COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, December 13, 2012	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Ordinance 2012-13 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Articles III, V, VI, and VII concerning the number of animals in the A-R zoning district.

Background/History/Details:

At the September 5, 2012 Board of Commissioners Workshop meeting, Commissioner Hearn proposed that the Zoning Ordinance be amended to remove the limit on the number of animals (cats and dogs) in the A-R zoning district.

The Board of Commissioners instructed staff and the Planning Commission to review the Zoning Ordinance concerning the number of animals, and to return to the Board with recommendations.

At the October 3, 2012 Board of Commissioners Workshop meeting, staff presented the recommendations as directed. The Board consented for staff to move the issue to public hearings with the recommended amendments.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2012-13 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Article V. General Provisions, Article VI. District Use Requirements, and Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards concerning the number of animals in the A-R zoning district.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, October 3, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: November 26, 2012

Subject: Animals

This subject was discussed at the September 6, 2012 BOC Workshop concerning the elimination of the three Animal (dogs and cats) limit in the A-R zoning district. The BOC directed staff and the Planning Commission to review the zoning ordinance and bring recommendations back to the BOC.

At the October 3, 2012 BOC Workshop staff presented the recommendations and it was the consensus of the BOC to move to public hearings with the recommended amendments. Since the November 1, 2012 Planning Commission Public Hearing, staff is recommending the following additional housekeeping amendments to the Zoning Ordinance associated with Animals:

Article III. Definitions

Dog Pen/Run. For the purposes of Article V., Accessory Structures and Uses, a dog pen/run is an outside open air enclosure, consisting of 400 square feet or less ***of space per animal***, used for the purpose of containing ~~dogs~~ ***animals***.

Sec. 5-20. Accessory Stuctures and Uses

C. *Number and Size*. The number and size of accessory structures shall conform to the requirements described herein.

3. A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run ~~consisting of 200 square feet or less~~; swimming pool, hot tub, or recreational court; Aircraft Hangar, Farm Outbuilding, Commercial Greenhouse, Horse Stable, or Auxiliary Structure (as regulated under Article VII.); ground/pole mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace, or patio; underground storm shelter; or beehive shall not be included in determining the number of accessory structures provided herein.

There are still issues with kennels as they relate to pet stores and vet clinics in non-residential zoning districts that staff and Planning Commission will continue work on.

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2012 - 13

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE III, (DEFINITIONS), ARTICLE V (GENERAL PROVISIONS), ARTICLE VI (DISTRICT USE REQUIREMENTS), AND ARTICLE VII (CONDITIONAL USES, NONCONFORMAMNCES, TRANSPORTATION CORRIDOR OVERLAY ZONE AND COMMERCIAL DEVELOPMENT STANDARDS) ; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section I. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending the definitions of "Animal", "Dog Pen/Run' "Kennel", and "Livestock" (in alphabetical order) in Article III (DEFINITIONS) to read as follows:

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus.) This term shall not include livestock (see *Livestock.*) or household pets (see *Household Pet.)*

Dog Pen/Run. For the purposes of Article V., Accessory Structures and Uses, a dog pen/run is an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Kennel. An establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A Hobby Breeder, as defined herein, shall not be considered a kennel.

Livestock. Animals including, but not limited to: horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (see *Animal.*) and household pets (see *Household Pet.*)

Section 2. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as

amended, is hereby further amended by adding "Hobby Breeder", "Household Pet", "Pet Rescue", and "Pet Store" (in alphabetical order) to Article III (Definitions) to read as follows:

Hobby Breeder. A breeder of animals who sells less than 30 animals per year.

Household Pet. A household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Pet Rescue. A nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet Store. A retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

Section 3. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article V (GENERAL PROVISIONS) by amending Sec. 5-20. Accessory Stuctures and Uses, C. Number and Size, 3. to reads as follows and by adding Sec. 5-28. Keeping of Animals in Residential and Agricultural-Residential Districts, in its entirety to read as follows:

3. A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; Aircraft Hangar, Farm Outbuilding, Commercial Greenhouse, Horse Stable, or Auxiliary Structure (as regulated under Article VII.); ground/pole mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace, or

Sec. 5-28. Keeping of Animals in Residential and Agricultural-Residential Districts.
The number of animals allowed per principal dwelling unit is limited to three in the following zoning districts: EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, M-1, M-2, and BTP. One (1) litter of animals of not more than six (6) months of age shall not count toward this limit. The number of animals allowed in the A-R zoning district kept for personal use or hobby breeding is unlimited. A dog house and dog pen/run as regulated in Article V. and similar open air animal enclosures are allowed in side and rear yards only and shall meet the setbacks of the applicable zoning district. **(Note: All subsequent Sections shall be re-numbered accordingly)**

Section 4. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article VI (DISTRICT USE REQUIREMENTS) by amending Sec. 6-1. A-R Agricultural-Residential, C. *Conditional Uses*. 2. and 14. to reads as follows:

2. Animal Hospital, Kennel or Veterinary Clinic;
14. Kennel (see Animal Hospital, Kennel, and/or Veterinary Clinic);

Section 5. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article VII (CONDITIONAL USES, NONCONFORMAMNCES, TRANSPORTATION CORRIDOR OVERLAY ZONE AND COMMERCIAL DEVELOPMENT STANDARDS) by amending Sec. 7-1. Conditional Use Approval, B. *Conditional Uses Allowed:* 4. to reads as follows:

4. *Animal Hospital, Kennel, and/or Veterinary Clinic.* (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):

Section 6. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 7. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 8. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 9. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 13th day of December, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK

Minutes

Board of Commissioners
October 3, 2012
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners," then "County Commission Meetings," and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 3, 2012 at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Floyd Jones, County Clerk

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Call to Order.

