existing city building and zoning codes, nor to prevent any property owner from making any use of such person's property not prohibited by other laws, ordinances or regulations.
(Ord. No. 806, § 7(C), 7-28-86; Ord. No. 855, § 1(5-132), 9-27-93)

Secs. 5-344—5-360. Reserved.

ARTICLE IX. SIGNS AND ADVERTISING STRUCTURES*

Sec. 5-361. Purpose.

(a) In order to protect the public safety, including traffic safety, to assure aesthetic harmony and compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, and to provide for orderly and reasonable display of advertising for the benefit of all its citizens, recognizing that the city is one of the country's foremost planned communities and is on the National Register of Historic Places, the governing authority finds that the improper control of signs would be detrimental to the unique characteristics of the city. The governing authority thus determines that the public health, safety and welfare require the adoption of this article.

(b) The governing authority finds that signs and advertising are proper and necessary uses of private property and can constitute a legitimate business entitled to the protection of the law. A sign by its very nature is designed to draw an individual's attention to that sign. This characteristic makes signs a valuable medium of communication; however, this same characteristic can distract motorists and pedestrians, thus creating traffic hazards.

(c) The governing authority further finds that the clutter created by an excess in number, size and height of signs creates a distraction to travelers and negatively impacts the general appearance of an area. Signs may lessen the aesthetic qualities of an area and may intrude upon the residential character of an area, as well as property values.

(d) The governing authority further finds that signs and advertising should be reasonably regulated in the interest of traffic safety, aesthetics and public welfare by the establishment of standards for the location, size, illumination, number, construction and maintenance of all signs and advertising structures in the city and to ensure that they are structurally safe and sound.

(e) The governing authority recognizes that the City of Avondale Estates shares in common many of the same characteristics as the City of Roswell, Georgia. Both contain historic districts, are located within the Atlanta Metropolitan area, and face the same challenges concerning traffic safety and aesthetics. Because of this, the governing authority looks to and incorporates the study conducted by the City of Roswell entitled The Public Purposes of Roswell's Sign Ordinance and the implications of doing without it, a position paper prepared by Jerry Weitz, Ph.D., AICP, Planning Director, as support for the governing authority's regulation and control of signs within the City of Avondale Estates.
(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03; Ord. No. 0401, § 1, 3-23-04)

Sec. 5-362. Definitions.

For the purposes of this article, the following terms shall have the respective meanings ascribed to them:

Banner sign means a strip of cloth, paper, canvas, or similar material, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing attention to a product, object, facility, or activity.

Clock sign means any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.

Code enforcement officer means a code enforcement officer employed by the governing authority

*Cross reference—Zoning, app. A.

for the City of Avondale Estates or his/her designee duly authorized to enforce the sign ordinance.

Commercial message means any message that promotes a business or attempts to generate good will for a business; any message that advertises a product or service for sale; and any message that proposes a commercial transaction. Any sign containing any commercial message shall be regulated as a commercial sign.

Copy means the wording, designs and other advertising display on the surface of a sign.

Fascia sign means a vertical sign attached to the front of the building that is below the top edge of a sloping roof and that extends not more than eighteen (18) inches above the lower edge of the sloping roof.

Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems.

Freestanding sign means a sign securely affixed to a substantial support structure which contains a permanent foundation attached to the ground and wholly independent of any building for support.

Illuminated sign means a sign designed to give forth artificial light directly or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere other than on the lot where such illumination occurs.

Instructional sign means a sign used to give direction or specific instruction to the public such as, but not limited to, "Center," "Exit," "No Parking," "Drive Through," "Restroom," and so forth. Such signs shall contain only instructional information and shall not contain a commercial message.

Major shopping / office center means two (2) or more continuous stores or office spaces containing a minimum of seven thousand (7,000) square feet of covered floor space and a minimum of one hundred (100) linear foot frontage on a principal or minor artery.

Minor shopping / office center means two (2) or more continuous stores or office spaces containing less than seven thousand (7,000) square feet of covered floor space and having less than one hundred (100) linear foot frontage on a principal or minor artery.

Non-commercial message means any message that is not a commercial message.

Nonconforming sign means any sign which does not conform to the provisions of this article.

On-premises advertising sign means a sign containing a commercial message for the purpose of promoting, advertising, or selling a product or service obtainable on the premises where the sign is located.

Permanent foundation means that portion of any sign structure that is attached to the ground or other structure attached to the ground through the use of concrete footings or other man-made material that is not capable of being removed without the aid of mechanical or other machinery.

