

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY REDEFINING THE TERM "PRINCIPAL OCCUPANT" AS SET FORTH IN SECTION 16-28.004; ADDING AND DELETING CERTAIN LANGUAGE IN SECTION 16-28.007 () CONCERNING THE PROCEDURES APPLICABLE TO BUILDING SIGNATURE SIGNS, THE DISTRICTS IN WHICH SUCH SIGNS CAN BE LOCATED AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	
NPU / CD	All
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Review List:

Office of Research and Policy Analysis	Completed	06/17/2013 10:42 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Staff	Pending	
Office of Research and Policy Analysis	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**AN ORDINANCE
BY**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY REDEFINING THE TERM "PRINCIPAL OCCUPANT" AS SET FORTH IN SECTION 16-28.004; ADDING AND DELETING CERTAIN LANGUAGE IN SECTION 16-28.007 () CONCERNING THE PROCEDURES APPLICABLE TO BUILDING SIGNATURE SIGNS, THE DISTRICTS IN WHICH SUCH SIGNS CAN BE LOCATED AND FOR OTHER PURPOSES.

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WHEREAS, the City of Atlanta Sign Ordinance allows the owner or principal occupant of buildings which exceed four stories in height to erect signs on the sides of such buildings for the purpose of displaying the name of the building or the name and logo of a business that has a substantial presence in the building; and

WHEREAS, the size of building signature signs is controlled by the size of the wall to which it is affixed; and

WHEREAS, the present definition of principal occupant requires that such occupancy be a minimum of 25% of the floor space that is available for lease; and

WHEREAS, a 25% minimum occupancy can difficult to meet in certain large buildings some of which may exceed one million square feet of floor space that is available for lease; and

WHEREAS, adding a criterion that sets a minimum of 100,000 square feet as an alternative to the 25% minimum occupancy will allow tenants with a substantial presence in large buildings the opportunity to display a building signature sign; and

WHEREAS, maintaining the 25% minimum occupancy criterion will still meet the planning principle that requires a substantial presence in smaller buildings where building signatures signs may be displayed; and

WHEREAS, incorporating certain new language in Sec. 16-28.007(p) to clarify the procedures by which the Office of Buildings determines whether an applicant seeking to erect a building signature sign meets the criteria set forth in the Sign Ordinance;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Sec. 1: The definition of the term “principal occupant” which appears in Sec. 16-28.004 of the Code of Ordinances of the City of Atlanta and reads as follows:

Principal Occupant: A building tenant who occupies a minimum of 25 percent of the floor space of a specific building that is available for occupancy. Said lease to be for a period of not less than five years.

is amended to read as follows:

Principal Occupant: A building tenant who occupies a minimum of 25 percent of the floor space, or 100,000 square feet of the floor space, of a specific building that is available for occupancy. Any lease for the required amount of floor space is to be for a period of not less than five years.

Sec. 2: Sec. 16-28.007(p) of the Code of Ordinances of the City of Atlanta concerning the procedures applicable to building signature signs, and where they can be located and which reads as follows:

Building Signature Signs: Building signature signs are allowed only in O-I, C-1, C-2, C-3, C-4, C-5, SPI-1, SPI-2, SPI-3, SPI-4, SPI-13, PD-MU, PD-OC, and PD-BP districts and shall be permitted subject to the following conditions:

- (1) Only one sign shall be allowed on any side of the building and further provided that no building shall contain more than one such sign per side.
- (2) Such signs may supersede the more restrictive height limit set forth in section 16-28A.007(m) including the 200 square foot area limitation imposed by the applicable zoning district.
- (3) Such signs are allowed only on buildings four or more stories in height provided no part of such sign shall extend above the top of the building.
- (4) Such signs' area shall not exceed five percent of the area of the wall to which it is affixed, and shall not be included in computing the total area of signage imposed by each zoning district for business identification signs.
- (5) Said signs shall be allowed only for a principal occupant as defined in section 16-28A.004. Change in ownership or occupancy that result in non-compliance with these provisions shall require the removal of the subject sign.
- (6) All sides of the building which display a building signature sign shall display the exact copy which is displayed on any other side which displays a building signature sign.

is amended to read as follows:

Building Signature Signs: Building signature signs are allowed only in O-I, C-1, C-2, C-3, C-4, C-5, SPI-1, SPI-3, SPI-4, SPI-9, SPI-12, SPI-15, SPI-16, PD-MU, PD-OC, PD-BP and MRC districts and shall be permitted subject to the following conditions unless otherwise modified by a more specific district regulation:

- (1) Only one building signature sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation.
- (2) Building signature signs may supersede the more restrictive height limit set forth in section 16-28A.007(m) including the 200 square foot area limitation imposed by the applicable zoning district.
- (3) Building signature signs are allowed only on buildings four or more stories in height provided no part of such sign shall extend above the top of the building.
- (4) The area of a building signature sign shall not exceed five percent of the area of the wall to which it is affixed, and shall not be included in computing the total area of signage imposed by each zoning district for business identification signs.
- (5) Building signature signs shall be allowed only for an owner or principal occupant as defined in section 16-28A.004. Changes in ownership or occupancy that result in non-compliance with this chapter shall require the removal of the subject sign.
- (6) All sides of the building which display a building signature sign shall display the exact copy which is displayed on any other side which displays a building signature sign.
- (7) Building signature signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature sign.
- (8) An applicant seeking permission to erect a building signature sign shall provide notarized documentation that it has an ownership interest in the building or that it meets the conditions required to be considered a principal occupant and has permission from the owner to make the application. In determining the level of ownership necessary to qualify as an owner, the city presumes, based on the documentation required to be produced, that the applicant has made such arrangements with other claiming ownership interest as may be necessary to allow the applicant to claim that it may apply for the sign as an owner. As a part of the documentation, which may be, but is not required to be on a form supplied by the city, the applicant shall acknowledge and agree:

(i) that neither the city nor its administrative officials are confirming whether the application is in conflict with the rights of others claiming ownership rights or others claiming to be principal occupants regardless of whether such claims are known or unknown;

(ii) that the applicant has made the statements in the application subject to the state law penalties which apply to false, fictitious, or fraudulent statements or entries in a matter within the jurisdiction of a department or agency of the government of a city;

(iii) that the city and its administrative officials are relying on the sworn statements in the application in making its determination that the application meets the criteria set forth in this chapter;

(iv) that the city and its administrative officials are authorized to audit the leases for a principal occupant to verify that the level of occupancy and length of the lease term meets the requirements of this chapter and that the applicant agrees to cooperate when requested to produce such documents.

(9) The issuance of a sign permit pursuant to this chapter is limited to a determination that the application included the required documentation, that the building on which the sign is to be erected met the requirements of this chapter and that the sign erected or to be erected met the requirements of this chapter. Those determinations are, in part, based on the notarized documentation provided by the applicant concerning the allocation of private rights subject to contracts and/or leases with other parties and therefore the city's issuance of such permit:

(i) shall not be considered to be the decision of the city or any administrative official that such permit has the effect to determine, supersede, amend or modify private rights of ownership in any sign or in any building where such sign may be legally erected in that the city and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and

(ii) shall not be considered to be the decision of the city or any administrative official that such permit has the effect to determine, supersede, amend or modify the private rights created in or by any lease or contract between any parties in that the city and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and

(iii) shall not give standing to another party to request that the board of zoning adjustment determine whether ownership rights in the building or a contractual right or leasehold right gives such party the right to control the erection of or the content of the sign for which the permit was issued. While no building signature sign may be erected without a permit, the allocation of the right between private parties as to which party has the right to apply for and erect a permitted building signature sign on a building where such sign could otherwise be erected shall at all times be determined by the contractual, leasehold or ownership rights of the qualifying principal occupants and the owners, such that in the case of this type of dispute, the parties shall be obligated to settle such dispute between them in a court of competent jurisdiction in that the board of zoning adjustment is not empowered to make such determinations.

Section 3: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

FACT SHEET

TEXT AMENDMENT: REDEFINING THE TERM “PRINCIPAL OCCUPANT” AS SET FORTH IN SEC. 16-28.004; ADDING AND DELETING CERTAIN LANGUAGE IN SEC. 16-28.007(P) CONCERNING THE PROCEDURES APPLICABLE TO BUILDING SIGNATURE SIGNS, THE DISTRICTS IN WHICH SUCH SIGNS CAN BE LOCATED AND FOR OTHER PURPOSES.

This ordinance is a text amendment to the Zoning Code for the purpose of adding an additional criteria for building signature signs so as to allow such signs to be made available to tenants who occupy 100,000 square feet of an eligible building. This amendment increases the efficiency of permitting for the tenants of large buildings when they apply for building signature signs. The amendment makes other technical adjustments to the Sign Ordinance provisions which govern building signature signs such as adding SPI-9 and SPI 12 to the list of districts where such signs are permitted. An additional section is proposed to be added to clarify for applicants that it is not the responsibility of the City to verify their rights to apply for the erection of the building signature sign because their application is a sworn document.

Building signature sign applicants have reported that the requirement to occupy 25% of the leasable area of a building makes it difficult for the owner or the tenant to meet that requirement in a very large building. The addition of a 100,000 alternative criterion addresses this issue.