

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN

ORDINANCE ORD 2019-02-02

AN ORDINANCE TO AMEND CHAPTER 21, SIGNS, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the sign regulations of the City are necessary.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of Chapter 21, Signs, are amended to read as follows:

Sec. 21-79. - Variances.

- (a) Where a literal application of this chapter, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals or a concurrent variance may be granted by the city council after receiving evidence that the applicant meets all of the following criteria:
 - (1) Exceptional conditions pertaining to the property where the sign is to be located because of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 - (2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - (3) The exceptional circumstances are not the result of action by the applicant;
 - (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - (5) Granting of the variance would not violate more than one standard of this chapter; and
 - (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.
 - (b) No variance shall be granted to the height of a sign which increases the height of the sign more than 20 percent of that allowed by this chapter.
 - (c) No variance shall be granted which increases the size of a sign more than 20 percent of that allowed by this chapter.
 - (d) No variance shall be granted to increase the size or height of a banner, sidewalk, wayfinding, construction or standard informational signage.
- (Ord. No. 2014-09-04, § 1(21-27), 9-23-2014; Ord. No. 2015-06-02, § 1(21-28), 6-9-2015; Ord. No. 2017-07-03, § I, 7-25-2017; Ord. No. 2018-03-05, § I, 3-27-2018)

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, 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.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2019.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL