

AMENDMENT(S):
AMD-2013-001



330 Town Center Avenue • Suwanee, Georgia 30024
(770) 945-8996 • Fax (770) 945-2792
www.suwanee.com • Email: info@suwanee.com

To: Planning Commission
From: Josh Campbell
Date: 3/21/13
Re: LED Light Strips - Signage

Staff has observed the recent proliferation of LED lights strips being displayed around the trim of windows at commercial establishments. This new technology allows for very bright, flexible and inexpensive lighting. These lights, when pointed outward and directly towards the street, draw the attention of motorists and passersby to the business. It is an extremely effective attention getting device, even during daylight hours (see attached). Staff has determined that the usage of these LED light strips constitute a violation of the Sign Ordinance.

The definition of signs in the sign ordinance includes illuminated devices that convey information, even if the only information is “look over here.” The sign ordinance addresses illumination of signs and the use of lights as signage in several instances. However, a couple of sections are particularly relevant in this case. In Section 1608 General Provision, the ordinance states, “the light from any illuminated sign shall not be of an intensity or brightness that interferes with the peace, comfort, convenience, and generally welfare of residents or occupants of adjacent or nearby properties.” In Section 1611 Prohibited Signs, the ordinance expressly prohibits, “signs which by reason of their size, location and manner of illumination cast light directly on streets and roads so as to adversely affect traffic movement and safety.”

Lighting for signage is provided by a variety of devices throughout the City. LED lights are a relatively new technology that provide new challenges regarding enforcement of the sign ordinance. Older lighting sources are far less efficient than LED lights because they disperse light very broadly. LED lights, on the other hand, are a much more focused light source. Light is directed in a manner that permits less wattage to be required to brightly illuminate an area. This means it can create “discomfort glare” when the light source is visible and directed at the observer.¹

The City has observed at least 11 business locations using LED lights strips as signage. While staff is confident in the current determination that the LED light strips as being used by these businesses constitute a violation of the sign ordinance, out of an abundance of caution we recommend moving forward with the following amendment to the Zoning Ordinance to make it clear and certain that use of LED lights strips for signage is prohibited.



Ordinance Number: AMD-2013-001

**A RESOLUTION/ORDINANCE TO AMEND ARTICLE III. DEFINITIONS
AND ARTICLE XVI. SIGNS OF THE CITY OF SUWANEZ ZONING
ORDINANCE; AND OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Suwanee have adopted and enacted the 1998 Zoning Ordinance of the City of Suwanee, Georgia in order to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Suwanee; and

WHEREAS, the City of Suwanee Zoning Ordinances provides rules, regulations, requirements and standards for various land uses within the City of Suwanee; and

WHEREAS, the Mayor and Council of the City of Suwanee find that the City of Suwanee Zoning Ordinance serves to promote the health, safety, morals, convenience, order, prosperity or the general welfare of the present and future inhabitants of the City of Suwanee; lessen congestion in the streets; secure safety from fire, panic and other danger; provide adequate light and air; prevent the overcrowding of land, avoid both undue concentration of population and urban sprawl; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protect property against blight and depreciation; encourage the most appropriate use of land, buildings and other structures throughout the City; secure economy in government expenditures; and other purposes; and

WHEREAS, the Mayor and Council find that the attached amendments further said purposes; and

WHEREAS, notice of said amendment has been duly advertised as required by local rules and State laws in the City's legal organ; and

WHEREAS, a duly advertised public hearing was held on April 23, 2013 by the Suwanee City Council; and

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 23rd day of April, 2013, that the City of Suwanee Zoning Ordinance, specifically Article III Definitions and Article XVI. Signs is hereby amended as outlined on the attached Exhibit "A" which is herein

incorporated by reference with any minor renumbering and general editing of the Zoning Ordinance as needed.

