

ORDINANCE NO. 10-08

AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 5 OF THE CODE OF ORDINANCES CONCERNING SIGNS AND ADVERTISING STRUCTURES, AND TO REPEAL ALL CONFLICTING PROVISIONS.

WHEREAS, signs play an important role in the business and economy of the City but also pose a traffic safety hazard, may disrupt the aesthetics of the City, and have the potential to damage the public investment in streets and highways; and

WHEREAS, reasonable time, place, and manner regulations on the display of signs within the City are necessary in order to promote industry and commerce, and to provide for orderly and reasonable display of advertising for the benefit of all its citizens; and

WHEREAS, the Board of Mayor and Commissioners 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. Therefore, the Board of Mayor and Commissioners hereby 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.

NOW THEREFORE, BE IT ORDAINED BY the City of Avondale Estates, as follows:

SECTION 1. The existing Avondale Estates Sign Ordinance, being Article IX of Chapter 5 of the City Code, is hereby repealed.

SECTION 2. The document entitled "CITY OF AVONDALE ESTATES SIGNS AND ADVERTISING STRUCTURES ORDINANCE" attached hereto and consisting of 22 pages is hereby adopted as new Article IX of Chapter 5 of the City of Avondale Estates Code of Ordinances.

SECTION 3. The document referred to in Section 1 is hereby made public record and shall be maintained by the City Clerk as such and made accessible to the members of the general public at City Hall during normal business hours.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed. This ordinance shall become effective upon its adoption.

First Reading: 8/23/10

Second Reading: 9/22/10

Third Reading: 9/27/10
Public Hearing: 9/27/10

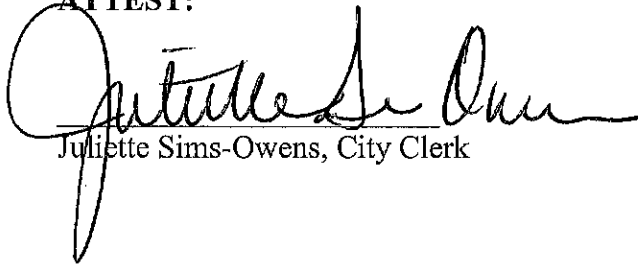
ADOPTED THIS 27th DAY OF September, 2010.

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA**



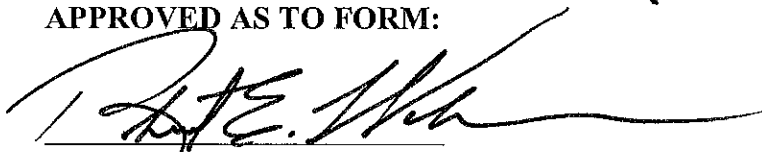
Ed Rieker, Mayor

ATTEST:



Juliette Sims-Owens, City Clerk

APPROVED AS TO FORM:



Robert E. Wilson
City Attorney

CITY OF AVONDALE ESTATES, GA
SIGNS AND ADVERTISING STRUCTURES ORDINANCE

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.

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.

Billboard means any off-premises advertising sign with a sign face area of greater than 100 square feet.

Changeable copy panel means a sign or sign device consisting of or incorporating a panel designed specifically to allow the frequent changing of the copy thereon, by manual and/or automatic means.

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

Commercial (zoning) district means the O-I, NS, GC, LI, and CBD zoning districts of the City of Avondale Estates for the purposes of this 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.

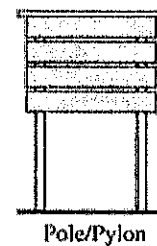
Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems.

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.

1. *Monument sign* - a freestanding sign of which the entire bottom of the sign is generally in contact with or within six (6) inches of the ground. Does not include pole or pylon signs.



2. *Pylon sign* - a freestanding sign, usually double-faced, mounted on one or two supports above ground level. Also referred to as a pole sign.



Human Operated signage means a sign held and/or movement operated by a person.

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 fifteen thousand (15,000) square feet of covered floor space and a minimum of one hundred (100) linear foot frontage on a principal or minor artery.

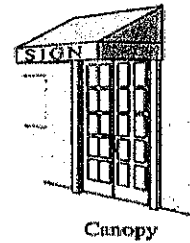
Menu sign means a sign affixed to the exterior facade of a restaurant no larger than 1.5 square feet. Such sign shall be enclosed.

Minor shopping/office center means two (2) or more continuous stores or office spaces containing less than fifteen thousand (15,000) square feet of covered floor space or having less than one hundred (100) linear foot frontage on a principal or minor artery.

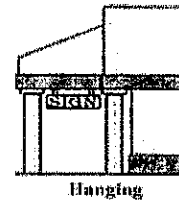
Mobile sign means any sign that is either part of or otherwise affixed to any trailer or vehicle, whether motorized or non-motorized.

Mounted sign - a sign permanently attached to a building.

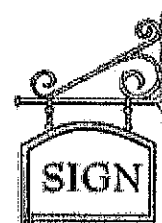
1. *Canopy sign* - a sign painted on, printed on, or attached flat against the surface of a canopy or awning.



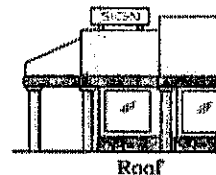
2. *Hanging sign* - a sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign.



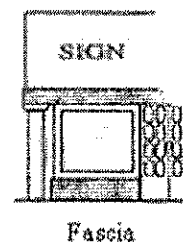
3. *Projecting sign* - any sign which is attached perpendicular to a building or other structure and extends more than six (6) inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Also called a shingle sign.



4. *Roof sign* - any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.



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.



Multifamily Residential zoning district means the MFR zoning district of the City of Avondale Estates for the purpose of this Sign Ordinance.

Neon sign means a sign made of glass tubing filled with neon or other noble gas that displays an illuminated message or design when electric current is passed through the tubing.

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.

Non-residential (zoning) district is synonymous with “commercial (zoning) district” and means the O-I, NS, GC, LI, and CBD zoning districts of the City of Avondale Estates for the purposes of this Sign Ordinance.

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.

Off-premises advertising sign any sign containing a commercial message that is located off the premises of the business or entity indicated or advertised by such sign.

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.

Planned Development means the PD zoning district of the City of Avondale Estates for the purpose of this Sign Ordinance.

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.

Residential (zoning) district means the R-12 and R-24 zoning districts of the City of Avondale Estates for purposes of this Sign Ordinance.

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.

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

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.

Spectacular Sign means an advertising display sign, advertising copy, or advertising device that is animated, wired for lights or luminous tubing, or both, with copy action or movement controlled by flashed circuit breakers, matographs or a mechanical inflation device. This definition does not include signs which indicate time, temperature or date, or a temporary collection of balloons of latex or Mylar construction which do not contain a commercial message.

Temporary-Local Directional Sign - T-LDS are short-term off-premises signs that direct attention to or convey directions through the use of words, symbols, arrows or otherwise, to a temporary or nonpermanent commercial event, such as a store opening, closing, sale or promotion at a commercial business.

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, on the lot where the commercial activity is to take place, but does not include real estate signs or signs with non-commercial messages.

Wall sign means a sign that is painted, drawn, or otherwise directly applied to the wall or exterior surface of a building. The total lettering, picture, emblem or other display on one (1) side of a building shall constitute one (1) wall sign.

Window sign means a sign installed inside a window and intended to be viewed from the outside.

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, and 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 a maximum of one (1) sign per road frontage, 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 5-369.
- (e) Security identification signs with the total area of each sign face not exceeding one square foot.
- (f) Seasonal decorations including, but not limited to, Halloween, Independence Day, Christmas, Hanukkah, Kwanzaa, and Easter. A seasonal decoration shall not contain any commercial message. Seasonal decorations not containing a commercial message 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 5-367(a).
- (g) Noncommercial announcements located within the City, including but not limited to City sponsored special events, 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 5-370.

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 to perform repairs to any sign or sign structure that will change the sign or sign structure appearance from its original permitted condition. A new sign permit is not required for changeable copy. Administrative review by the Code Enforcement Officer is required for the interchange of poster panels, and painted boards.

Sec. 5-365. 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 signs.
- (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) Billboards.
- (d) Spectacular signs.
- (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 visible from any public right-of-way, unless the trailer or vehicle is used in the normal day to day operation of the business owning and operating the mobile sign, in which case said mobile sign vehicle or trailer shall be parked in a designated parking spot to be not visible from the right-of-way, if possible, or as far from the right-of-way as possible.
- (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 attached to a bench or a trash can.
- (l) 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.
- (m) Any permanent sign constructed of a non-durable material, including but not limited to paper, cardboard or flexible plastic.
- (n) Neon signs, except as permitted by section 5-369(b) 7.
- (o) Human Operated Signs that display a commercial message.
- (p) Any permanent sign constructed of glossy extruded plastic except that any existing approved sign of this type, for an existing business, with a current business license, may be replaced with an exact replica of the approved sign.

(q) Pylon Signs.

Sec. 5-366. 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.

Sec. 5-367. 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) feet 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. This applies to signs that are applied directly to the face of the building, and not projecting, hanging or blade signs that are attached to the face of the building by way of ornamental or structural bracket.
- (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.

Sec. 5-368. 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 building code, as amended, unless specifically exempted by this article. Any reference in the building code or its amendments that refers to outdoor advertising displays shall be read as being applicable to all commercial sign structures.
 - (2) Monument signs shall be no taller than twelve (12) 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 sign shall produce more than 2.2 foot candles of light which shall be directed away from adjacent property and the right-of-way.
 - (4) 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.

(5) 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.

(6) No series, lines or rows of electric, neon or other lights shall be allowed, unless expressly permitted elsewhere by ordinance.

(7) 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, mounted signs and window identification signs shall comply as follows:

(1) All freestanding signs shall be constructed of masonry, including but not limited to stacked stone, brick, concrete, metal, wood or matte finished plastic. Each sign is subject to review by the Historic Preservation Commission or Architectural Review Board.

(2) All mounted signs shall be constructed of wood, metal, or matte finished plastic or close facsimile. Each sign is subject to review by the Historic Preservation Commission or the Architectural Review Board.

(3) *Shopping and office center identification.*

a. Areas designated as major shopping or office centers shall be permitted one (1) monument sign being a maximum of twelve (12) 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.

4. Window signs shall not obscure more than 30 percent of the total area of any window exposed to public view. Temporary writing or graphics applied to the glass window, such as by marker, paint or other methods shall be prohibited unless exempted under Section 363 (f).

b. Areas designated as minor shopping or office centers shall be permitted one (1) monument sign being a maximum of twelve (12) 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) (3) (a) (2), of this section.

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

4. Window Signs shall not obscure more than 30 percent of the total area of any window exposed to public view. Temporary writing or graphics applied to the glass window, such as by marker, paint or other methods shall be prohibited unless exempted by Section 363 (f).

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

a. Two (2) signs displaying a commercial message are allowed for each business or office building not located within a major or minor shopping/office center. Each such building is allowed a maximum of one (1) monument sign, except as indicated in subsections (c) and (d) of this section.

b. Commercial signs shall be limited to 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, each building will be allowed a sign on each frontage. However, the aggregate sign face square footage shall not exceed eighty (80) square feet for any such parcel.

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

e. No lot or parcel shall be allowed more than a combined total of two (2) monument signs, even if more than two (2) buildings are located upon said lot or parcel.

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

g. Window signs shall not obscure more than 30 percent of the total area of any window exposed to public view. Temporary writing or graphics applied to the glass window, such as by marker, paint or other methods shall be prohibited unless exempted by Section 363 (f).

(5) *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.

(c) Monument signs shall be installed 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 every such sign must be at least ten (10) feet from the right-of-way in all authorized zones.

(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 or above any walkway, including sidewalks, shall be placed so that the bottom of the sign is at least eight (8) feet above the walkway over which it is erected. Every such sign must be installed within three (3) feet from the face of the wall to which it is attached as measured from the wall to the point of the sign nearest thereto. No such sign shall extend to within one (1) foot of the nearest curb, as measured from the point of the sign nearest thereto.

(g) No wall sign shall exceed one hundred fifty (150) square feet of sign face area.

(h) No projecting sign shall exceed six (6) square feet.

(i) Menu signs shall not exceed 1.5 square feet. Such signs shall be enclosed within a frame constructed of wood metal or other sturdy material. Such signs shall only be allowed for businesses which are licensed to serve food or drink and no such business shall have more than one (1) menu sign.

Sec. 5-369. 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) *Residential Zoning Districts*: the following signs are allowed in residential districts.

1. 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 six (6) 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.

2. 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.

3. 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.

4. In the event that a court of competent jurisdiction declares that the provisions of subsection 3 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 3 shall continue to apply to all other signs.

5. 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) *Non-Residential Zoning Districts*: the following shall be allowed in all non-residential zoning districts.

1. Any sign allowed in a residential district.

2. Permanent signs containing a commercial message with an area of each sign face not larger than the square footage as determined in section 5-368.

