

## **TEXT AMENDMENT**

### **RZ09-04**

**Text Amendment to the Roswell Zoning Ordinance regarding allowable vehicle signs within the city.**

Roswell Planning and Zoning Director Brad Townsend stated that this was a proposed text amendment for new and used automotive sales establishments to be allowed to put a price on the windshield, maximum size of eight-inch letters, 10 inches from the roof. The only color that is allowed in the draft ordinance is a non-fluorescent white. They are allowed to put the price, model and year of the vehicle for sale on the windshield. This ordinance came about dealing with a code enforcement issue of the car dealerships putting large plastic along the sides of their vehicles indicating the price as well as covering the whole windshield in the front. There was no control or code at the time so during committee representatives of the automotive industry put forth the recommendations of the eight-inch letters and the staff has come through council, which has initiated this to have this as a text amendment.

Sarah Winner stated that she was interested in what Townsend said about when he talked with members. He stopped at eight new car dealerships today and every manager that she talked to is mad about this. They don't like it, they think it is doing nothing but harming them, that Roswell is crawling up their back, that Alpharetta doesn't require it two dealerships down. She is curious who helped Townsend...

Brad Townsend stated that he did not say that they were happy with it. He did say that they were part of the discussions that drafted this as part of committee. The language is really coming from mayor and city council.

Sarah Winner stated that she does not doubt that. She stated that the Lexus manager asked her what is to stop Roswell from starting to control how people print their menus that they put in the front of their restaurants or the color of playground equipment at daycares. He was pretty hostile about some of this. She questioned it being only white, only eight inches?

Brad Townsend stated that he was the messenger.

Sarah Winner stated that her understanding is even if they want to paint a little holly leaf on the front windshield of their car; they cannot do that if this regulation passes.

Townsend stated that it is supposed to be for the price, model and year of the car.

Sarah Winner stated that when they are trying to encourage business in the worst economics they have had, with an industry that is suffering, they are putting more restrictions on how they can advertise compared to Alpharetta, which shares half of Mansell Road. This is just mind-boggling to her. And she knows that Townsend is just the messenger but she is assuming that they are writing down what she is saying and maybe one of the six people on council will explain to her what their logic is.

Susan Baur asked if there were any other questions for staff.

Cheryl Greenway asked where did the issues initially arise that caused the need for doing this? Brad Townsend stated that they were getting very creative with how they were identifying the price as well as how they were identifying the car for sale and really going overboard. There were a couple of dealerships that just crossed the line and they had to try to pull it back in. Through a couple of committee meetings this was the language that actually was fostered and was recommended to be initiated to go through the process for approval. Greenway asked if it was that there was so much coverage over the car that it was obnoxious to look at. Or was it causing people to wreck cars because they were turning their head trying to read it? What was the problem?

Brad Townsend stated that it was obnoxious, it really was. Greenway clarified that it was more that they were just getting carried away and really just covering the cars up with letters and numbers and everything, Townsend stated that was exactly what it was. Greenway stated that now the city is just trying to get it back to something tasteful. Townsend stated that they have seen the pendulum swing a couple of ways. Greenway stated maybe a little too far, tasteful.

Sarah Winner stated in follow up to Cheryl Greenway's comment that she can understand that there are always people who are excessive with how they might try to market their products. But this just seems like a sledge hammer solution. White letters, eight-inches tall, which is basically one-fourth of one's windshield...this is going to look like the Stepford Wive's car dealership around here.

Susan Baur stated that she had a question about the proposed location of this language in the zoning ordinance. The city is proposing to put it under the list of prohibited signs? Brad Townsend stated that was correct but one of the prohibited signs is vehicle signs and this now becomes an exception to that. Baur stated that it was the only one that has an exception on the whole list of prohibited signs. Is that the right place or does one break it out? It makes sense if one is going to look for it in the zoning ordinance; it is the only one that has an exception. Baur in her mind was thinking would that part belong perhaps in the section of....Townsend stated that they looked at a couple of different locations. This is the only one that deals with vehicles. So they felt it was most appropriate like when one is looking at a vehicle signage, this is where he finds the exception that allows the new automotive use to have signs on them.

Susan Baur asked if there were any other questions for staff.

Cheryl Greenway stated that a more common thing they see these days, not for a car dealership but other businesses, is they are covering their entire car or vehicle in essentially an advertisement of their business. One will see them park that vehicle near the street as in a sense a potential additional sign. Does this then apply to that? They cannot then park their car near the road because then they would be in violation of this ordinance?

