

THE FAYETTE COUNTY PLANNING COMMISSION met for a Special Called Public Hearing on September 15, 2005 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Douglas Powell, Vice-Chairman
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wheeler, Zoning Administrator
Delores Harrison, Zoning Technician
Dennis Davenport, Assistant County Attorney
Sgt. Earl Williams

STAFF ABSENT: Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present (no public present).

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON SEPTEMBER 15, 2005 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 13, 2005.

1. Consideration of proposed amendments to the Fayette County Sign Ordinance (revised in its entirety).

Aaron Wheeler explained that the current ordinance was approved in June of 1998 with minor updates. He stated that it was time to review the Sign Ordinance to see how valid it was for today much like the Zoning Ordinance is reviewed and amended.

With no public present, Chairman Graw closed the floor from public comments.

The proposed Sign Ordinance was reviewed and discussed as follows:

Page 1

No changes.

Page 2

Doug Powell suggested to add a definition for “billboard” and to add that a “billboard” is prohibited on page 7, Section 2-5. Prohibited Signs and Devices. He suggested that Mr. Wheeler prepare the definition.

Bill Beckwith asked if this suggestion would delay the process.

Chairman Graw replied that the P.C. would not have a chance to see what is added, however either Attorney Bill McNally or Attorney Dennis Davenport will review the change.

Attorney Davenport replied that a billboard is typically a large freestanding sign which is a substantially larger sign than is described in the Sign Ordinance which will be prohibited.

Page 2

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Attorney Davenport suggested to delete “may have” and insert “has” under “Kiosk”.

Page 3

Attorney Davenport stated that the definition of “Permanent sign” has a regulation within the definition. He suggested to delete “Each lot shall be allowed only one” in the second sentence.

Page 4

Tim Thoms pointed out that the definition for “Seasonal Display” should not be italicized.

Attorney Davenport suggested to delete “used temporarily and is” and add “that” before “is not permanently mounted” under “Temporary sign”.

Attorney Davenport pointed out that the definition of “Suspended sign” is linked to the use on a multi-tenant building and a suspended sign could be located on a building which is not a multi-tenant building. He suggested to delete “used in a multi-tenant building which is”.

Page 5

No changes.

Page 6

Chairman Graw suggested to delete “If a hearing cannot take place” and replace with “If a hearing does not take place” under Section 2-2.,D.

Aaron Wheeler corrected “Section 2-1 (C)” and replace with “Section 2-1 (B)” under Section 2-2.,A).

Page 7

Doug Powell stated that “Sections 5-21, and 5-31” should be deleted under Section 2-4.B) and replaced with “Sections 5-22, and 5-32”.

Mr. Powell suggested to delete “Numeral” and replace with “Numerals” and delete “not to exceed” and add “shall not exceed” under Section 2-4.B),1).

Mr. Powell pointed out that under Section 2-4.B),3) to delete “5-37” and replace with “5-38”.

Aaron Wheeler stated that the letter “A)” should be deleted under Section 2-3. because there is not a paragraph “B)”.

Page 8

Aaron Wheeler stated that “Rotating, animated signs,” be deleted and replaced with “Rotating signs”.

Page 9

Bill Beckwith pointed out that “billboard” would be added as 15. at the end of Section 2-5. Prohibited Signs and Devices.

Attorney Davenport commented that there is no jail time under Section 3-1.E., however the jail time may not exceed 60 days. He advised that should jail time be added, it triggers the right to counsel.

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The P.C. concurred to add “and/or 60 days in jail” to the last sentence of Section 3-1.E.

Page 10

No changes.

Page 11

Aaron Wheeler stated that “are prohibited” should be added to the end of the first sentence under Section 4-1.A.

Page 12

Doug Powell suggested to delete “by district” under Section 5-1.

Mr. Powell also suggested to add “and banners” to Section 5-21.,A.,1.

Attorney Davenport suggested instead to amend Section 5-21.,A.,1. to read “(including banners)”.

Page 13

Attorney Davenport suggested to delete “Banners shall not be exempt from this section.” and replace with “Banners shall not be exempt from this paragraph. (Banners are covered under Section 5-22.,C. below)” under Section 5-22.A.

Chairman Graw suggested to add “for” before “each sign” on the first sentence under Section 5-22.A.

Chairman Graw also suggest to delete “the” before “each entrance of a subdivision” under Section 5-22.,B.

Page 14

Attorney Davenport suggested to change the heading for Section 5-26. from “Signage in the A-R Zoning District” to “Signage for Nonresidential Uses in Residential Zoning Districts”. He pointed out that, for example, a church is allowed in A-R with a 50 square foot sign but in a residential zoning district, a church is allowed a six (6) square foot sign. He said that the P.C. may want to express their concerns to the B.O.C. regarding the difference in the allowable signage. He added that Article V, Division III also included wall signs, window signs, etc. and that this is a big change to the existing Sign Ordinance.