- a. Monument sign
- b. Canopy sign
- c. Hanging sign
- d. Projecting sign
- e. Fascia sign
- f. Wall sign
- g. Window sign
- h. Menu sign.

3. Temporary signs conforming to the following restrictions:

a. Temporary on-premises advertising signs, including banners, relating to the initial opening or final closing of a business, provided the area of each sign face shall not exceed twenty-four (24) square feet and only one (1) sign shall be permitted. Such signs shall be approved by the code enforcement officer for a maximum period of sixty (60) 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 twelve (12) 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 two (2) of these signs at any given time.

c. Temporary on-premises advertising signs, including banners, related to a special event or festival, provided the area of each sign face shall not exceed twenty-four (24) 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 two (2) of these signs at any given time.

d. Temporary-local directional signs (T-LDS).

i. Zoning districts - T-LDS shall be allowed in all commercial zoning districts. No T-LDS shall direct traffic to or refer to a sale or event taking place in a residential district, and no T-LDS shall be placed in a residential district.

ii. 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 four (4) of these signs at any given time. A maximum of 1 T-LDS per event may be located upon any 1 lot. It shall be the sign owner's responsibility to remove the sign.

iii. Sign area - T-LDS may be single or double faced. Each face may be up to six (6) square feet.

iv. Height - T-LDS shall not exceed 3 feet in height as measured from the ground to top of sign.

v. Construction - T-LDS shall be mounted on an independent single or double pole device. T-LDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles, or other permanent signs or sign structures. T-LDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No such sign shall be made of paper.

vi. Location - No T-LDS shall be located closer than 1 foot from the right-of-way. T-LDS must be on private property with permission of the owner.

vii. Identification on sign - Each T-LDS shall be legibly marked with the sign permit and name and telephone number of the sign owner. This information must be written in weatherproof ink or paint upon at least 1 face of the T-LDS and in letters of at least 1/2 inch in height. All T-LDS shall display legibly the date and address of the activity and/or event. Any

T-LDS that does not contain the above information shall be subject to immediate removal by code enforcement personnel and/or other such remedies provided by this article.

4. Sidewalk Signs will be allowed in commercial districts. One (1) on-premises, non-illuminated sign per business, either A-frame, chalkboard or easel structure, placed on the sidewalk, exterior wall or window sill during business hours and kept inside the business premises during non-business hours. Said sign shall be located in immediate proximity to the entrance of the business and shall not exceed six (6) feet in height nor six (6) square feet per sign face, nor placed in a manner which reduces the clear, continuous sidewalk width to less than five (5) feet.

5. Any sign containing a commercial message may also contain a non-commercial message.

6. 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.

7. Each business within the City shall be permitted to display one (1) neon sign with a sign face area not to exceed four (4) square feet.

a. A neon sign permitted by this section shall not be counted against the maximum sign face area allowed under section 5-368(b) of this article.

b. Any nonconforming neon sign in existence on the date of this amendment shall be allowed to continue as a nonconforming use upon enactment of this section, except that the nonconforming sign shall be subject to the provisions of section 5-371(a)-(e) and section 5-372(d) of this article.

(c) *Multifamily Zoning Districts*: the following shall be allowed in all multifamily zoning districts.

1. Any sign allowed in a residential district.

2. Permanent monument sign or fascia sign identifying only the name of the development. The sign shall not exceed eight (8) feet in height, if a monument sign, with a sign face area not to exceed twenty four (24) square feet.

(d) *Planned Development Zoning Districts*: the following shall be allowed in all planned development zoning districts.

1. A Master Signage Plan shall be submitted and approved by the Board of Mayor and Commissioners as required in Article 11, Section 1105.

Sec. 5-370. Flags.

(a) All flags shall be displayed on purpose-built, professionally fabricated flagpoles. In non-residential 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:

TABLE INSET:

Flagpole 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 or its amendments as adopted by the governing authority. Flagpoles with broken halyards shall not be 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 flagpoles 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.

Sec. 5-371. Nonconforming signs.

Signs lawfully existing on the effective date of the ordinance, as established in Sec. 5-383, 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) A non-conforming sign shall not be replaced by another non-conforming sign, or enlarged or altered such that the square footage of the sign face is increased. The substitution or interchange of poster panels, painted boards, changeable copy or de-mountable material on non-conforming signs shall be permitted.

(b) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of a non-conforming sign shall be permitted except to make the sign comply with the requirements of this chapter. No repairs requiring a permit pursuant to section 5-364 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 building code or its amendments as adopted by the governing authority, unless specifically exempted by this article.