Brad Townsend stated that hopefully they have used the language that this does apply only to new and used automotive sales establishments. It does not apply to a printing company that is in a retail location that decides to advertise with a car like that. Not to say that they may come back with some control for that, but this language does not target that use.

Susan Baur asked if there were any other questions or does she hear a motion. She asked if there was anyone from the public who would like to speak in favor of the text amendment or in opposition of the text amendment. Hearing none, she closed the public comment portion of the hearing and opened the floor for discussion among the Planning Commission.

Hearing none, Baur called for a motion.

Karen Geiger stated that she does not personally have a big problem with limiting the size of letters that can go up in cars. But she thinks that Cheryl Greenway's comment about advertising on cars then makes her start wondering how one can defend this legally. The ordinance reads that vehicles that are used for the basic purpose of providing advertisement or products but is that what those vehicles are? What they really are is something to be driven away, which would be like the car that is painted with the "buy my flower arrangements" all over the car. That car also is primarily a vehicle to be driven, but it is advertisement. So, when has a car that is primarily designed to be driven but is temporarily in the process

of being sold...she does not know. She is having a hard time imagining how they can draw a bright enough line here to not create a whole lot of legal problems.

Brad Townsend clarified that Geiger is suggesting that, like Susan Baur's comment, it shouldn't be in this part of the code related to the prohibited signs under vehicle's use.....

Geiger stated that what they are treating these as now is temporary signs. That this car becomes a temporary sign. If the Commission can somehow figure out a way to have it meet the regular temporary sign requirements....one would measure the windshield and it has to conform to the requirements of a sign that is the same size as the windshield? She is really not well checked out on all of the constitutional issues around signs. But she knows that there are many and that they can cause a lot of problems for cities and a lot of legal fees. Her concern is that this be thought through very specifically and looked at from the eye of defending this in court sometime. For that reason, Geiger stated that she was not inclined to initiate a motion to pass this.

Sarah Winner stated that her suggestion would be that perhaps some of the larger commercial car dealership that actually invest back into the community, provide jobs and things here locally, that they get some of those people to at least work....she thinks some of them are rational enough that they can say that there is a point where it becomes excessive and get some of them to buy in. That there is a limit to the number of colors, that maybe the signs only extend over the front windshield a certain percentage. But to just say nothing but white letters, eight inches tall seems so restrictive to Winner. She can understand that on the Fourth of July they may want to have a car with a little flag in the corner that says Fourth of July special or something. She thinks people have a right to try to put some flare into their marketing and she thinks the Roswell car dealerships are already more restricted than the Alpharetta locations are. She hates to see people start to close locations and move to Alpharetta, 300 feet down the street, just because Roswell is so much more restrictive than Alpharetta. That just doesn't make sense to her. Not when they are trying to encourage people to put their commercial businesses here.

But when Winner went to eight dealerships and all eight of them were aware of this, they are already complaining about the signs they are not allowed to post. They just see this as one more brick on their wheelbarrow that they have to push trying to get sales. She thinks it sends a bad message and the city is going to have all those eight owners she talked to complaining even more about how tough it is to do business in Roswell. Winner thinks they need to have some of those people on the bus where they say they understand what Roswell is trying to do. They were included on making the decision. She doubts that they would come up with something this vanilla.

Susan Baur asked for any more discussion. Hearing none she called for a motion.

### **Motion**

Loren Conrad made a motion that the Planning Commission move this on to council with not a disapproval, but a non-approval with their comments so that they can understand why they did that. Mark Renier seconded the motion.

Karen Geiger stated that she was not clear on what the motion is. Loren Conrad stated that the motion is to move this on to council with a non-approval with the Commission's comments. Geiger clarified that they are basically moving to deny the amendment. Sarah Winner stated that she did not think they could do that. Loren Conrad stated that they are not really denying it they are just saying that...

Karen Geiger stated that if that is what the Commission wants to do that they don't file a motion. They refuse to make a motion and then it passes on to council without any recommendation from the Commission, but just comments. She asked Jackie Deibel if that was the appropriate to do it.

Brad Townsend stated that he thinks the Commission should make a motion to deny or make a motion to approve and all vote no.

Loren Conrad stated that instead of saying non-approval he will say deny. What's the difference? It is not as strong to say non-approval.

Brad Townsend clarified that the motion is to deny based on the Commission's comments. Conrad stated that was correct. Mark Renier seconded that.

The motion passed 5-0-1. Karen Geiger abstained. The motion to recommend denial carries.