Projecting sign means any sign which is attached to a building or other structure and extends more than six (6) inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

Real estate sign means a sign erected by the owner, or the owner's agent, advertising the real property upon which the sign is located for rent, lease or sale or notifying prospective purchaser or lessors that the property has been sold or leased and identifying the owner's agent and providing contact information for same and any other information required by law.

Security identification sign means a sign indicating that a security system is located on the premises. The governing authority specifically finds that allowing the residents of Avondale Estates to display such security identification signs provides a health and safety benefit that justifies allowing such signs in residential and commercial zoning districts. Security identification signs may contain a message indicating that the property is protected by a security system and the number of a security company to contact in

case of emergency. Security identification signs shall not contain the corporate logo or emblem of the security company or any other commercial message unrelated to the premises on which the sign is located.

Sign means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, information, person, firm, corporation, public performance, article, machine or merchandise whatsoever which is displayed in any manner whatsoever whether outdoors or indoors in such a manner as to be visible from any sidewalk, public street, or right-of-way.

Sign face means the area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed; provided, however, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or figure of any kind composing the display face shall be included in the computation of the area of the sign face whether such open space is enclosed or not, be it a frame, border or trim. The frame, border, trim or other material that forms the continuous perimeter enclosing the sign face shall also be included in the computation of the area of the sign face. For projecting or double-faced signs each display face shall not be added together in computing the area of the sign face for that sign.

Sign Structure means all portions of a sign not including the sign face.

Temporary on-premises advertising sign includes any sign with a commercial message, including but not limited to a banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only, not to exceed forty-five (45) days, on the lot where the commercial activity is to take place, but does not include real estate signs or signs with non-commercial messages.

Vertical projecting sign means any sign which is greater in height than in width.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six (6) inches from the outside wall of such a building or structure. The total lettering on one (1) side of a building or structure shall constitute one (1) wall sign.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03; Ord. No. 0401, § 2, 3-23-04)

Cross reference—Definitions and rules of construction generally, § 1-2

Sec. 5-363. Signs not requiring permits.

The following types of signs do not require sign permits, provided however, that these signs must comply with all applicable regulations of this article unless specifically exempted:

(a) Non-illuminated real estate signs located on the property for sale or lease, provided such signs are not located on any public right-of-way, and are limited to one (1) sign per the front of the lot as defined by the Zoning Ordinance. Such signs shall be removed within ten (10) days after the subject lot or building is leased or sold.

(b) Signs erected on behalf of a governmental authority in the exercise of its proper jurisdiction. Such signs are exempt from the regulations of this article. Such signs include but are not limited to safety signs, traffic signs, street signs.

(c) Signs on private property directing traffic movement, with the total area of each sign face not exceeding two (2) square feet, and not advertising any business, service or product. Such signs shall not be allowed on any public right-of-way.

(d) Signs containing a non-commercial message only, with the total area of each sign face not exceeding four (4) square feet as allowed by section 5-380.

(e) Security identification signs with the total area of each sign face not exceeding one square foot.

(f) Seasonal displays and decorations located within the city including, but not limited to, Halloween, July 4th, Christmas, Hanukkah, Kwanzaa, and Easter, so long as the seasonal displays and decorations do not contain commercial messages. Such seasonal displays and decorations are exempt from the limitations of the sign ordinance, but shall not be allowed on the right-of-way or in the setback areas designated in subsection 5-374(a).

(g) Noncommercial announcements located within the city, including but not limited to birthday announcements, new births and anniversaries, so long as the announcements do not contain commercial messages.

(h) Flags provided, however, that such flags comply with the provisions of section 5-376.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03; Ord. No. 0506, § 2, 8-22-05)

Sec. 5-364. Sign permit—Required.

(a) Except as specifically excluded under section 5-363 of this article, it shall be unlawful for any person to post, display, or erect a sign without a permit.

(b) A new sign permit is required when cost of changes to the sign structure are more than fifty (50) percent of the reconstruction cost of the entire sign.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-365. Same—Application.

(a) The sign owner or the sign owner's agent shall file applications for sign permits with the code enforcement officer upon forms furnished by the governing authority. Such application shall describe and set forth the following:

(1) The type of sign structure to be constructed showing that it satisfies the requirements of the Standard Building Code or its amendments as adopted by the governing authority, unless specifically exempted by this article. Any reference in the Standard Building Code or its amendments that refers to outdoor advertising displays shall be read as being applicable to all sign structures to be permitted.