The P.C. could not reach a consensus regarding the allowable square footage for signage, however 18, 32, and 50 square feet was discussed. For the B.O.C.’s consideration, three (3) of the P.C. members preferred 50 square feet and two (2) members preferred less than 50 square feet.

Doug Powell commented that three (3) flagpoles was excessive in a residential zoning district. He suggested to allow one (1) flagpole but to allow three (3) flagpoles for a club house within a subdivision.

The P.C. could not reach a consensus regarding the number of flagpoles, however one (1) to three (3) flagpoles were discussed. For the B.O.C.’s consideration, three (3) of the P.C. members preferred that three (3) flagpoles should be permitted and two (2) members preferred that one (1) flagpole should be permitted.

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Page 15

Doug Powell suggested to delete “each business will get a sign” and replace with “each business may erect a sign”.

Attorney Davenport stated that “Menu Signs” is content related and should be amended under Section 5-32.D. He suggested to add a definition for “Drive-Thru” and then use the term in this regulation. He said that a “drive-thru” should include business conducted from the motor vehicle of a customer as opposed to a “walk-in” type establishment.

Aaron Wheeler suggested to revise the regulation to read: Signs as part of a drive-thru which are not visible or legible to the traveling public shall be limited to ? number of signs not to exceed ? square footage.

Attorney Davenport asked the P.C. if they wanted to regulate this type of signage and, if so, the number and size should be addressed. He explained that without regulation, the sign could be up to 50 square feet.

Tim Thoms asked how an old fashioned drive-in restaurant like a Sonic would be addressed.

Attorney Davenport replied that if these type signs are not regulated there could be as many signs as they want.

The P.C. concurred to not regulate these type signs.

Attorney Davenport verified that he would add a definition of a “drive-thru” and apply it to this section.

Page 16

Chairman Graw asked if a definition of “mural graphics” was necessary.

Attorney Davenport replied that he would add a definition for “mural graphics” to the proposed ordinance.

Doug Powell stated that the letter “A.” under Section 5-36. should be deleted since there is not a “B.”

Page 17

Doug Powell stated that “and/or flagpoles” should be added after “three (3) flags” in the first sentence under Section 5-38.

Al Gilbert made a motion to approve the proposed Sign Ordinance with the changes as discussed tonight plus the following changes:

1. Section 5-26. Nonresidential uses in residential zoning districts, page 14.
2. Section 5-27. Flagpoles (1-3), page 14.
3. Section 5-32. Menu Signs (no regulating menu signage for drive-thru businesses), page 15.
4. Section 1-3. Add definition of “Drive-thru”, page 2 (see page 15).
5. Section 1-3. Add definition of “Mural graphics”, page 3 (see page 16).
6. Section 5-38. Number of flagpoles, page 17.

Bill Beckwith seconded the motion.

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Doug Powell pointed out that the motion did not include Section 1-3. to add the definition of “billboard” on page 2. and Section 2-5. to add “billboard” as a prohibited sign on page 9.

Al Gilbert withdrew his motion and Bill Beckwith withdrew his second.

Tim Thoms made a motion to approve the proposed Sign Ordinance with the following items:

1. Section 5-26. Nonresidential uses in residential zoning districts, page 14.
2. Section 5-27. Flagpoles (1-3), page 14.
3. Section 5-32. Menu Signs (no regulating menu signage for drive-thru businesses), page 15.
4. Section 1-3. Add definition of “Drive-thru”, page 2 (see page 15).
5. Section 1-3. Add definition of “Mural graphics”, page 3 (see page 16).
6. Section 5-38. Number of flagpoles, page 17.
7. Section 1-3. Add definition of “billboard”, page 2.
8. Section 2-5. Add “billboard” as a prohibited sign, page 9.

Doug Powell seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw advised that Tim Thoms had a discussion item regarding the time limitation on the six (6) month waiting period should a rezoning petition be denied by the B.O.C. He said that Mr. Thoms had suggested amending the ordinance to require a one (1) year waiting period.

Attorney Davenport stated that he had spoke with Mr. Thoms regarding this issue last week. He said that there is a State Law which states that if something is denied for rezoning that there is a six (6) month window that the applicant cannot then bring back the same property for rezoning. He commented that approximately 10 to 12 years ago, the County did have a one (1) year waiting period and the B.O.C. adopted a six (6) month waiting period to be consistent with State Law. He advised that if the waiting period is longer than what the State Law allows then the County will run the risk of not being able to justify the longer waiting period because the State Law has sent out what the limitation is and there is not any language stating that you can make it more restrictive.

Chairman Graw said that it was his suggestion to not address the issue.

Bill Beckwith concurred with Chairman Graw.

Mr. Thoms asked Al Gilbert about the circumstances regarding the change from one (1) year to six (6) months.

Mr. Gilbert stated that he remembered that there was some discussion on changing the six (6) month waiting period to one (1) year but no one wanted to change the ordinance.

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Chairman Graw asked if there was any further business. There being no further business, Al Gilbert made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:30 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

DELORES HARRISON
ZONING TECHNICIAN