THE FAYETTE COUNTY PLANNING COMMISSION held a **Workshop** on August 17, 2005 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

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

STAFF PRESENT: Aaron Wheeler, Zoning Administrator
Pete Frisina, Acting Director of Planning and Zoning
Dennis Davenport, Assistant County Attorney
Delores Harrison, Zoning Technician
Karen Morley, Chief Deputy Clerk

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

Welcome and Call to Order:

Chairman Graw called the meeting to order and introduced the P.C. Members and Staff.

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Chairman Graw suggested that the second item on the agenda be discussed first and then discussion of agenda item #1 would follow.

2. Discussion of proposed amendments to the Fayette County Comprehensive Plan, Land Use Plan, and Text along the S.R. 54 West Corridor.

Acting Director of Planning and Zoning Pete Frisina remarked that the County Staff was currently reviewing a rezoning petition on S.R. 54 West near Huiet Road. He said in the rezoning analysis it stated that Staff would pursue changes to the Land Use Plan in this area. He said this petition for O-I zoning on a 16 acre tract was tabled by the petitioner at the last meeting. He said in 2004 when the County updated the Land Use Plan, the 50 to 60 acre area across SR 54 from the subject area which was between the hospital and the future high school was land used for Office. He said in his opinion, Staff should really have examined the subject area for the same land use. He said to the north across SR 54 was the hospital expansion. He stated that to the east in Fayetteville is the old Emory Clinic (which was now part of the hospital), a Bob Adams Retirement Subdivision with 1/8 acre lots, and a future shopping center. He said also the east is an assisted living facility in Fayette County. He said to the south there were the two (2) schools including a middle school and an elementary school and, also two (2) churches. He said to the west was C-H zoning containing a new commercial development on the corner of Huiet Road and SR 54 with the Post Office facility to west.

Chairman Graw remarked that approximately a year and a half ago someone had come in with a rezoning request for another senior facility. He asked for the location of that facility.

Mr. Frisina said the senior facility was proposed in the subject area. He said the reason that project failed was because the applicant was not really planning an assisted living center at all but an apartment complex for the elderly. He said he had instructed Mr. Wheeler to amend the requirements for an assisted living facility in the ordinance to specify what the County wanted inside an assisted living center. He said the center would need to have central management, nursing, and a central kitchen that could feed the residents three meal a day. He said the land use discussed lots that were five (5) acres plus for O-I. He said several O-I lots had been rezoned in that area. He said this particular tract consisted of 16 acres. He said there was a lake in the back and a stream that came through this property. He remarked that the back portion of the property was not really useable and abutted up to the school and church.

Mr. Frisina said he would recommend that the land use of subject area be changed from Low Density Residential to Office.

Vice-Chairman Powell asked for clarification if the R-70 area across SR 54 should be O-I.

Mr. Frisina said that property was already land used for Office, but not zoned yet.

Vice-Chairman Powell asked if the bottom line went through the lake or was it on the Southside of the lake and Mr. Frisina directed the P.C.'s attention to the area in question.

Vice-Chairman Powell remarked that according to the plan the petitioner was going to put walking trails around this and utilize it.

Mr. Frisina said a lot of this area was still zoned A-R and the petitioner was requesting O-I zoning.

Vice-Chairman Powell asked why this had not been done originally.

Mr. Gilbert said that property was located in the overlay zone and that was O-I. He said part of the problem with this area was determining if you were in the City or the County.

Mr. Frisina said the Land Use Plan talked about the five (5) acre tracts plus or minus and this proposed tract was 16 acres. He said he was recommending that this be zoned O-I, based on this area. He said he did not feel anyone would come in requesting to put in a subdivision given the surrounding area..

Chairman Graw pointed out that a middle school and elementary school were planned for that area.

Mr. Frisina said he just did not see anyone coming in and putting a subdivision on a 16 acre tract, given what was surrounding it.

Chairman Graw said personally he could not see any reason why this area should not be zoned O-I. He said if the County did not request this be O-I, then the City of Fayetteville would.

Vice-Chairman Powell said there might need to be some C-C in that area.

Mr. Gilbert remarked that there was some commercial there on one (1) corner.

Vice-Chairman Powell said the P.C. had previously looked at the commercial nodes throughout the County.

Mr. Frisina remarked that Tyrone was the main node on SR 54.

Bill Beckwith asked how this would affect the petition if the area in question was land use changed.

Mr. Frisina said he had not planned on changing the Land Use Plan because Staff had recommended that it be approved based on what was already there and surrounding it. He said since the applicant tabled his request, he had an opportunity to review the Land Use Plan some more.

Vice-Chairman Powell said this petition would come before the P.C. at its first meeting in September.

Tim Thoms asked how the proposed bypass and the connector road coming across in front of the school would affect it.

Mr. Frisina replied that the bypass would be a challenge. He said the original alignment for the bypass went straight through the hospital property. He said the hospital came first so another alinement will have to be proposed. He said Group VI had previously spoken with the hospital

representatives who said they would not mind having a road coming through on the western edge of their property. He said at that time the school said another road probably would not hurt them either. He said now another school had been built in that area so he was unsure of the status of the bypass now.

Mr. Thoms said the reason he had questioned this was because this would be a busy intersection plus a bypass on S.R. 54 commercial node.

Mr. Frisina said he would prefer getting the property O-I now and keeping it that way.

Mr. Gilbert said it sounded like there was a possibility existing that the bypass might not happen. He commented that the intersection at the hospital entrance was very dangerous and there needed to be a traffic signal there now.

Chairman Graw asked where the 100 plus acres of property was located that came in for rezoning for one (1) acre lots approximately three (3) months ago. He said it was in the Huiet Road and Lester Road area.

Mr. Frisina said that tract was located further south of Davis Road. He said that was the Stinchcomb property.

Chairman Graw asked Mr. Frisina if he wanted to take the Office land use recommendation to a public hearing.

Mr. Frisina replied yes.

The P.C. was also in agreement with the Office land use recommendation going to public hearing.

Mr. Frisina said he had another issue to discuss with the P.C.. He said it concerned the Land Use Plan where it talked about existing tracts of five (5) plus or minus acres and the option of converting to office uses in the SR 54 corridor. He pointed out that some rezonings had been approved along the corridor and two (2) of these were eight (8) acres. He said given the fact that the County had rezoned up to eight (8) acres, the County would be bound to that and would continue, especially if an applicant came in with eight (8) acres.

Mr. Beckwith asked if it stated that it must be a minimum of five (5) acres.

Mr. Frisina remarked that it said five (5) acres plus or minus in the verbiage of the Land Use Plan. He said he had looked at some of the tracts along the corridor. He said there was a 7.2 acre tract, a 14.65 acre tract, a 6.2 acre tract, some five (5) acre tracts and a ten (10) acre tract next to that. He said he was just trying to get some feed back if Staff should increase the number of five (5) acre tracts to possibly ten (10) acre tracts. He said this was under L-16 recommendations.

Mr. Gilbert asked how the lesser acreage tracts would be handled. He asked if they would be deemed unbuildable.

Mr. Frisina replied no. He said any tract less than five (5) acres definitely would meet the intent. He said the County had rezoned two (2) tracts that were eight (8) acres. He commented on the 18 acre tract and questioned if it should remain residential or go O-I. He said this was the problem. He said there was a 95 acre tract that would definitely go residential. He said there were also tracts of 29 acres and 40 acres and that he did not feel there was enough of an O-I market for anything of that nature.