(2) Engineering drawings of the sign structure signed and sealed by a professional engineer licensed and registered in the State of Georgia.

(3) The construction cost of the sign.

(4) The street address of the property upon which the sign is to be located, a diagram of the proposed location of the sign on the property, and the size of the property on which the sign structure is to be located.

(5) The square footage of each sign face.

(6) The number of sign faces.

(7) The names and addresses of the owners of the real property upon which the subject sign is to be located.

(8) Written consent of the owner of the real property, or the owner's agent, granting permission for the placement and maintenance of subject sign.

(9) Name, address, and phone number of the sign contractor.

(10) Proof of insurance. (See section 5-371).

(11) Name, address, and phone number of a contact person in case of emergency.

(12) The distance from the proposed sign structure to the closest adjacent sign structure.

(b) Proof that all other required permits for the construction of the sign have been obtained.

(c) For sign permit applications on property that has been designated as a historic preservation area as shown on the historic preservation map located in the office of the city manager, the sign permit application shall be reviewed by a representative of the historic preservation commission to ensure that the sign does not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic property or the historic district. The sign permit application shall be reviewed under the guidelines of the historic preservation commission including but not limited to the United States Secretary of Interior's "Standards for Rehabilitation." Written comments suggesting any alterations of the proposed sign will be provided to the sign applicant, if deemed necessary by the representative of the historic preservation commission.

(d) Within fifteen (15) days of change of ownership of a sign, a sign owner notification notice must be filed with the code enforcement officer. Such notification notice form shall be available from the governing authority.

(e) The governing authority shall rely upon the contact person provided in the sign application for purposes of notice to the permit holder concerning the sign.

(f) Failure to obtain a sign permit as required shall be grounds for removal of the sign pursuant to this article.

(g) The governing authority shall process all sign permit applications within forty-five (45) business days of the actual receipt of a completed application and sign permit fee. The code enforcement officer shall give notice to the applicant of the decision of the governing authority by hand delivery or by mailing a notice to the address on the sign permit application on or before the 45th business day after receipt of the completed application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the governing authority fails to act within the forty-five (45) day period, the sign permit shall be deemed to have been granted.

(h) Any sign permit application that is incomplete, fails to comply with the provisions of this article, or contains false statements shall be denied.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-366. Same—Fees.

No permit shall be issued until the appropriate application has been filed with the code enforcement officer and the fees have been paid to the city clerk as provided below:

(a)	Area of sign 1—10 square feet	$30.00
(b)	Area of sign 11—25 square feet	50.00
(c)	Area of sign 26—50 square feet	75.00
(d)	Area of sign 51 square feet and greater	100.00

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-367. Inspection.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and inspection requested within six (6) months after the date of issuance.

(a) The holder of the sign permit shall be responsible for contacting the code enforcement officer to arrange inspection of the sign within the six (6) month period.

(b) The inspection shall be conducted by the code enforcement officer or his/her designee pursuant to the provisions of the Standard Building Code or its amendments as adopted by the governing authority and other applicable ordinances.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-368. Same—Revocation.

The code enforcement officer is authorized and empowered to revoke any permit issued under this article upon failure of the holder thereof to comply with any provision of this article.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-369. Removal of signs.

(a) Any sign, except as otherwise exempted, that violates the requirements of this article shall be subject to removal and all other penalties as provided by this article.

(b) Except as provided in subsection (c) for all signs in violation of this article:

(1) The code enforcement officer shall send written notice of the violation by regular mail to the contact person listed on the sign permit application or to the property owner on which the sign structure is located if no sign permit application has been completed for the sign in violation.

(2) The notice shall indicate that the contact person or property owner shall have ten (10) days to appeal the decision of the code enforcement officer to remove the sign from the date of mailing of the written notice.

(3) Pursuant to section 5-381 the contact person or property owner may appeal the decision to the Zoning Board of Appeals for a hearing regarding the violation. At the hearing the person contesting the sign violation and the city shall be allowed to present evidence as determined by the rules for hearing adopted by the zoning board of appeals.

(4) Failure to appeal the notice of violation within ten (10) days of mailing of the notice of violation shall be deemed an admission of the violation and the sign shall be subject to removal.

