurisdiction of the HPC which includes the CBD.

(b) Mural usage within the HPC, although murals there would be quite small, would be impactful and obviously affect the historic feel of the city and the architecture within the district.

(c) The location of murals in the B3, on significant historic properties, based upon the current and well-founded findings and design guidelines of the HPC, would not be appropriate, but other portions of the HPC areas of jurisdiction present some possible options.

(d) The current design guidelines for the HPC reflect negative treatment of murals in an obvious effort supported by the preservationist authors to protect the B3 district; however, those guidelines are designed to insulate and avoid aesthetic risk to the more contributing historic properties within the B3 district rather than the somewhat transitional areas of the CBD also within their jurisdiction.

(e) The HPC members should together with a preservationist survey the transitional areas and then consider amending their guidelines if sufficient properties are identified that may lend themselves to inclusion of murals.

(f) Preference should be given to placements upon non-historic, non-contributing buildings.

(5) Other design guideline adjustments for murals.

(a) Painting and installation materials that are used for murals should be reversible, and the building surface should not be harshly cleaned, stripped or compromise the masonry of even a non-contributing, non-historic building.

(b) It is important to note who will be responsible for maintaining the mural. There should be some acknowledgment by the applicant of responsibility for keeping the mural painted, clean and clear of potential graffiti. Also, the applicant should submit a maintenance plan as part of the approval process.

(6) Staff recommendation regarding reduction to five percent for maximum wall sign space.

(a) Another recommendation by Dana Maine reflected upon the reduction from ten to five

percent for the maximum wall sign space.

(b) Dana favored that reduction but suggested that staff create demonstratives in order to illustrate the difference between the existing ten percent and the possible change to five percent.

(c) The staff has provided a number of demonstratives for your review and those are attached to this document.

(d) The staff found that ten percent seemed excessive in relation to some recent sign permits issued.