AN ORDINANCE BY
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE AUTHORIZING, ORDERING AND DIRECTING THE DIRECTOR OF THE OFFICE OF BUILDINGS TO CONDITION THE ISSUANCE OF ALL BUILDING PERMITS AND CERTIFICATES OF OCCUPANY FOR STRUCTURES TO BE USED FOR COMMERCIAL AND INDUSTRIAL PURPOSES SUCH THAT NO SIGN INSIDE OF ANY BUILDING SHALL EXCEED SIX SQUARE FEET IF SUCH SIGN WOULD BE VISIBLE FROM THE PUBLIC RIGHT OF WAY; SAID DIRECTIVE TO LAST FOR 180 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UNTIL THE EFFECTIVE DATE OF ANY SIGN ORDINANCE AMENDMENT CONCERNING THE MANNER IN WHICH SIGNS INSIDE OF BUILDINGS AND VISIBLE FROM THE PUBLIC RIGHT OF WAY ARE DEFINED AND REGULATED, WHICH EVER OCCURS FIRST; AND FOR OTHER PURPOSES.

WHEREAS, the number, size, design characteristics, and location of signs in the City of Atlanta directly affect the public health, safety, and welfare; and

WHEREAS, the City of Atlanta Sign Ordinance (hereafter "Sign Ordinance") currently regulates signs on the exterior of buildings and on private property but does not regulate signs erected on the interior of buildings even if such signs can be viewed from a public right of way; and

WHEREAS, the City Sign Ordinance regulates signage located on the site of businesses and other entities allows and general advertising signs to be displayed but limits the number and location where such signs may be placed on private property, their height and size and whether they can be illuminated and changed by the use of light emitting diodes or other electronic means; and

WHEREAS, the ambiguity concerning the regulation of signs located inside of buildings could be exploited by creating large windows and/or doors and allowing signs to be displayed so that they can be seen from the public right of way either for the purpose of business identification or general advertising; and

WHEREAS, appropriate signage opportunities should be allowed but it is in the best interest of the public health, safety, and welfare that signs inside buildings which are visible from the public right of way should be controlled by regulations so that they do not negatively affect the aesthetics of the City's streetscape or pose a danger to the travelling public; and

WHEREAS, the Office of Buildings must process applications for building permits but cannot limit the size and manner display of signs located on the inside of buildings unless amendments to the Sign Ordinance are put in place to provide authority to require permits for such signs under the criteria of the regulations which provide such authority; and

WHEREAS, it is the best interest of the City to limit the number of denials of application for building permits and the litigated appeals of such denials by the use of interim controls on signs inside of buildings but visible from the public right of way through their proximity to the windows and/or doors; and

WHEREAS, text amendments are being developed proposing certain changes to the Sign Ordinance for the purpose of more explicitly defining how signs inside of windows may be displayed by regulating their size, other criteria defining their relationship and visibility to the public right of way; and

WHEREAS during the period between the introduction of an ordinance placing interim controls on the size and manner display of signs located on the inside of buildings but visible from the public right of way and final action by the Atlanta City Council on such ordinance, applications submitted to the Office of Buildings would have to be analyzed under the current Sign Ordinance unless an executive order is issued which directs the Office of Buildings to place a condition on building permits to limit the size of signs inside of buildings that are visible from the public right until the final action of the Atlanta City Council on the ordinance placing interim controls containing that same limitation; and

WHEREAS, there is an urgent need, substantially related to the public health, safety and welfare, that an executive order be issued directing the Office of Buildings to place a condition on building permits to limit the size of signs inside of buildings that are visible from the public right placing until the City Council can take final action on an ordinance imposing appropriate regulations on signs inside of buildings but which are visible from the public right of way; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to allow sufficient time for these amendments to be prepared; and

WHEREAS, a moratorium on the acceptance of building permits is not a feasible way to impose interim controls on signs inside of buildings that are visible from the public right of way but an interim control requiring that a condition be placed on building permits issued after the passage of this ordinance preventing the installation or display of signs that would exceed the expected size limitation of six square feet

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: The Director of the Office of Buildings is hereby authorized, ordered and directed to place a condition on any building permit or certificate of occupancy for new construction or renovation of buildings to be used for commercial or industrial purposes that are issued after the effective date of this moratorium. The condition shall be that no sign inside of a building which exceeds six square feet shall be displayed through any window or door in a manner whereby such sign is visible from the public right of way. Visible from the public right of way shall mean for the purpose of this ordinance a sign inside of a building that is less than eight feet from such window and/or where no habitable space is created between where such sign is displayed and the window or door. The condition shall further require that any sign smaller than six square feet shall follow the district regulations with respect to whether such sign may change from one message to another within twenty four (24) hours.

Section 2: In the event that the actual building permit or certificate of occupancy does not reflect the condition set forth in Section 1 on its face, this ordinance shall impose the condition separate and apart from the fact that it may or may not appear on the face of the building permit or certificate of occupancy.

Section 3: These interim controls shall be in place from the date that this ordinance becomes effective and shall expire 180 days thereafter.

Section 4: In the event that the interim controls have not expired due to the passage of 180 days, the interim controls will expire as of the date that text amendments to the Sign Ordinance are adopted defining regulations on signs which are mounted inside of buildings and are visible from the public right of way.

Section 5: This ordinance shall become effective upon the date of approval of this ordinance by the Mayor or by operation of the City Charter.