(c) The code enforcement officer may remove or direct the removal of any sign in violation of this article, without giving notice to any party, if such sign:

(1) Is upon the public right-of-way or upon other public property; or

(2) Poses an immediate safety threat to the life or health of any members of the public.

(d) Any commercial sign not currently in compliance with this article must be brought into compliance within thirty (30) days after a change of ownership or discontinuance of operation of the commercial entity.

(e) Any fascia sign that is attached to any building listed on the National Registry of Historic Places shall be removed within thirty (30) days after a change of ownership of the building or discontinuance of operation of the commercial operation shown on the sign. The governing authority recognizes that fascia signs violate the standards applicable to historic places and detract from the historic and aesthetic nature of such property.

(f) Lawful removal of any sign in violation of this ordinance, as provided in this article, shall be without liability to the governing authority, its officers, agents, servants, and employees. The permit holder shall be responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If there is no permit holder and the sign owner cannot be found, then costs of removal shall be the responsibility of the property owner where the sign structure was located.

(g) The city clerk or his/her designee shall certify the amount for the cost of removal to the city attorney if the cost of removal is not paid by one of the responsible parties.

(h) The city is authorized to take such action as allowed under law to collect the cost of removal.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-370. Nonconforming signs.

Signs lawfully existing on the effective date of the ordinance, January 26, 1987, from which this article is derived which do not conform to the provisions of this article shall be deemed to be non-conforming signs and may remain, except as otherwise specifically qualified by this article.

(a) No non-conforming sign structure may be enlarged or altered such that the square footage of the sign face is increased.

(b) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs totaling more than twenty-five (25) percent of the reconstruction cost of the entire sign shall be allowed except to make the sign comply with the requirements of this article.

(c) All nonconforming signs must be in such condition so that they do not constitute a safety hazard as determined by the Standard Building Code or its amendments as adopted by the governing authority, unless specifically exempted by this article.

(d) Failure to comply with the requirements of this section shall be grounds for the code enforcement officer to issue notice of violation and proceed with steps to remove the sign in violation as allowed under this article.

(e) To the extent that this section conflicts with O.C.G.A § 32-6-83 and Ga. Const. Art 3, § 6 Par. 4 (a), this section shall be deemed to provide the affected parties the minimum protections provided by O.C.G.A § 32-6-83 and Ga. Const. Art. 3, § 6, Par. 4(a), as they may be amended.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-371. Insurance requirements.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city unless and until such entity shall have obtained a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect liability and property damage insurance in the sum of twenty-five thousand dollars ($25,000.00) dollars for property damage for any one (1) claim and liability insurance in an amount not less than one hundred thousand dollars ($100,000.00) dollars for injuries, for injuries to any one (1) person. The certificate of insurance shall state that the insurance carrier will notify the city thirty (30) days in advance of any termination and/or restriction of the coverage.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-372. Prohibited signs and sign devices.

The following types of signs or advertising devices are prohibited in all zoning districts of the city, unless otherwise indicated:

(a) Roof sign, which is any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.

(b) Signs with flashing, intermittent or animated illumination or effect are prohibited; provided, however, that time and weather informational signs, and official warning or regulatory signs erected by a governing authority in the exercise of its proper jurisdiction are exempt from this restriction.

(c) Off-premises sign which is any sign containing a commercial message that is not located more than one thousand (1,000) feet from the premises of the business or entity indicated or advertised by such sign and not otherwise allowed by this article. Such signs include but are not limited to signs placed in residential districts during home remodeling, construction, painting, or billboards.

(i) Each business is allowed to have one off-premises sign. Each business is allowed to have on its property one off-premises sign.

(ii) All applicants for an off-premise sign shall file a sign permit with the code enforcement officer. No sign may be placed on land owned by the city or another property owner without the owner's written consent.

(d) Spectacular sign is an advertising display sign, advertising copy that is animated, wired for lights or luminous tubing, or both, with copy action controlled by flashed circuit breakers or matographs and attached on an open face structure built especially for that purpose. This definition does not include signs which indicate time, temperature, or date.

(e) Signs and seasonal displays on public right-of-way except signs exempt under the ordinances of the City of Avondale Estates and/or placed upon the right-of-way by governmental authority.

(f) Signs which contain or are in imitation of an official traffic sign or signal and are not erected pursuant to the governing authority, excepting construction signs and barricades.