Mr. Thoms asked what the intent was. He felt the intent was to maintain a residential character in the overlay district even though it was O-I.

Mr. Frisina said this was accomplished by having architectural standards such as requiring a pitched roof.

Mr. Gilbert said he recalls the P.C.'s discussions previously regarding the overlay and the thoughts for this area.

Mr. Frisina said the County was getting the momentum for development on S.R. 54.

Mr. Gilbert said he recalled the P.C.'s thoughts on this and why the bigger tracts were not favored. He said this gave the County the ability to look at each individual rezoning coming in on the bigger tracts and giving the P.C. the opportunity to determine if a project would fit or not. He felt the P.C. was concerned with some larger office parks coming in that would just not fit what the County was looking for but the possibility was always there that they might. He felt rather than just blanket land use this area why could it not just be part of the overlay and each request reviewed as they come in.

Mr. Frisina said the entire corridor was land used residential. He said with the ten (10) acre tracts and the 12 acre tracts and some of this property fronting on the highway, he did not see this with someone requesting a residential subdivision there as these properties are too narrow.

Vice-Chairman Powell felt an elderly facility or an assisted living facility might fit into that area. He felt it would be a great place to have that and be in close proximity to the hospital.

Mr. Frisina asked the P.C. if they wished to let the number remain the same for now and if something were to come in that did not meet the criteria, Staff could make the recommendation based on the surrounding area.

Chairman Graw said it was his preference to handle these requests individually. He said if something came in, then the P.C. could review it at that time. He asked Mr. Frisina if he was aware of anything that would be coming in soon.

Mr. Thoms clarified that Mr. Frisina was just asking to change the verbiage in the overlay and not to change the land use.

Mr. Frisina replied yes and said Staff could make a recommendation later if something came in based on what was in the area.

Vice-Chairman Powell said this would not preclude a developer coming in and purchasing half a dozen of the five (5) acre tracts and doing something with that.

Mr. Frisina said staff could address any applications in the write up as they come into the office.

The P.C. thanked Mr. Frisina for his presentation.

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1. <u>Discussion of proposed amendments to the Fayette County Sign Ordinance (revised in its entirety</u>.

Chairman Graw said the P.C. was supposed to start with page 17 but he promised Vice-Chairman Powell that the P.C. would go back and look at a few issues that he had questions.

Zoning Administrator Aaron Wheeler called the P.C.'s attention to the Definitions portion. He said there were a few changes that Attorney Dennis Davenport and he had talked about which were added. He said under Banner, there was an entire extra sentence that stated banners could either be freestanding or on a wall.

Mr. Wheeler called the P.C.'s attention to page 5 under Sign. He noted that the statement "affixed to a stationary object, building or to the ground" was added. He said this was a change that occurred after the P.C.'s meeting.

Vice-Chairman Powell questioned the definition of roof sign where the word prohibited was crossed out. He said that should be included and Mr. Wheeler said he would make that correction.

Vice-Chairman Powell called the P.C.'s attention to page 6 under Lot. He said he was not quite sure what "a parcel of land in single ownership" meant. He asked if this would apply if he and someone else decided to buy a lot in partnership.

Attorney Davenport said the single ownership portion could be taken out.

Vice-Chairman Powell called attention to page 12 at the bottom of the page where it stated Section 2-6 to 2-10. He said the word "reserved" needed to be added there. He said he had a lot of typos for that page and he would discuss those with Mr. Wheeler.

Vice-Chairman Powell asked Attorney Davenport if he had checked on the amount of jail time appearing on page 13 under E.

Attorney Davenport replied that he did not have jail time or the appeal process finalized.

Vice-Chairman Powell felt one (1) year was excessive.

Attorney Davenport suggested the time may be shortened to 60 days.

Vice-Chairman Powell said other than the typos he was ready to proceed with discussion.

Chairman Graw said the P.C. would begin on page 17 under Section 5-22 for residential monument signs. He said he had asked Mr. Wheeler by e-mail if he could check around and see what some of the other cities and counties might have in the way of residential signs except Peachtree City.

Mr. Wheeler said Peachtree City was his first example. He said he wanted to put these in a better format for the P.C. but unfortunately by the time the cities and counties got back to him it did not work out. He said that in Peachtree City single family residential districts would allow one (1) sign not exceeding a two (2) square feet area shall be permitted for each dwelling unit. He said these permits would indicate no more than the name and address of the applicant.

Chairman Graw asked for clarification if this was in fact Peachtree City's current ordinance. He said they were allowing more square footage.

Attorney Davenport asked what a 16 square foot sign was and Mr. Wheeler replied that was a good question.

Mr. Wheeler said this was the information on the Peachtree City website as they had directed him to during their phone conversation.

Attorney Davenport interjected that this was old information.

Mr. Wheeler reiterated that this was where Peachtree City had directed him for the information.

Attorney Davenport said the issue of the 16 square foot signs had appeared in the newspaper approximately two (2) months ago and he recalled there was no limit on those.

Mr. Gilbert said he thought it was a total of 16 square feet i.e. someone could have four (4) two (2) square foot signs for a total of 16 square feet.

Mr. Wheeler commented on the City of Fayetteville. He said their Sign Ordinance stated that a lot zoned residential which was not within a subdivision platted pursuant to subdivision regulations and which was three (3) acres or more in size may display a permitted temporary double sided ground sign with a sign face of not more than 32 square feet per side or 4' x 8'. He said the required permit may be issued for no longer than one (1) year. He said the sign may not be placed within ten (10) feet of a right-of-way. He said this was the only reference to a residential lot.

Chairman Graw remarked that verbiage pertained to signs on three (3) acre or more. He questioned houses in subdivisions of less acreage.

Mr. Wheeler said it did not address that.

Chairman Graw asked if they did not have any restrictions on one (1) acre or quarter (1/4) acre lots.

Mr. Wheeler replied this was where they had directed him. He said he called and asked specifically if they allowed signs on residential lots and if so how many and what size. He said this was what he was directed to by the people that he had spoken with.

Mr. Wheeler commented on the City of Newnan's Sign Ordinance. He said they had on site and home improvement signs where a construction company comes in to do home improvements. He said banners were allowed on private property zoned or permitted for commercial or industrial activity.

Vice-Chairman Powell asked if any of the municipalities had addressed voting signs.

Mr. Wheeler replied not that he remembered specifically.

Attorney Davenport remarked that there were quite a few that still had time limitations on those signs and specifically no more than four (4) weeks prior to an election and a week thereafter. He said that type of provision had specifically been found to be unconstitutional and could not be done. He said this would limit free speech when a time restriction was put on.

Mr. Gilbert asked if this would apply even after the election and Attorney Davenport replied yes, even after the election.

Mr. Gilbert said after an election did not make sense to him.

Chairman Graw said it did not appear that Coweta County had anything regarding residential.

Mr. Wheeler said the only thing Coweta County had was that signs for Conditional Uses shall be permitted so long as such signs complied with the requirements of Section 5833.1.

Mr. Gilbert said he would like to discuss political signs. He commented on the recent newspaper articles regarding the county's lawsuit. He remarked that the term kept appearing when there was a limit to one (1) sign that this was limiting a person's ability to support multiple candidates.

