

**CITY OF BERKELEY LAKE**  
**4040 SOUTH BERKELEY LAKE ROAD, BERKELEY LAKE, 30096**  
**PLANNING & ZONING COMMISSION MEETING**  
**MINUTES**  
**MAY 8, 2012**  
**7:30 PM**

Those in attendance at the meeting were as follows:

Commission Members:	Rodney Hammond, Chair Jeff Cooper Dan Huntington
Mayor:	Lois Salter
Deputy City Administrators:	Pat Chapman Leigh Threadgill
Commission Members-elect:	George Kaffezakis Amy Waldheim
Citizens Present:	0

**I. CALL TO ORDER:**

Hammond called the meeting to order at 7:30 P.M. at 4040 South Berkeley Lake Road noting that a quorum was present with all commission members present. Hammond recognized Mayor Salter's attendance.

**II. OATH OF OFFICE**

Mayor Salter administered the Oath of Office to newly appointed Commission Members Amy Waldheim and George Kaffezakis after which Hammond welcomed them to the Commission.

**III. MINUTES**

a) Minutes of April 10, 2012

**Cooper moved to approve the minutes as submitted. Huntington seconded the motion. Cooper, Huntington and Hammond voted in favor. Kaffezakis and Waldheim abstained. The motion passed.**

**IV. APPROVAL OF OR CHANGES TO THE AGENDA**

Hammond asked for any changes to the agenda. As there were none, Hammond called to move forward with the agenda as presented.

## **V. OLD BUSINESS**

There was no Old Business.

## **VI. NEW BUSINESS**

### a.) O-144-12, Revised Sign Ordinance

Chapman explained the need for a new ordinance and that the amendment before them was a complete re-write of Section 62 of the City Code. It came about because the City needed to consider recent changes in the law pertaining to sign regulation and to the practice of sign regulation as well as new developments in technology related to signs. The City also needed to consider the newly annexed area and bring uniformity and consistency to the current and future businesses. The product achieves the balance between protecting the rights of the citizen not to be bombarded with a proliferation of signs and the first amendment rights of citizens, individuals and businesses to exercise free speech. It is being brought before the Commission for a recommendation so that the process for adoption fully complies with the Georgia Zoning Procedures Law. She asked for questions from the Commission.

Cooper noted the presence of a recording studio now in the city that uses a search light each time they host an album debut party with big name artists, but this ordinance prohibited them. He did not find them objectionable and thought we should allow them to continue in the business areas. Chapman responded that it was a policy decision that could be included in a recommendation to the council.

Kaffezakis expressed similar concerns with the prohibition of festoons, balloons and inflatables that were appropriate in commercial areas on a temporary basis.

Huntington asked for a clarification of the mechanism for making changes to the proposed ordinance. Chapman responded that she would prepare a written document outlining the Commission's suggestions to be forwarded to the council before final action is taken.

Huntington asked how the ordinance was developed. Chapman responded that she has written sign ordinances in the past and pulled from her personal experience as well as what she saw as good practice in other jurisdictions, especially some of the new cities that have adopted ordinances without the unconstitutional flaws of out-of-date ordinances. She explained the issue of content-based restrictions and what can and cannot be done using content to regulate.

Hammond asked Chapman to run through the differences between the city's current ordinance and the proposed one. Chapman explained that the current ordinance has a lot of content-based provisions that needed to be eliminated. She tried to balance the allowed sizes with what the county allowed but one provision that was changed is the way allowable wall sign size is determined – no longer a percentage of the wall but based on the floor space occupied by the business. The limitation of window signs was maintained. The new ordinance clearly allows every property to have at least one sign. The new ordinance provides for the use of electronic signs under limited circumstances so as not to create distractions to drivers.

Kaffezakis inquired that if the proposed ordinance were applied to the commercial areas today, what would look different. Chapman responded that the only significant change would be that a number of the older businesses have pole-type signs that would no longer be allowed. Signs would have to be monument style. Any existing pole signs would become legal non-conforming signs. Size wise there would be very little difference; likewise for number. Kaffezakis then asked if any feedback from businesses had been received. Chapman replied that one business owner who was in the office getting a

temporary banner permit was very happy to learn that she could possibly have a banner four times per year rather than the two times currently allowed.

Cooper raised the issue of variances and why they would go directly to council and not to the P&Z Commission. Threadgill replied that it used to be that P&Z heard sign variances but that it was changed at the request of a former Commission chair. Chapman stated that she had left the process as is but council could delegate that back to the Commission and that could be included in the recommendations.

Cooper inquired about graduation banners and having to get a permit and pay a fee every year. Chapman responded that the intent was that signs on residential properties were exempt from the permit requirement.

Hammond then called for any other changes. Huntington asked about billboards. Chapman explained that, while they were not specifically named, it would be unlikely that one could be built with the proposed size, height and style requirements. All existing billboards would become legal, non-conforming uses. They are actually already prohibited by the Peachtree Corners Overlay District.

Huntington further inquired about other temporary signs. After some discussion, he proposed to remove several of the prohibited signs and devices and allow them under the temporary category with restrictions. It was agreed to recommend that searchlights, balloons, festoons and inflatables be allowed up to four times per year for three consecutive days.

Huntington then inquired about the requirement for monument style only and the definition used by Sandy Springs that required the base to be as wide as the top and excluded metal from the allowed materials. Chapman responded that her intent was to craft a definition that allowed for more than a simple rectangular form constructed of only masonry materials. She agreed to look at the Sandy Springs language and consider a change.

Hammond again asked for other suggestions. **As there were none, and there were no dissenting opinions as to the suggestions discussed, it was the consensus of the Commission that the following changes would be recommended to council: 1) delegate authority to decide variance to the P&Z Commission in the same manner as for the Zoning Ordinance; and 2) include inflatables, balloons, festoons and searchlights in the temporary category with restrictions.**

b) O-147-12

Chapman stated that this amendment to the GC-A district regulations was the product of last month's discussion and action directing the staff to proceed with a text amendment to allow the commercial and industrial properties in the newly annexed areas to have temporary signs. The amendment is written as an exception to the prohibition of all temporary signs contained in the Peachtree Corners Overlay District of Gwinnett County.

Huntington inquired about the application of the Peachtree Corners Overlay District and how it could be undone as the area was not in Peachtree Corners. Threadgill responded that the city could repeal the whole thing but the regulations had to do with aesthetics in the corridor and she asked if his intent was to do away with the requirements entirely or refer to them differently. Waldheim inquired about how the new regulations would apply to her residential area with respect to neighborhood watch signs. Chapman replied that they would be allowed subject to the standards of the ordinance.

**Huntington moved to recommend approval of ordinance O-147-12 to the City Council. Cooper seconded the motion. All voted in favor and the motion passed.**

## **VII. CITIZEN COMMENTS**

Hammond recognized Mayor Salter and expressed appreciation for her staying throughout the meeting. Mayor Salter thanked the Commission members for their valuable service to the community. She then informed them that plans were in the works for an event to recognize Threadgill for her service to the city and say goodbyes and, knowing that some would wish to participate, they would be receiving more information as the details were decided.

**Huntington wanted to go on record to recognize and thank Sally Rich-Kolb and Tom Merkel for their service on the Commission. He so moved. Cooper seconded the motion. All vote in favor and the motion passed.**

## **VIII. ADJOURNMENT**

**Kaffeidakis moved to adjourn the meeting. Cooper seconded the motion. All were in favor, and the motion passed.**

Hammond adjourned the meeting at 8:50 p.m.

Respectfully submitted,

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Pat Chapman  
Deputy City Administrator