(g) Mobile sign which is a sign attached to, mounted on, pasted on, painted or drawn on any trailer, or other non-motorized vehicle, that is placed, parked or maintained at one (1) particular location for the purpose and intent of promotion, or conveying a commercial message, except that this shall not apply to any vehicle or trailer allowed by the Georgia Department of Transportation having the sign attached thereto as part of the operational structure of the vehicle or trailer.

(h) Snipe sign which is any sign of any material whatsoever that is attached in any way to or placed upon a utility pole, tree, or mailbox situated on public or private property.

(i) Air or gas-filled devices such as balloons or streamers containing a commercial message.

(j) Searchlights.

(k) Any sign containing a sign face of or with more than two (2) sides.

(l) Sidewalk or sandwich sign which is a movable sign with the structure constructed in an a-frame design that is not secured or attached to the ground or surface upon which it is located by a permanent foundation.

(m) Any sign attached to a bench or a trash can.

(n) Any sign placed on or in a vehicle advertising that vehicle for sale, lease, or trade that is parked within the City of Avondale Estates for the purpose of selling, leasing, or trading the vehicle from that location.

(o) Any sign constructed of a non-durable material, including but not limited to paper, cardboard or flexible plastic that has been displayed for more than sixty (60) days. Nothing herein shall prohibit such a sign from being replaced by an identical sign.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03; Ord. No. 0401, § 6, 3-23-04)

Sec. 5-373. Prohibited content of signs.

It shall be unlawful for a person to display:

(a) Any expression defined as obscene by O.C.G.A. § 16-12-80.

(b) Any message, communication, activity, or product prohibited by the laws or regulations of the United States, the State of Georgia, DeKalb County, or the City of Avondale Estates.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-374. Prohibited methods of erection.

No sign shall be constructed, erected, used, operated or maintained:

(a) In any residential district, within ten (10) feet from the back of the sidewalk or within fifteen (15) from the edge of the road nearest to the sign where a sidewalk does not exist.

(b) Which is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.

(c) On the wall or fascia of any building on the National Register of Historic Places.

(d) No freestanding sign shall be located within twenty-five (25) feet of the point where the right-of-way lines from two (2) intersecting streets or roads meet.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-375. Requirements for all signs.

(a) All signs shall comply with the following provisions:

(1) All sign structures shall be constructed so as to comply with the Standard Building codes or its amendments as adopted by the governing authority unless specifically exempted by the article. Any reference in the Standard Building Code or its amendments that refers to outdoor advertising displays shall be read as being applicable to all commercial sign structures.

(2) No sign shall be taller than twenty-five (25) feet in non-residential districts, except as specifically allowed elsewhere in this article, and not taller than three (3) feet in residential districts. The sign height shall be measured in a vertical plane from ground level to the top of the sign. The level of the ground shall not be altered solely to provide additional sign height.

(3) No illuminated signs shall be constructed within one hundred (100) feet of any single-family dwelling.

(4) No illuminated sign shall produce more than one hundred (100) watts of light which shall be directed away from adjacent property and the right-of-way.

(5) All signs shall be maintained so as not to constitute a health or safety hazard as defined by the rules and regulations of the DeKalb County Board of Health.

(6) No sign shall be erected which blocks from view any traffic or street sign, signal or public service sign as viewed from the right-of-way.

(7) No series, lines or rows of electric, neon or other lights shall be allowed, except where expressly permitted under the terms of this article or any other ordinance enacted by the governing authority.

(8) Any sign containing a commercial message may also contain a non-commercial message.

(b) In addition to general regulations and restrictions applying to all sign classifications, freestanding signs and wall or fascia identification signs shall comply as follows:

(1) *Shopping and office center identification.*

a. Areas designated as major shopping or office centers shall be permitted one (1) freestanding sign being a maximum of 25 feet in height and the total area of each sign face not exceeding one hundred fifty (150) square feet.

1. This structure shall be a type of sign that will provide space for all businesses in the center.

2. Individual signs qualifying as wall or fascia signs may be permitted for individual businesses within the center. Square footage will be determined by the following formula: Two (2) square feet multiplied by the number of feet of frontage the store occupies within the center. This may be used up to a maximum of sixty (60) square feet.

3. Sign letter height may not exceed three (3) feet.

b. Areas designated as minor shopping or office centers shall be permitted one (1) freestanding sign being a maximum of fifteen (15) feet in height and the total area of each sign face not exceeding eighty (80) square feet.

1. This structure shall be a type of sign that will provide space for all businesses in the center.

2. Individual signs qualifying as wall or fascia signs may be permitted for individual businesses within the center. Their square footage will be determined by the formula as prescribed in subsection (b)(1)a.2., of this section.