SUWANEE CITY COUNCIL, A
GEORGIA MUNICIPAL
CORPORATION

By:

Jimmy Burnette, Mayor

By:

Richard I. Goodman, Mayor Pro Tem

By:

Beth S. Hilscher, Councilmember

By:

Kevin McOmber, Councilmember

By:

Doug Ireland, Councilmember

By:

Daniel F. Foster, Councilmember

ATTESTED TO BY:

Elvira Rogers, City Clerk

APPROVED AS TO FORM BY:

Gregory D. Jay, City Attorney
Chandler, Britt, Jay & Beck, LLC

Exhibit 'A'

Additions are indicated with ***bold, italics and underline.***
Deletions are indicated with ~~strikethrough~~.

ARTICLE III
DEFINITIONS

Except as specifically defined in this Article, all words used in this Ordinance shall be as defined in The new *Illustrated Book of Development Definitions* (1993, Rutgers). Words not defined in this Article or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur.

For the purposes of this Ordinance, certain words or terms used herein shall be defined as follows:

Sign. Any identification, description, illustration, symbol, ***lighting***, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify, ~~or convey information~~ ***or***, ~~including any landscaping where letters or numbers are used for the purpose of directing~~ ***draw*** the public's attention to a product or location, with the exception of ***non-illuminated*** window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.

SECTION 1604. Definitions.

The following definitions shall apply to this chapter unless specifically stated otherwise. Any words or phrases not defined below shall be given their common ordinary meaning unless the context clearly indicates otherwise.

Sign. Any identification, description, illustration, symbol, ***lighting***, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify, ~~or convey information~~ ***or***, ~~including any landscaping where letters or numbers are used for the purpose of directing~~ ***draw*** the public's attention to a product or location, with the exception of ***non-illuminated*** window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.

SECTION 1608. General provisions.

Unless otherwise specifically stated herein, all signs and sign structures shall comply with minimum setback and height restrictions for structures as set forth in the City of Suwanee Zoning Ordinance. Except as otherwise provided in this Ordinance, the following general stipulations shall apply:

- B. Illumination of signs. The light from any illuminated sign shall not be of an intensity or brightness that interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent or nearby properties.

No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color. No color lights shall be used at any location or in any manner to be confused with or construed as traffic control devices.

The source of illumination shall be shielded, obscured or diffused sufficiently to ensure than it is not a creating a hazard for drivers.

Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

No signs shall be located on illuminated (back-lit) awnings.

SECTION 1611. Prohibited Signs.

Except as otherwise provided, the following types of signs or advertising devices are prohibited in the city:

- (1) Roof signs.
- (2) Rotating signs.
- (3) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination.
- (4) Electronic signs used for purposes other than traffic management and official government signs.
- (5) Signs which purport to be, or are an imitation of, or resemble an official sign, traffic sign or signal.
- (6) Signs which are painted on or attached to any courtesy bench, trash can, or similar object on which advertising is displayed.
- (7) Search lights or beacons.
- (8) Window signs that exceed twenty-five (25) percent of the window area.
- (9) Wind activated devices other than flags, banners and streamers.
- (10) A-frame signs, sandwich boards, sidewalk or curb signs except when placed within ten (10) feet of the front door of the tenant's business.

- (11) Signs occupying a parking space required under the minimum parking requirements of this chapter, other than signs designating the space as reserved for handicapped or other use.
- (12) Signs which by reason of their size, location and manner of illumination cast light directly on streets and roads so as to adversely affect traffic movement and safety.
- (13) Signs which emit audible sound, odor or visible matter.
- (14) Portable signs.
- (15) Pylon or pole signs between 6 square feet and 192 square feet in sign or copy area
- (16) Signs attached to any street signs, signs directing or controlling traffic, or poles and posts supporting such signs; or any sign attached to trees, rocks or shrubbery.
- (17) Dilapidated or neglected signs.
- (18) Any sign exceeding two hundred (200) square feet in copy area.
- (19) Any ground sign in excess of twenty (20) feet in height except Interstate Visible Signs.
- (20) Signs located within a public right-of-way except for street signs, traffic signs, or public interest signs.
- (21) Signs located on back-lit awnings.
- (22) **LED light strips serving as a sign.**