Attorney Davenport replied yes, that this was a true argument. He said the other side of that statement was, if there would be a right or an expectation to be able to support an unlimited amount of candidates through signage on a residential lot. He said if the answer to that question was no, then where would the line be drawn. He asked if it should be greater than one (1) and less than 30 or somewhere in between. He said the only case that he was aware of that even delved into the number of signs was a Federal case out of the Fourth District. He said in that case it talked about two (2) signs not being enough. He said that was good if you were in the Fourth District but it was just persuasive authority elsewhere. He recalled Fayetteville's definition of a double sided sign. He said the County was not that specific in its definition. He said there could be a two (2) sided sign with a different message on either side but it would still be considered one (1) sign. He said in this way, a person could actually support two (2) candidates or if the message was smaller then more than two

(2) candidates could be shown.

Chairman Graw directed the P.C. back to page 17 and the discussion of residential monument signs and Section A. He recalled the P.C. wanted to discuss the number and sign. He said currently one (1) monument or permanent sign was allowed.

Attorney Davenport asked the P.C. to take out the word "monument" anywhere it was shown in this ordinance and replace it with "freestanding".

Chairman Graw said one (1) freestanding sign was allowed.

Attorney Davenport remarked that there were two (2) types of freestanding signs. He said there were permanent freestanding signs and temporary freestanding signs. He said the first goal in looking at Section 5-22A was to recognize that the situation had to be handled where someone wanted to put a permanent sign on their property. He said if so, the question was if this would be a good thing or a bad thing. He said if it was good, the P.C. needed to recognize that it was good and this was what this language did. He said someone could put a permanent sign on their property if they wanted to, but they did not have to, or they could put a temporary sign on their property. He said if the ordinance was geared toward a temporary sign and a citizen wanted to put up a permanent sign, what would this mean. He said freestanding certainly was the operative term here for the type of sign. He said permanent and temporary had been defined in the definitions. He said someone could put up a permanent sign or they could put up a temporary sign. He said it would be up to the person. He said the question was how many signs. He said one (1) permanent sign seemed to be a good number as far as permanent, but questioned how many temporary signs.

Vice-Chairman Powell said it would depend on what type of sign was being discussed.

Attorney Davenport disagreed and said no, it would not.

Mr. Gilbert said he might have his home for sale and also support ten (10) political candidates. He said of course he would want his "For Sale" sign up for as long as it took him to sell his home.

Chairman Graw said Peachtree City was controlling their signs by square footage. He said the problem he had with that was whoever would be administering the ordinance would have to take out a tape measure and walk on someone's private property if they wanted to administer this properly.

Attorney Davenport replied that this would occur regardless of whatever was done.

Chairman Graw asked if the P.C. should look at what would make it easier to administer versus more difficult to administer and could somebody who was going to be enforcing this ordinance walk on private property to measure a sign.

Attorney Davenport replied yes they could walk on private property. He said whatever methodology was used here breaks down to size, height, and location. He said these were the three (3) main issues. He said regardless of how this was phrased, there had to be a measurement to determine conformity. He said if four (4) signs were allowed then how big would they be allowed to be. He said they could be 20' x 20'.

Chairman Graw asked if the signs could be two (2) square feet each or three (3) square feet each.

Attorney Davenport said they would still have to be measured.

Vice-Chairman Powell asked what would happen during election time if he was a builder. He said he might have his construction sign out front and he was also trying to sell the home.

Attorney Davenport replied that there was a different category for the type of temporary signage when a property was under construction. He said someone could put a sign out for that because that

would be considered a limited condition.

Vice-Chairman Powell asked why that would be any different than a house that was up for sale or another home that had been renovated. He said there might be a couple of contractors who wanted to put out signs regarding the driveway, roof, or painting.

Attorney Davenport replied that all of those categories could be covered, but with the goal of simplicity in mind, there was a temporary condition for every piece of land in Fayette County. He said that temporary condition was going from raw land to improved land. He said there was a period of time that the sign would be covered in that limited condition. He said if the P.C. wanted to get into all of the other subset areas then it could.

Vice-Chairman Powell felt that was a good question. He said the ordinance would have to be clear to the citizens as to what types of signs were allowed and when they were appropriate.

Attorney Davenport said if the P.C. started having to explain what types of signs then this would be the wrong path. He said it would not matter what was on the sign or how big it was so long as it was no bigger than the maximum size. He said if the ordinance limited this to one (1) sign per lot and the County was having to deal with what Al Gilbert mentioned about selling a home during election time, that would be a serious choice that somebody would have to make.

Vice-Chairman Powell asked why there was a special class for temporary signs during construction.

Attorney Davenport replied because every piece of property had something in common and that was at one (1) time it was raw and at a later time it is improved.

Vice-Chairman Powell asked what difference it made.

Attorney Davenport responded that the biggest difference was that in the industries that do the construction, they have a pattern in practice of advertising their services on the lot where they were building and constructing. He said once the construction was finished, then the signs were no longer allowed. He said this was a limited condition.

Mr. Gilbert said the signs would only be there for a certain length of time.

Attorney Davenport replied they would be allowed at the start of construction through to the end of construction.

Vice-Chairman Powell asked for the difference between construction signage and signs between start of an election cycle to the end of an election cycle.

Attorney Davenport replied that this was getting into issues that were not common to every piece of real property and also getting into the political speech issues. He said anything that someone wanted to do or say on his property unrelated to the condition of raw land to improved land could be done. He said the question was how much space they would be allowed to do it in.

Vice-Chairman Powell said he was just trying to understand why in the first case it was categorized as opposed to just limiting it specifically to a number or square footage of signs and getting rid of that category.

Attorney Davenport said this category could be removed. He said he was just trying to show the P.C. what was pretty much a standard of the industry. He said this was the real world and this is what really happens out there. He said if this was ignored and say one (1) sign per lot was allowed then the next time somebody comes to build on something and wanted to put up a sign, the County would tell them no. He asked if this was the message that the P.C. wanted to send to people. He said right
now the County had a minimal sign number and that was one (1). He said one (1) sign was the

maximum number of signs that someone could have on their property. He said because that was the

maximum number, there was a need to fill these areas of construction. He said that language was in the ordinance right now. He said it did not need to be incorporated into the new ordinance.

Attorney Davenport said the ordinance was getting away from being concerned with what the message was on the sign. He said this area did concern the message on the sign but it was also an area that could be viewed as a practical problem. He asked how this should be dealt with. He said by not allowing it at all might be a way of dealing with it. He said another way might be to increase the number of residential signs from one (1) to five (5) and it would take away the need for that type of category. He said in the context of residential signage that would fit into the discussion but only if the number of signs was greater than one (1). He said the P.C. would have to decide how to handle that.

Chairman Graw said in his opinion, if the P.C. was going to look at the number of signs on residential property that was more than one (1) he felt it should have some kind of logic to it, and some kind of rationale to it. He felt it would have to have some kind of logic as to why the P.C. decided on a particular number. He said the size of the sign would also have to have some kind of logic.

Mr. Gilbert said he liked the idea of limiting the square footage. He said if the square footage was limited then the number of signs would also be limited that would be of any use. He felt 16 square feet of signage would give someone four (4) 2' x 2' signs that could be put in their yard.

Vice-Chairman Powell said there was one (1) situation that stated that during temporary signage there could be a certain number of signs. He asked how many for sale signs were normally seen in front of a house when they were for sale. He said he normally sees two (2) signs. He said one (1) sign stated “For Sale” and the other one (1) was for an informational flyer on the house. He said if it was also election season there was a category saying how many signs would be allowed during that time period needed.

Attorney Davenport said he understood what Vice-Chairman Powell was saying, but when the number of signs was limited during voting season, the County by definition would be restricting non-commercial speech.