3. Sign letter height may not exceed three (3) feet.

(2) *Commercial identification not within a major or minor shopping or office center.*

a. Each business located within one (1) parcel or lot that does not have any other businesses located on that parcel or lot shall be allowed two (2) signs with commercial messages.

b. Commercial signs on lots with only one business established on that lot or parcel shall be allowed two (2) square feet of sign face for each linear foot of road frontage not to exceed sixty (60) square feet for each sign face as determined by the street adjacent to where the sign is to be located.

c. On parcels located at the intersection of two (2) roadways, a business will be allowed a sign on each frontage. However, the aggregate square footage for each sign face shall not exceed eighty (80) square feet.

d. On parcels located in such a manner as to have frontage on two (2) nonintersecting roads, such business will be permitted two (2) signs on each road frontage. However, the aggregate square footage for each sign face shall not exceed eighty (80) square feet.

e. No lot or parcel shall be allowed more than two (2) freestanding signs.

f. If two (2) freestanding sign structures are constructed on a single parcel or lot there must be fifty (50) feet of distance between each sign structure.

(3) *Regulation and restrictions applicable to instructional signs.*

a. Such signs shall contain only instructional information and shall not be used for the purpose of business name and/or advertisement or contain a commercial message.

b. Signs limited to traffic direction and services shall be limited to one (1) at each vehicular entrance to the property and no closer than within fifty (50) feet of another such directional sign located on the same property.

(c) Freestanding signs shall be mounted perpendicular to the street adjacent to the property, except that one (1) sign, upon submission and approval of installation, may be used in place of two (2) separate signs on corner lots. Plans for said signs shall be submitted to the code enforcement officer. The edge of such signs is required to be at least ten (10) feet from the right-of-way in all authorized zones.

(d) No sign structure shall be erected that any portion of the sign structure is located directly over any public right-of-way such that a plane originating from the right-of-way projecting up in a ninety (90) degree angle would intersect with any portion of the sign structure.

(e) No sign shall be located on any building, fence or other property belonging to another person without written consent of the owner, and as permitted under the provisions of this section.

(f) Every sign structure located adjacent to a walkway shall be placed at least ten (10) feet above the walkway on private property over which it is erected, and a distance not greater than two (2) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any sign or part thereof extend nearer the curbline than one (1) foot.
(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-376. Flags.

(a) All flags shall be displayed on purpose-built, professionally fabricated flagpoles. In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or sixty (60) feet, whichever is less. Flagpoles in residential districts shall not exceed twenty-five (25) feet in height or the height of the primary structure on the lot, whichever is less.

(b) The maximum dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed twenty (20) percent of the vertical height. In addition, the maximum dimensions of any flag shall comply with the following limitations:

Pole Height	*Maximum Flag Size (total square feet)*
Up to 25 feet	24 square feet
25 to 39 feet	40 square feet
40 to 49 feet	60 square feet
50 to 60 feet	96 square feet

(c) Each lot shall be allowed a maximum of two (2) flagpoles unless a special land use permit or variance is obtained pursuant to the zoning ordinance.

(d) A maximum of two (2) flags shall be allowed per flagpole.

(e) Flags displaying a logo, message, statement or expression relating to commercial interests, and banners not meeting the definition of a flag contained in section 5-362 must conform to all applicable ordinances pertaining to signs.

(f) A vertical flagpole must be set back from the property boundaries a distance which is at least equal to the height of the flagpole.

(g) The flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not by used and flags which have torn or frayed shall not be displayed.

(h) On officially designated county, state or federal holidays, there shall be no maximum flag size or number or other limitations of display.

(i) Nothing contained in this section shall be interpreted to prohibit or restrict the right to display eligible flags as banners or non-commercial signage as allowed elsewhere in the Code of Ordinances of the City of Avondale Estates.

(j) References to the number of flags and flag poles in this section and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (for example, staffs extending at an angle from a building). However, the hoist side of flags attached to mast arm flagpoles may be sixty (60) percent of the length of the flagpole. References in this section to flagpole height refer to vertical flagpoles.

(Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Secs. 5-377—5-379. Reserved.

Sec. 5-380. Signs allowed in zoning districts.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section shall be prohibited in that district, except as otherwise provided for under this article.