(d) Action to bring into compliance any non-conforming sign must be initiated with the City of Avondale Estates within thirty (30) days after a change of ownership or discontinuance of operation of the commercial entity. After a change in ownership, the new owner is responsible for bringing all signage into compliance with this article. In the case of discontinuance of operation of the commercial entity, the previous business owner is responsible for bringing all signage into compliance with this article.

(e) Any fascia sign that is attached to any Historic Landmark building 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) 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.

(g) 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.

Sec. 5-372. 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;
or

(3) The sign does not have a permit and is in violation of this article.

(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. After a change in ownership, the new owner is responsible for bringing all signage into compliance with this article. In the case of discontinuance of operation of the commercial entity, the previous business owner is responsible for bringing all signage into compliance with this article.

(e) Any fascia sign that is attached to any Historic Landmark building 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.

Sec. 5-373. Sign Permit--Application.

(a) The sign owner or the sign owner's agent shall file applications for sign permits with City staff upon forms furnished by the governing authority. City staff shall forward the application through the appropriate course of review as established by the City Code of Ordinances. 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 building code, as amended, unless specifically exempted by this article. Any reference in the 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, drawn to a scale, of the sign structure signed and sealed by a professional engineer licensed and registered in the State of Georgia when the sign permit requested is for a new mounted sign or freestanding sign. A sign permit for a wall sign, window sign or menu sign is required to be drawn to scale.
- (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) Signed agreement by the applicant to maintain the sign in a safe condition and to indemnify the City of Avondale Estates for any injury to person or property which might be caused by the sign for which a permit is sought.

- (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.
- (13) Material samples.

(b) The applicant for a sign permit must provide proof that all other required permits for the construction of the sign have been obtained at the time that the sign permit application is made.

(c) 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.

(d) 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.

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

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

Sec. 5-374. Sign Permit--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 in the signage fee schedule, available in the office of the City Manager or designee of the City of Avondale Estates.

Sec. 5-375. Sign Permit – Application Review Process.

(a) *Permanent Signs.* The City will process all permanent sign permit applications within forty-five (45) calendar days of the actual receipt of a completed application and sign permit fee. Applications will be administratively reviewed and approved or denied by the City Manager or his designee. If the City Manager determines that the application does not meet all requirements of Article IX Signs and Advertising Structures and the Zoning Ordinance, the City Manager or his designee shall notify the applicant of the specific provisions that have not been met. The City Manager or his designee shall give notice to the applicant of the decision to approve or deny the application by hand delivery or by mailing a notice to the address on the sign permit application on or before the 45th calendar day after receipt of the completed application for a permanent sign. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the City Manager fails to act within forty-five (45) days, the sign permit shall be deemed to have been granted.

(b) *Temporary Signs.* The City Manager will process all temporary sign permit applications within ten (10) calendar days of the actual receipt of a completed application and sign permit fee. Applications will be administratively reviewed and approved or denied by the City Manager or his designee. If the City Manager determines that the application does not meet all requirements of Article IX Signs and Advertising Structures and the Zoning

Ordinance, the City Manager or his designee shall notify the applicant of the specific provisions that have not been met. The City Manager or his designee shall give notice to the applicant of the decision to approve or deny the application by hand delivery or by mailing a notice to the address on the sign permit application on or before the 10th calendar day after receipt of the completed application for a permanent sign. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the City Manager fails to act within ten (10) days, the sign permit shall be deemed to have been granted.

- (c) *Signs on historic property.* 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 City Manager and the sign applicant, if deemed necessary by the representative of the Historic Preservation Commission.
- (d) *Waiver of application fee for re-submittal.* When the City Manager denies a sign permit application because it does not conform with the requirements of the City Code, the City Manager may, at his discretion, waive the application fee for re-submittal of an application for a similar sign at the same location that does comply with the City Code.
- (e) *Appeal.* An applicant may appeal any denied sign application by petition to the Zoning Board of Appeals of the City of Avondale Estates, per Section 5-381 (c).

Sec. 5-376. Sign Permit--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.

Sec. 5-377. 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 building code or its amendments as adopted by the governing authority and other applicable ordinances.

Secs. 5-378--5-380. Reserved.

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 5-372, 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 5-372, 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.

Sec. 5-382. Severability and amendments.

(a) It is hereby declared to 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 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.

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.

Secs. 5-384--5-405. Reserved.