Chairman Graw said if the County restricted the number of signs and the size then that was permissible. He said if the County restricted it during times of the year and particular places then that was not permissible.

Attorney Davenport remarked when the County started doing time restrictions then it would be presumptively having to prove that this restriction was unrelated to the type of speech. He said this could not be proven during an election year.

Chairman Graw said this would be with the exception of temporary signs and there was a rationale for temporary signs and construction signs.

Attorney Davenport said he agreed that would apply to that specific type of temporary sign.

Chairman Graw said that was the reason there were two (2) different categories in this Sign Ordinance.

Vice-Chairman Powell gave as an example of his home being up for sale. He said he had the one (1) “For Sale” sign and a display with flyers.

Chairman Graw said if the display box was considered a sign then there would be two (2) signs on the property. He said if the P.C. did not want this display box to be considered a sign then it could state this in the ordinance.

Attorney Davenport said under the Sign Ordinance the display area would be considered a sign. He said the question was if this should be allowed. He gave as an example a Century 21 sale sign. He said those were higher in height than normal "For Sale" signs. He said in Fayette County under the current ordinance they were illegal because they were too high. He asked what the correct height, size, and number would be. He asked the P.C. not to get held up in calling this a "For Sale" sign but keep thinking of just plain signs.

Chairman Graw said that the main concern was what the citizens of Fayette County wanted for this community. He asked if these citizens would want to have a lot of signs that were permissible or have just one (1) large sign on their property. He said Fayette County was a very aesthetic type of county and he was looking at something smaller and more in number.

Mr. Gilbert said there would have to be some logic for the number of signs that would be allowed. He said if there was a square footage maximum, then that was the logic for the number of signs that somebody could put up.

Chairman Graw disagreed and said somebody could put up a lot of 1' x 1' signs.

Mr. Wheeler said if 16 square feet was the maximum number then somebody could put up 16 signs of 1' x 1' in their yard. He said the rationale would be that 16 square feet would be the common focal point.

Chairman Graw said he lived on the corner of a street and he did not think his neighbors would appreciate him putting up eight (8) 1' x 2' signs around the corner of his property running down the main road and around the corner. He said even though this might be permitted, his neighbors would not like it.

Mr. Gilbert said he understood Peachtree City's new ordinance was 32 square feet of signage and they were not limiting the number of signs.

Attorney Davenport recalled it was 16 square feet and he was not sure about the number. He said that was one (1) way of limiting the number. He said if a person puts a sign in their yard that was too small then it had lost its purpose to begin with. He said once a sign went below a 2' x 2' it would really just be a stake in the ground.

Chairman Graw said during the last Presidential election George W. Bush used a "W" on signs and everyone knew that referred to him. He said someone could put up 16 1' x 1' signs with a "W" on them.

Attorney Davenport said the P.C. had to be comfortable with the worst case scenario. He said if the P.C. was not comfortable with the worst case, then the number should be changed.

Vice-Chairman Powell felt the temporary sign during construction was the worst case because that was 24 square feet.

Attorney Davenport asked the P.C. to take notice of the signs at Harps Crossing Baptist Church and how big they were. He said those under construction signs were allowed and they were pretty large.

Mr. Wheeler interjected that a church was a Conditional Use in a residential district as opposed to an actual residence. He said the P.C. would need to think along two (2) different lines because this was a non-residential use in a residential district.

Chairman Graw suggested it be a maximum of 16 square feet with no sign being less than four (4) feet and no more than 12 feet.

Mr. Thoms said he lived in an agricultural area and there was a kennel across the street. He said they had a lot of acreage and they had a big sign. He said if he lived in a subdivision and there were 16 signs on five (5) houses in a row that might contain personal attacks on him for example, then he would get tired of seeing that. He said they could put up anything they wanted to and they had the right to do that.

Vice-Chairman Powell asked how much square footage would two (2) residential signs equal.

Attorney Davenport replied one (1) sign would be approximately six (6) square feet.

Vice-Chairman Powell said if two (2) signs were allowed there would be 12 square feet of signage.

Attorney Davenport said it could be an election type sign as well and be about 2' x 3'. He said right now it said one (1) sign six (6) square feet and he was not saying that was wrong. He said in a household during election season the husband and wife might want to support different candidates. He said this was the argument that he heard.

Vice-Chairman Powell said if there was a maximum of two (2) signs and a maximum on the square footage then that issue could be addressed.

Chairman Graw said without some kind of control, someone could put 16 1' x 1' signs on their property.

Vice-Chairman Powell felt four (4) signs was excessive and he suggested two (2) signs be the maximum.

Chairman Graw said he did not have a problem with that.

Vice-Chairman Powell said the logic was aesthetics.

Chairman Graw said he thought four (4) signs was reasonable. He said during the political season there were two (2) major parties and if a person was also selling his home this would be three (3) signs which would leave one (1) sign for something else.

Mr. Wheeler said this would be a nice even way to split 16 square feet.

Mr. Gilbert said he still liked the idea of controlling that with the minimum and maximum size.

Chairman Graw said if the 2' x 3' was used, it would be six (6) square feet, and four (4) signs were put up it would total 24 square feet. He said it could also be said that no sign smaller than six (6) and no sign larger than 12.

Attorney Davenport said it could read no more than three (3) signs or 18 square feet. He said someone could have a large sign with two (2) smaller signs.

Chairman Graw said this would give someone the opportunity to do what they wanted and to mix and match if they wanted to.

Mr. Thoms said the current standard was for one (1) six (6) square foot sign. He asked if that was defensible.

Attorney Davenport said he was currently in two (2) lawsuits with one (1) in Federal Court and one (1) in State Court. He said he had been somewhat successful in the State Court and there had been some problems in the Federal case. He stated that one (1) suit had been going on now for almost two (2) years and the other for over one (1) year.

Mr. Thoms said he was afraid the County would be "opening a can of worms" if the current ordinance was for one (1) sign six (6) square feet.

Chairman Graw said the County liked the way things looked right now, but the courts did not. He said the courts might say that by restricting it to one, it might be limiting free speech.

Attorney Davenport said the only court case that dealt with numbers was the Federal Circuit case that was out of the Fourth District that said two (2) signs were not enough. He said that did not have anything to do with Fayette County, Georgia. He said Fayette County had the one (1) sign limit and no one had gone on record saying that one (1) was too few or too much. He said he did not think there would ever be a case here that said that. He said in the grand scheme of things these billboard companies go and apply for a billboard and they know they will be turned down. He said then they would take the County to court and start tearing down the County's ordinance page by page by page. He said it never came down to the issue of one (1) sign being defensible, but was the entire ordinance defensible. He said if the community wanted no more than one (1) sign, then that would be fine. He said typically in election cycles there would be a lot of violations in the county and the county cannot keep up with them. He said the pattern in practice was to put more than one (1) sign out and that was what was seen across the County. He said this body needed to make a recommendation and the Board of Commissioners would make the final decision.

Mr. Gilbert remarked that the Marshal's Office did not patrol the County looking for violators. He said when the Marshals were called for sign violations, then they have to report that person and cite him. He said then that citizen gets mad, sees other people with a lot of signs, and that person gets on the phone and reports violations. He said citations did not occur because a Marshal was driving through a subdivision looking for violations. He said this occurred because somebody was mad at a neighbor or did not like who someone was supporting. He said this was where the political signs caused the problem.

Mr. Thoms said he agreed, but if the Sign Ordinance was drawn up to accommodate political signs then someone could put up three (3) or four (4) signs totaling 16 or 18 square feet year round, and say anything that they wanted to say. He said they could do that right now with one (1) six (6) square foot sign.

Chairman Graw said now that person could not put up their "For Sale" sign and during political season they could not put up a candidate's sign.

Mr. Gilbert said he had a fear that a judge somewhere one (1) day was going to say that the County was not being fair to its citizenry and giving them a chance to support political candidates or a chance to sell their house and have limited their right to free speech. He felt the citizens liked the way the County looks and wanted to keep it that way. He questioned if the citizens wanted the County to put something in the Sign Ordinance that would make it look like another Riverdale. He said he did not think the citizens wanted that. He said the P.C. must find the balance between the two (2).

Chairman Graw said he would like to see some kind of number limiting the signs.

Vice-Chairman Powell said two (2) signs would give a person the flexibility.

Chairman Graw said Attorney Davenport had mentioned that one (1) court had said that two (2) signs were not enough.

Attorney Davenport remarked that one (1) Federal Court had said that and it has been on the books now for several years and nobody has followed that ruling so far.

Chairman Graw felt this would be a guideline for the county.

Attorney Davenport clarified that when a Federal Court says that and nobody else picked up on that then that was also a message. He said maybe that Federal Court said more than it should have. He said that was the one (1) case that all sign opponents cite to by saying two (2) were not enough.

Chairman Graw said that was what another Federal Court would use as their basis for hearing a sign ordinance case.

Attorney Davenport said he was not trying to tell the P.C. that based on the Federal Court's ruling the County should base their Sign Ordinance on that and raise the permitted signs to two (2). He said if the P.C. was getting that message then he was not sending the P.C. the right message. He said he did not care if it was kept at one (1) sign. He said that would be fine. He said this was the time for the P.C. to make that decision. He said he was not kidding when he opened up by saying that this was the most controversial part of the ordinance. He said this was where the rubber meets the road. He said what verbiage goes in here would shape the rest of the ordinance.

Vice-Chairman Powell asked what would be most aesthetically pleasing and still give the flexibility for someone to have free speech rights. He said if the number was three (3) signs, the sign size should not be anymore than 2' x 3', which would be six (6) square feet per sign for a total of 18 square feet. He said he would not want them to have the ability to have one (1) sign 18 square feet.

Attorney Davenport asked what would be the largest sign that would be compatible.

Vice-Chairman Powell said a standard "For Sale" sign was about the most appropriate sign that someone could have.

Attorney Davenport said there was one (1) 2' x 3' sign in the ordinance now. He said this could say three (3) signs no larger than 2' x 3'.

Chairman Graw asked what the three (3) signs would accommodate. He said during an election season it could accommodate two (2) political parties and something else.

Mr. Thoms said someone could put six (6) candidate's names on three (3) signs if they used the front and back of the sign.

Attorney Davenport asked the P.C. to assume that was what it wanted to do then how would the height look on a 2' x 3'. He said he had mentioned the Century 21 sign for a reason.

Mr. Thoms asked how high those signs were.

Attorney Davenport replied that they were higher than four (4) feet tall because that was the County's standard. He said they were probably five and a half (5.5) feet to six (6) feet tall. He asked the P.C. to keep in mind if the limitation was shorter than Century 21 there were going to be a lot of Century 21 people or others with similar type signs complaining that this was their standard. He said in Fayette County the signs would have to meet the requirements of the ordinance. He said this would definitely be an issue that would be coming up.

Chairman Graw said the question would be if the county really wanted to accommodate an industry and what they have for their signage.

Mr. Thoms said if the County accommodated this company then it would be inviting others to take advantage of this.

Mr. Beckwith asked if there needed to be a height limitation.

Attorney Davenport replied yes he felt there needed to be one (1). He said if a height limitation was

not put on this then there would be a 2' x 3' sign that was ten (10) feet high. He said he was not giving a valued opinion of this being right or wrong, but that was what it would be.

Chairman Graw said he did not see any reason right now to change the height limitation. He said he did not see a reason why anyone would need a sign higher than three (3) feet, except to accommodate a particular industry. He said if the County accommodated this particular industry, then it would have to accommodate others.

Attorney Davenport said in other areas of the ordinance the structure itself could be exempt from the height limitation requirement. He said if the structure were to go up one (1) foot higher than the sign you would still only measure the height of the sign. He said, for example, a four (4) foot Century 21 sign with the post being above the three (3) foot limitation, would still be alright because that was not where the sign was located.

Mr. Beckwith felt four (4) feet was appropriate.

Mr. Thoms remarked that the type of signs being discussed right now were non permitted signs that were allowed in residential districts. He asked if there was any way to allow temporary signage that could be permitted that would allow someone to put up 20 political candidates signs for a temporary time period.

Attorney Davenport remarked that he had tried to use the word temporary as a type of structure as opposed to the time period in which the sign was up. He said temporary goes toward the type of structure. He said when someone talks about temporary as a time period then by definition they would be talking about a restriction on non commercial speech. He said if any kind of speech was going to be restricted then it had better be commercial speech. He said once restrictions were put on noncommercial speech there would not be anything the County could do to support that. He said the P.C. would have to look at the flip side of this and not just the time period allowing the additional signs but what was being said outside of the time period. He said the courts have held, pretty consistently, that this would be a restriction on free speech.

Chairman Graw asked if the P.C. wanted to put in a restriction as far as a number of signs.

Mr. Beckwith suggested no more than three (3) signs.

Chairman Graw asked if the P.C. wanted to restrict it to square footage per sign.

Mr. Gilbert suggested no more than six (6) square feet.

Chairman Graw asked if the P.C. wanted to restrict it to a total square footage.

Attorney Davenport replied that six (6) square feet had just been suggested.

Chairman Graw clarified that there would be three (3) signs and no more than six (6) square feet.

Attorney Davenport asked if the P.C. wanted to cover the contingency of allowing the height to be greater than four (4) feet for the structure itself, not including the sign, or just say no more than four feet. He questioned subdivision entrance signs.

Mr. Wheeler remarked that a subdivision entrance sign could actually be no higher than four (4) feet. He said the sign structure could be no higher than five (5) feet. He said if posts or columns were included they could be six (6) feet. He said if a wall was included that extended out from the sign the wall could only be four (4) feet.

Mr. Wheeler said the draft that was before the P.C. tonight states that signs shall not exceed five (5) feet in height as measured from grade.

Mr. Thoms said another issue that the P.C. needed to look at was location. He asked if the there was some way to determine this.

Attorney Davenport remarked that right now everybody was looking at this particular regulation and thinking about lots in a subdivision because that would be the densest area. He said if the P.C. solved that problem, it was still probably necessary to look at lots outside the subdivision. He asked if it would be fair to have a lot with 500 feet of road frontage limited to three (3) signs when a lot of 50 feet of road frontage could have that same three (3) signs. He said this was a question that the P.C. would have to answer. He said it would still work regardless of what the P.C. did under Section 5-22A, because the smallest type lots were being addressed. He said when the P.C. finds a solution for Section 5-22A, it might also be fine for the large frontage lots. He remarked that the widest footprint of a lot under the county's regulations was 250 feet. He said this may be the standard for the county and use multiples of 250 feet or multiples of 500 feet for large tract frontage. He said this would give the county the ability to plug this in as a formula.

Mr. Thoms said if location had to be discussed, the signs would have to be set ten (10) feet from the right-of-way or no closer than ten (10) feet apart.

Attorney Davenport asked what the purpose would be for placing a sign ten (10) feet from the right-of-way.

Mr. Thoms said he was thinking of visual safety of the placement of a sign. He questioned if there might be a problem with signage height and signs located in the right-of-way when people pull up to the corner. He questioned the possibility of a safety issue.

Chairman Graw said he recalled that there was already something in the ordinance that talked about signs not going in the right-of-way and having to go on someone's property.

Attorney Davenport said his question was what is the basis for making the sign to be ten (10) feet from the right-of-way.

Chairman Graw felt this could be defended if the sign was out of the right-of-way and Attorney Davenport agreed.

Attorney Davenport remarked that this also applied to intersections. He recalled that there could only be a certain number of signs at intersections.

Mr. Wheeler replied that he had discussed this very issue with Mr. Davenport. He said he was told when thinking about right-of-way, do not think about pavement. He said pavement was only 12 feet wide from the center line unless it was a multiple lane highway. He said if there were 60 feet of right-of-way, the sign would be another 18 feet from the actual edge of the road.

Attorney Davenport said it was not so much why but how one would justify that to someone who wanted to use that ten (10) feet of property for a sign. He said people would claim the county was taking their property without just compensation. He pointed out that the pavement never expands until the right-of-way expands.

Mr. Wheeler said the worst case would be that the county would have to deal with a prescriptive easement which would be ditch to ditch and most of those tended to be dirt roads anyway.

Attorney Davenport said this would still involve a minimum of 35 feet.

Vice-Chairman Powell said he was thinking about subdivisions as well. He said a lot of the country homes around Brooks and Griffin were on large properties and did not have small signs but rather large signs.

Attorney Davenport said there might be an area for this issue in the Sign Ordinance. He said once the P.C. solved this equation in the subdivisions, then the P.C. would have to ask if that would be proper for the larger lots located on State highways.

Chairman Graw clarified that the P.C. had agreed on Section 5-22 for three (3) signs and no more than six (6) square feet per sign.

Attorney Davenport said the signs would have a limit of four (4) feet high and five (5) feet for the structure.

Mr. Wheeler remarked that the Marshals would be coming to him to ask for the requirements. He said he would prefer that there be a height limit set for the sign and the structure so it would be clear as to the maximum height requirement. He said currently the ordinance said five (5) feet. He asked if the P.C. wanted to keep it at this height or go with four (4) feet.

Mr. Beckwith said the P.C. had agreed on four (4) feet.

Attorney Davenport said the P.C. had agreed on four (4) feet for the sign and five (5) feet for the structure.

Vice-Chairman Powell asked for clarification on banners. He said the ordinance currently says that banners shall not be exempt from this section.

Mr. Wheeler interjected that the word "not" should be removed to read that banners shall be exempt from this section.

Attorney Davenport remarked that the definition had been changed for freestanding signs to include banners. He said as a result there was no separate section for banners. He said letter C. would clarify banners.

Mr. Wheeler said nine (9) out of ten (10) times a banner was put up for something temporary.

Vice-Chairman Powell asked if this was allowing a banner of 24 square feet and three (3) six (6) square foot signs.

Attorney Davenport replied yes. He said this was why this was built up in this way to see if this was what the P.C. was looking for as far as signage for a residential lot. He said with banners it would probably be some kind of congratulations message or welcome home message, and were only up for a limited time period or temporary basis. He said it was not tied to any type of political speech at all but it was a temporary type message. He said under the commercial zoning districts banners were allowed for three (3) different time periods during the year with no more than 14 days per time period. He said in this area of the ordinance the question had to be asked if the P.C. wanted to allow banners or not allow them. He said banners were out there and they were out there pretty regularly.

Mr. Thoms asked if banners were currently illegal on residential properties.

Attorney Davenport replied yes, the way banners appear around the county now.

Chairman Graw said with patriotism being high and troops coming home, people were displaying banners more frequently.

Attorney Davenport said he had noticed large graduation banners along S.R. 92 congratulating the seniors.

Chairman Graw said he had also seen this at the entrances in subdivisions in Peachtree City.

Attorney Davenport remarked that one thing to keep in mind was the material that these banners were made from. He said it was typically a material that was going to be degraded in a very short period of time and while the time frame was not being controlled, the aesthetics were. He said if a two (2) week 30 day limitation geared toward the actual aesthetics of the sign itself, it would be required to come down within a certain period of time. He said this was a consideration that the

P.C. could make. He said this could specifically be tied into Subsection C. He said in this way it would put the person on notice who put the banner up that it had to come down within thirty days. He said this was just a suggestion.

Attorney Davenport said he did not have the solution for the banners issue. He said it was a hard situation but it was a fact of life that people were going to put these up.

Mr. Thoms remarked that it was stated previously that the Marshals were not out riding around looking for sign violations. He asked how many complaints the county had received for banners. He said he was aware that Mr. Davenport was an attorney and that it must be done legally but common sense should be used. He said who would ride past a high school graduation banner and determine it was a sign violation and should be taken down. He asked if the Marshals were allowed to overlook some stuff. He asked how often does this get reported.

Attorney Davenport responded no, the Marshals were not allowed to overlook anything. He said once the law was on the books and they see a violation, there was no discretion as far as that was concerned.

Mr. Thoms said if that was the case, then don't make the law.

Vice-Chairman Powell said that was the reason this was so difficult.

Mr. Thoms said when these banners were legal then the nuisance would come in and say that everybody that sits in the P.C. Workshops did not know what they were doing when it came to the Sign Ordinance. He said whatever message comes across there, that was not what the community nor the citizens wanted. He said he was talking about content. He said he knew the county could not defend content. He discussed various messages that could go up on these banners.

Attorney Davenport said the problem was if an attorney came into town and used that as a basis to prove how the County did not enforce the Sign Ordinance, gets the Sign Ordinance thrown out, and has eight (8) billboards put up that were 30' x 60' feet tall. He said this was exactly what happens in community after community after community. He said it was not what would be great to have but what could be put on the books and enforced and be within the law. He said this area of the law has changed over time. He said the P.C. had done a comprehensive review of this five (5) to seven (7) years ago and what was being reviewed now was outdated. He said the P.C. did not have the answers here for all of the questions. He said if the County knew a sign was going up and there were banners around the county and not dealt with, then the County had caused them to be illegal. He said that was really what the solution was. He said the County would have to deal with this situation or it would be illegal.

Chairman Graw called for a short recess at 8:25 p.m.

Chairman Graw reconvened the meeting at 8:42 p.m.

Vice-Chairman Powell remarked that the P.C. had been discussing the issue of banners. He said the P.C. had not discussed how long banners could be displayed. He said the question of banners started in 5-22. He suggested it read not to exceed five (5) days.

Mr. Gilbert felt this was too short a time period. He said the graduation banners go up in the later part of May and stay up about a week or two (2) after graduation.

Attorney Davenport felt there was probably some way that a justification could be worked out with the 18 square feet of signage. He said it would also be recognized that at certain times of the year someone might want to say a little more on a temporary basis. He said the P.C. would have to decide if someone would be allowed to keep a banner up for 30 days or more than one (1) 30 day period.

Mr. Beckwith said it could be based on aesthetics because if a sign deteriorated, it would make the neighborhood look bad.

Attorney Davenport said the P.C. would have to decide if someone could only leave their banner up for a 30 day period and that would be the end of it or would the P.C. want to allow someone more than one (1) 30 day period.