(a) No signage other than house number, original house designation, street identification number, real estate sign, security identification sign, yard sale sign, or sign containing a non-commercial message shall be allowed on any residential property in the city. No sign with the total area of each sign face greater than four (4) square feet shall be allowed on any residential property in the city. No other signs containing commercial messages shall be allowed on any residential property in the city.

1. There shall be a limit of one real estate sign per residential lot. It shall be subject to the same size, setback and height provisions governing signs on residential lots. However, a separate sign structure containing literature packets or ancillary information such that pertaining to reduced price, under contract or sold status may be placed on a lot, provided that it otherwise meets the size, height and setback provisions for signs on said lot. Real estate signs and ancillary real estate signs shall be removed within five (5) days of the sale or lease of the property upon which they are situated.

2. For all property located in a residential district, there shall be a total maximum of twelve (12) square feet

of sign face per lot. For projecting or double-faced signs each display face shall not be added together in computing the area of the sign face for that sign.

3. In the event that a court of competent jurisdiction declares that the provisions of subsection 2. as applied to political or campaign signs is unconstitutional or invalid by judgment or decree, it is the intention of the governing authority that said subsection shall be considered severed from this section as applied to political or campaign signs, but the provisions of subsection 2. shall continue to apply to all other signs.

4. One yard sale, garage sale, or estate sale sign, subject to the size, height, and setback restrictions provided elsewhere for signs on residential lots, may be displayed on the premises where a yard sale is to be conducted beginning five (5) days before the date of the sale. Said signs must be removed when the sale is terminated. The governing authority considers such sales to be a part of the incidental occupation of the residential property and permissible limited commercial activity under this ordinance.

(b) The following signs shall be allowed within the nonresidential zoning districts in the city:

1. Any sign allowed in a residential district.

2. Signs containing a commercial message with an area of each sign face not larger than the square footage as determined in section 5-375.

3. a. Temporary on-premises advertising signs, including banners, relating to the initial opening or final closing of a business or service, provided the area of each sign face shall not exceed sixteen (16) square feet. Such signs shall be approved by the code enforcement officer for a maximum period of forty-five (45) days, after which they shall be removed.

b. Temporary on-premises advertising signs, including banners, related to a sale or markdown of merchandise or services, provided the area of each sign face shall not exceed nine (9) square feet. Such signs shall be approved by the code enforcement officer for a maximum of fifteen (15) days, and such sign shall be removed upon expiration of the approved time. No business may receive more than four (4) permits in any one (1) calendar year under this subsection. No business may display more than one (1) of these signs at any given time.

c. Temporary on-premises advertising signs, including banners, related to a special event of festival, provided the area of each sign face shall not exceed sixteen (16) square feet. Such signs shall be approved by the code enforcement officer for a maximum of fifteen (15) days, and such sign shall be removed upon expiration of the approved time. No business may receive more than four (4) permits in any one (1) calendar year under this subsection. No business may display more than one (1) of these signs at any given time.

4. Any sign containing a commercial message may also contain a noncommercial message.

5. One real estate sign not to exceed sixteen (16) square feet in size. A separate sign structure containing literature packets, or ancillary information such as that pertaining to

reduced price or under contract status may be placed on a commercial lot as long as it does not exceed the size and height of the real estate sign. Real estate signs and ancillary real estate signs shall be removed within five (5) days of the sale or lease of the property upon which they are situated.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03; Ord. No. 0401, §§ 3—5, 3-23-04)

Sec. 5-381. Administration; enforcement; remedies; appeals.

(a) *Enforcement and administration.* This article shall be administered and enforced by the code enforcement officer, or any other personnel authorized by the governing authority.

(b) *Remedies.*

(1) The code enforcement officer, or other personnel authorized by the governing authority, is authorized to issue a citation for violation of this article, institute an injunction, remove the sign pursuant to section 5-369, and/or proceed with other appropriate action or proceeding to prevent the violation of this ordinance.

a. Any citation issued for violation of this ordinance shall be taken to the municipal court of the City of Avondale Estates and prosecuted as any other criminal citation within the municipal court.

b. The maximum punishment imposed for a violation of this article shall not exceed a fine of one thousand dollars ($1,000.00) or six (6) months imprisonment or both.

c. Any suit for injunction filed on behalf of the governing authority as authorized above shall be filed in a court of competent jurisdiction and prosecuted as any other suit for injunction within that court as allowed by law.

(2) Any citation, injunction, or other appropriate action or proceeding to prevent the violation of this article may be taken against the owner or erector of the sign, the owner of the property on which the sign is located, and/or any other person or entity that has an ownership interest in the sign or property.