Chairman Graw asked if a time limit needed to be put in the ordinance at all. He said the vast majority of these banners would be self-regulating. He said the banners would be put up for a particular purpose and then they would be taken down. He said he was aware of the fact that there would be some people who would want to leave the banners up.

Vice-Chairman Powell remarked that the worst case scenario would be the person who would put up an indestructible banner and would leave it up forever. He said he was using this as the worst case. He said this might be one (1) of their next door neighbors and no one would like it.

Chairman Graw said time limits was one (1) extreme and the other extreme was no time limits.

Mr. Beckwith said he would be in favor of reasonable durations.

Mr. Thoms asked how a time limit could be put on banners and not on signs.

Attorney Davenport clarified that because 18 square feet or three (3) signs to handle speech in general, he was suggesting that he would be willing to look at trying to restrict banners in some fashion because of the realistic problem the County was facing. He said the County could either allow these every day 365 days a year or the County would not allow them at all. He said it had to be decided if there was some way that the County could go about putting a limitation on banners that the P.C. did not feel comfortable with in putting on signage. He said the sign itself was a well recognized medium of free speech that every person in this Country had. He said it was recognized that during special occasions there might be the need for more signs. He said if the P.C. did not decide on this issue then the Marshals would be citing citizens for putting banners up.

Vice-Chairman Powell asked if the P.C. could put the restriction in there for 30 days maximum per year.

Attorney Davenport said he would feel comfortable doing that because this would be based on the material of the sign itself. He said typically banners would be made of a material that would not last much longer than 30 days. He said he could probably justify that by saying because of the material itself that 30 days was reasonable.

Chairman Graw said there was the commercial issue that stated three (3) times a year for a period of 14 days each time.

Attorney Davenport remarked that was a regulation of commercial speech. He commented on another practical problem with this. He asked the P.C. where they typically saw these type of banners.

Mr. Gilbert replied usually in subdivisions.

Attorney Davenport asked where in subdivisions.

Mr. Thoms replied these banners were usually at the entrance to the subdivisions.

Attorney Davenport asked who typically owned the property in front of a subdivision. He remarked that the homeowners owned that property and they would be responsible for the ticket. He asked how this could be enforced. He said everybody in the subdivision would own the sign because everybody in the subdivision owned the property that the sign was on. He said this would be an

enforcement problem.

Chairman Graw questioned if this could really be enforced and if it should even be included in this ordinance. He said there might not even be a homeowners association.

Attorney Davenport said there must be a homeowners association on all subdivisions after a certain date but that did not mean there always was one (1). He felt the P.C. could put a proper limitation on the size and people would obey that limitation. He felt if there was a banner that was too large there would not be a citation but somebody would take it down.

Mr. Beckwith asked if the ordinance could read that this would be a maximum of 30 days per calendar year.

Mr. Wheeler said if the P.C. was going to decide on that time period then it should be increased. He said a lot of people might want to put up a banner during the Christmas Holidays. He recommended 120 days and felt this would give someone four (4) times during each year for a 30 day period. He said even100 days per year would give someone three (3) times per year.

Attorney Davenport said this would open up an enforcement issue of permitting. He said the only way to control that would be through permitting.

Mr. Gilbert asked why the ordinance could not read that it was allowed for 30 days and during the year they could put up two (2) more signs. He felt this would not be a continual sign up, sign up and sign up. He suggested it read that a sign could not be up for more than 30 days and let it go at that. He felt in this way it would control itself.

Chairman Graw clarified that in Section 5-22C it could say that residential districts shall be allowed one banner up to 24 square feet in size. He said such banner could not be displayed for more than 30 calendar days. He asked if this would permit the person to put up another banner.

Attorney Davenport replied that practically it would permit them to do that but he felt the P.C. was trying to tie the time frame to some reason other than the message. He said that reason was because of the material of the banner.

Chairman Graw asked if the verbiage could be that no banner shall be displayed for more than 30 calendar days would be alright.

Attorney Davenport replied yes he felt that would be fine.

Chairman Graw said it further stated that no permit shall be required.

Mr. Thoms questioned the height limitation using the horizontal plane of the roof or where the building wall and roof meet. He asked about the banners going up on subdivision entrance signs.

Mr. Wheeler said it would not concern those but would apply to the banners that people would put up on their homes. He said it meant that someone could not get up on their roof, mount two (2) stakes really high and stretch a banner between them. He said the County did not allow any sign to extend above that point on a building, even in the commercial districts.

Vice-Chairman Powell asked about signs on a 12 foot tennis court fence.

Attorney Davenport remarked that there was no height limitation. He said the height limitation was based upon the structure itself.

Mr. Thoms asked if it would be alright not to have a height limitation.

Attorney Davenport replied that this would be up to the P.C.

Mr. Thoms remarked that there was a height limitation on the signage in the previous section of five (5) feet.

Mr. Wheeler said he would make a note to change this to four (4) feet to match the previous section.

Attorney Davenport said signs were staked in the ground and banners were strung between two (2) posts or attached to a wall or chain link fence. He said if the P.C. did not like that then he felt that should be addressed. He said if the P.C. did not address this, they would still be that way. He said a banner was called a freestanding sign. He said the reason was because of the construction of the banner. He said there would either be two (2) posts or it would be attached to a wall. He said this had been called a free standing sign for clarity of definition.

Mr. Wheeler clarified the verbiage that the P.C. had agreed on for C. He said it would read that residential districts shall be allowed one banner up to 24 square feet in size not to be displayed more than 30 days.

Attorney Davenport questioned the verbiage "residential districts". He asked if that should read "residential lot". He said with the plural districts and plural banners, this would open up an interpretation which meant that someone could have more than one (1) banner on their property. He suggested that a residential lot shall be allowed one (1) banner.

Mr. Wheeler said this banner would be up to 24 square feet in size and not to be displayed more than 30 days. He said no banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than four (4) feet above grade when mounted on the ground. He said no permit shall be required.

Attorney Davenport said there would be a 30 day limitation for the time.

Mr. Wheeler stated that verbiage was included.

Chairman Graw directed the P.C.'s attention to page 17 and Section 5-22A. He said this pertained to parcels located in a residential zoning district. He suggested the word lot be used since there was no definition of parcel.

Attorney Davenport recalled the P.C. clarifying that a lot was a parcel of land.

Mr. Wheeler said staff would be glad to change parcel to the word lot.

Chairman Graw called the P.C.'s attention to Section 5-22B.

Mr. Wheeler remarked that this particular section had not changed intent or application. He said the wording had simply been changed to be a little clearer. He said currently the ordinance stated that one (1) sign would be allowed at every primary entrance to a subdivision. He said in there it stated that this would constitute one (1) sign on either side of the entrance. He said staff had just changed that verbiage to say each entrance shall have two signs (2).

Vice-Chairman Powell asked that staff change the verbiage to each so that it reads no more than two (2) signs shall be allowed to be placed "at each entrance of a subdivision" as opposed to "at the entrance of a subdivision."

Chairman Graw asked for clarification of the verbiage that "the sign shall be placed on common property under the ownership of the HOA." He asked what would happen if there was no HOA.

Mr. Wheeler remarked that now there would have to be an HOA for every new subdivision being approved.

Chairman Graw asked what would happen to the subdivisions currently not have an HOA.

Mr. Wheeler said those subdivisions were handled. He said they were put on easements at the front entrance of the subdivision. He said most of those subdivisions already had signs.