(3) Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.

(4) All remedies and penalties specified in this article are cumulative.

(c) *Appeals.*

(1) An individual who has received written notice of a decision to remove a sign pursuant to section 5-369, or whose permit application has been denied, or a permittee whose permit has been revoked may appeal the decision of the code enforcement officer or other appropriate enforcement officer to the zoning board of appeals for a hearing on the removal of the sign, the denial of the sign permit application, or the revocation of the sign permit, provided that such individual files a written notice of appeal with the city manager within ten (10) business days of the mailing of the code enforcement officer's decision.

(2) Such appeal shall be considered by the zoning board of appeals at its next regularly scheduled meeting provided that such notice of appeal is received a minimum of two (2) business days prior to the meeting. In the event the notice of appeal is received less than two (2) business days prior to the next meeting of the zoning board of appeals, the appeal shall be considered within thirty-five (35) days after receipt by the city manager of the written notice of appeal.

(3) The code enforcement officer or other appropriate officer shall present evidence before the zoning board of appeals supporting the decision of removal of the

sign, denial of the permit application, or revocation of the sign permit at the hearing. The person disputing the decision of the code enforcement officer or other appropriate officer may present evidence before the zoning board of appeals at the hearing. If no hearing concerning the appeal is held within thirty-five (35) days of receipt by the city manager of written notice of appeal, the appeal shall be deemed granted.

(4) The appeal hearing shall be conducted according to rules and procedures adopted by the zoning board of appeals for public hearings. The zoning board of appeals shall determine a ruling on the appeal within ten (10) business days of the appeal hearing and send written notice to the appellant of the zoning board of appeals' decision. If no decision is reached within ten (10) business days of the hearing, the appeal shall be deemed granted.

(5) In the event an individual whose sign has been removed, or whose permit has been denied, or whose sign permit has been revoked is dissatisfied with the decision of the zoning board of appeals, that individual may petition for writ of certiorari to the superior court as provided by law. Nothing herein precludes an aggrieved party from filing any other action in the superior court including, but not limited to, a mandamus petition pursuant to O.C.G.A § 9-6-1, et seq.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-382. Severability and amendments.

(a) It is hereby declared to the be the intention of the governing authority that the sections, paragraphs, sentences, clauses and phrases of the sign ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or invalid by judgment or decree of any court of competent jurisdiction, the unconstitutional or invalid phrase, clause, sentence, paragraph shall be struck and the remaining, phrases, clauses, sentences, paragraphs, and sections shall be effective as if the unconstitutional or invalid portion had not existed.

(b) If any provision of this article conflicts with any other provision of this article, any provision of the Standard Building Code or its amendments as adopted by the governing authority, any other applicable ordinance, statute, or law, the provision that contains the more stringent regulation shall be enforced.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-383. Effective date of this article.

The effective date of this article shall be immediately upon passage by the governing authority. All ordinances and parts of ordinances concerning signs in conflict with this article are hereby repealed.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Secs. 5-384—5-405. Reserved.

ARTICLE X. TREE PROTECTION AND PRESERVATION

Sec. 5-406. Purpose and intent of article.

(a) Trees are declared to be beneficial public resources, deterring soil erosion, increasing air purification, aiding in noise, glare and heat abatement, enhancing property values and contributing to the general health, safety and well-being of the citizens. To that end, it shall be unlawful to cut down, damage, poison or in any manner destroy or cause to be destroyed any trees covered by this article, except in accordance with the provisions of this article.

(b) The provisions of this article shall apply to any person removing trees on any lot or tract of land which is zoned in any category other than residential, whether for himself or on behalf of another person, including all tree removal companies, utility companies or persons in the business of tree removal or construction.

(Ord. No. 861, § 1(5-180), 1-17-94)

Sec. 5-407. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buildable area means that portion of a lot which is not located within any minimum required yard, landscaped area or buffer; that portion of a lot wherein a building may be located according to current zoning requirements.

Conifer tree means any tree with needle leaves and a woody cone fruit including, but not limited to pine, juniper and cedar species.

Critical root zone means the minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will typically be represented by a circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter. Example: The CRZ radius of a tree which has a diameter of twenty (20) inches is twenty (20) feet.

Density factor means a unit of measure used to prescribe the calculated tree coverage on a site. See section 5-409.

Development activity means any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit. Development activity