Attorney Davenport said there was a date certain in the ordinance which would apply to this.

Mr. Wheeler said with the final plats currently being reviewed, staff is requiring a small easement for signage to allow placement of the subdivision entrance sign to be indicated on the final plat.

Chairman Graw asked if the P.C. was happy with B and if the consensus was that everyone was in agreement.

Chairman Graw directed the P.C.'s attention to page 18 Section 5-23 regarding wall signs.

Mr. Beckwith asked if there was any possibility of that being construed as a banner.

Mr. Wheeler said staff had defined a wall sign and also had defined a banner.

Chairman Graw said it stated that a wall sign was painted on the wall surface.

Chairman Graw asked the P.C. if they had any problem with letter A. Hearing none, he asked if there were any concerns with letter B.

Mr. Wheeler said letter B referred to a mural being painted on the side of a barn such as a John Deere tractor. He said staff wanted to limit this in specific ways so as not to make it intrusive.

Chairman Graw asked if a homeowner could paint large pink circles on their home. He asked if that would be considered a mural graphic.

Attorney Davenport said that would not be a mural graphic but an exterior paint design. He felt there would be some problems with covenants with this issue for newer subdivisions. He said this was really an optional kind of verbiage. He said staff wanted the P.C. to consider this as an option. He said anything bold and underlined in this ordinance was being presented as an option. He said this was being permitted in residential areas with this language.

Chairman Graw asked what was the reason for this being done.

Mr. Wheeler said wall signs were not being permitted in the same way that they were being permitted in a nonresidential district. He said the issue of mural graphics had come up during discussions. He said because a mural would go on a wall and in some way it could possibly give the appearance of advertising something.

Chairman Graw asked what if a person had a home business such as selling John Deere tractors. He asked if that person would be permitted to paint "Buy John Deere Tractors" on the side of his home.

Mr. Wheeler replied no. He said that would come under wall signs for a different reason.

Chairman Graw asked if the person would be permitted to draw a large tractor on the building.

Mr. Wheeler replied yes. He said the drawing could not be more than a certain percentage. He said

a person with a home based occupation would not be permitted to sell John Deere tractors.

Attorney Davenport said these murals were really not seen around here except as how Aaron described it as being on an accessory structure. He said the P.C. might decide not to allow it all and if it was allowed, to limit it to an accessory structure. He said he just did not see a prevalence of this in the county.

Vice-Chairman Powell asked what would happen if someone painted a picture over their door to their home.

Attorney Davenport replied that arguably that would be considered a mural. He said he had seen that type of thing with some stucco houses in Sea Island that had columns painted on the front of the homes.

Vice-Chairman Powell said he had seen the very same thing in the County.

Mr. Gilbert said he had also seen designs made out of stained glass and these being hung in the windows.

Chairman Graw said he personally would rather restrict this and not do it.

Attorney Davenport suggested putting a period after all residential districts under Section A and then just stop with the rest of it.

Mr. Wheeler said letter B in Section 5-23 would be deleted.

Chairman Graw directed the P.C.'s attention to Section 5-24 regarding window signs.

Mr. Wheeler said currently in the ordinance it could be argued that the County did not allow window signs in residential districts. He said the only time he could see a problem having window signs was if it became a life safety issue. He said for the most part a window sign would not be seen from the road. He said this needed to be addressed in such a way that says it was definitely allowed.

Attorney Davenport said primarily window signs would not be seen. He said right now the way the ordinance was structured if there was an apartment complex in the unincorporated County, those residents did not have a place to put a sign nor did they have their own lot. He said if window signs were allowed, this would give those residents the ability to put a sign up in their window if they wanted to do that.

Chairman Graw questioned if someone would be permitted to take ten (10) 8.5' x 11' pieces of paper and put them in each window pane of glass to cover up 25% of their window.

Attorney Davenport replied yes the way the ordinance was currently written. He said typically window signs would not be seen because the structure was too far from the road for the window signs to even be read. He said there would be signs sitting in the yard close to the right-of-way.

Chairman Graw said his concern was probably more for commercial than it would be for residential.

Attorney Davenport said this was addressed in commercial as well.

Chairman Graw clarified that the P.C. did not have a problem with Section 5-24 regarding window signs.

Chairman Graw directed the P.C.'s attention to Section 5-25 regarding temporary signage during construction. He said the P.C. had already discussed this.

Vice-Chairman Powell said he understood Section 5-25 now based on the square footage of three signs.

Mr. Wheeler said there was also the banner discussion.

Chairman Graw directed the P.C.'s attention to Section 5-26 regarding signage in the A-R zoning district.

Mr. Wheeler said this was also something that was in the ordinance. He said because the A-R district had certain and specific permitted and conditional uses that were not residential in nature i.e. wholesale greenhouses, the ability to sell produce and livestock, daycare centers, churches, etc. He said there had to be a provision where they could have one (1) sign because they were a nonresidential use and they could have a nonresidential sign. He said normally in the middle of a subdivision you would not see a nonresidential A-R use. He said if there was a 50 acre tract with some greenhouses that is considered a wholesale floral company then that person could have a business sign displayed the same as was allowed in a C-H district. He said this was the way that staff had approached this.

Chairman Graw asked Mr. Wheeler what staff meant by Division III of this ordinance.

Mr. Wheeler said this would refer someone back to Division III Article 5 regarding nonresidential districts.

Chairman Graw directed the P.C. to Section 5-27. He said this section had already been discussed.

Mr. Wheeler said he had removed the redundancy because flags were mentioned in the section that said no permit was required and it would just say that three (3) flags were allowed.

Chairman Graw questioned the flags and/or flagpoles verbiage. He asked if someone could have three (3) flagpoles with no flags on them.

Mr. Wheeler replied that someone could have three (3) flagpoles up and put three (3) flags on them or someone could have one (1) flagpole with three (3) flags on it. He said if someone put up three (3) flag poles and had not put any flags on them, they would not be in violation of anything.

Mr. Wheeler asked the P.C. if it would be possible to schedule another Workshop before the next public hearing to finish the discussion on this ordinance.

The P.C. members said they would check their schedules and get back with Mr. Wheeler.

Vice-Chairman Powell clarified that the P.C. was on page 19 of the ordinance and everything from the top of page 24 to the end had been deleted.

Mr. Wheeler said if the P.C. could get another Workshop in for completion of discussion then he could schedule the first public hearing in September.

Mr. Gilbert felt the P.C. could complete discussion on the Sign Ordinance after their regular meeting on Thursday, September 1, 2005.

Chairman Graw said it was the consensus of the P.C. that a Special Workshop would be held on September 1, 2005 after the regular P.C. Public Hearing.

Chairman Graw said the P.C. needed to hold an Executive Session to discuss one (1) legal item.

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EXECUTIVE SESSION:

Doug Powell made a motion to hold an Executive Session consisting of the P.C. and Attorney Dennis Davenport to discuss one (1) legal item. Al Gilbert seconded the motion. The motion unanimously passed 5-0. Chairman Graw adjourned the Workshop for Executive Session at 9:20 p.m.

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LEGAL:

The Planning Commission discussed one (1) legal matter. No action was taken on this matter. The Executive Session adjourned at 10:25 p.m.

PLANNING COMMISSION

OF

FAYETTE COUNTY

_____
JIM GRAW
CHAIRMAN

Attest:

_____
KAREN MORLEY
CHIEF DEPUTY CLERK