Chairman Frady called the October 3, 2012 Workshop meeting to Order at 3:33 p.m.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

1. **Further discussion of a draft Policy and Procedure document for the use of speed tables as traffic calming devices on select County roads.**

   Public Works Director Phil Mallon discussed the draft Policy and Procedure document for the use of speed tables as traffic calming devices on County roads, and he informed the Board that the draft document incorporated recommendations from the Board when the issue was first discussed at the September 5, 2012 Workshop meeting. He stated the draft document identified the following information: 1) how to initiate the request for a speed table, 2) traffic studies and evaluations utilized to determine the need for a speed table,

3) requirements for public meetings concerning the installation of a speed table; 4) funding for installing a speed table, and 5) the installation, maintenance, and removal of speed tables. Mr. Mallon then explained each of the five sections and solicited direction from the Board for each section.

The Board recommended the following changes to the draft document: 1) that a form is provided to those who desire to have a speed table installed in order to ensure all relevant information is captured at the beginning of the application process, 2) that there would be at least 80% of support from all property owners in the Petition Area regardless of the percentage of vehicles traveling at or more than eleven miles per hour in the area, and 3) that there would only be an annual fee on the individual property owners' tax bills with the initial cost of installing the speed tabled coming from the Road Department through normal budgeting procedures.

The Board directed that Mr. Mallon place the draft policy with its recommendations on the October 25, 2012 Agenda for formal consideration. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Further discussion of proposed amendments to the Fayette County Comprehensive Land Use Element text and map for SR 138 and Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding the proposed General Business zoning district and the SR 138 Overlay Zone.

Community Development Director Pete Frisina reminded the Board that this request was first considered during the June 6, 2012 Workshop meeting after a property owner and an individual desired to build a movie studio in the area of State Route 138 roughly between State Routes 314 and 279. He continued by saying the Board directed staff and the Planning Commission to review the request and provide suggestions. He reported that there is a recommendation to create a new Land Use category called "Business District" and also to create a General Business Zoning District "that is very specific to the type of uses under consideration." He clarified that the recommendation is for a non-retail business district that has some semblance to a district created for State Route 74, and that this general business district would have a total of seventeen different uses.

Mr. Frisina pointed out that the sixteenth use (of the seventeen available uses) allows for television, radio, and broadcasting studios. He said the concern was not in the studio, per se, but for the possibility of building a broadcast tower on the property. He said the Planning Commission did not remove the possibility of constructing a broadcast tower since it wanted the Board of Commissioners to make its considerations known. He also stated that the Planning Commission created an overlay zone which was specific to State Route 138 and State Route 314, and that the area was covered under a General State Route Overlay. He explained that the overlay would contain architectural standards that would work for the smaller commercial areas in the area, but then there is a caveat that once a certain threshold is reached then there was an option to move to a different set of standards.

Commissioner McCarty informed the Board that the Federal Communications Commission (FCC) has to license broadcast facilities, and that there are no licenses available. He said the issue was not necessarily about a broadcast facility but a production facility where programming will be produced that will be broadcast from an existing broadcaster located somewhere else. He added that there would be no consideration for a broadcast tower since it would be too close to the airport and other considerations, and since there are no broadcast licenses available through the FCC. Commissioner Horgan suggested leaving the tower regulations as they currently are, and the Board consented to that suggestion.

The Board directed Mr. Frisina to move forward with the Public Hearing process, as requested. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. **Further discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding the limit on the number of animals.**

Community Development Director Pete Frisina discussed the proposed amendments to the Fayette County Code of Ordinances regarding the limit on the number of animals in A/R zoned properties. He reminded the Board that this issue was first discussed by Commissioner Hearn at the September 5, 2012 Workshop meeting where staff was directed to take the issue to the Planning Commission for consideration and recommendations. He said the Planning Commissioner has made its recommendations for dealing with the numbers of animals in A/R zoned properties by "unlimiting" the number of pets in those properties. He asked the Board to understand that A/R zoned properties include kennels, so the definitions for kennels and other wordings need to be untangled and clarified. Mr. Frisina then briefly spoke about the various definitions that need to be made, before he summarized that the proposed amendments would state that the number of animals allowed in A/R zoned areas which are kept for personal use or hobby breeding would be unlimited. He closed saying dog pens would be regulated, and he described those regulations and answered questions from the Board.

The Board directed Mr. Frisina to move forward with the Public Hearing process, as requested. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

NEW BUSINESS:

1. **Fayetteville Mayor Greg Clifton and Director of Community Development Brian Wismer will discuss both the City of Fayetteville's Redevelopment Powers Referendum that will be voted on during the November 6, 2012 General Election, and the city's request to allow the consumption of alcohol on the Historic County Courthouse's lawn when authorized for use by the city.**

Director of Community Development for the City of Fayetteville discussed two issues with the Board.

The first discussion concerned the City of Fayetteville's Redevelopment Referendum which will be voted on at the November 6, 2012 General Election. Mr. Wismer explained what is entailed with the referendum and answered questions from the Board. City of Fayetteville Mayor Pro-Temp Paul Oddo informed the Board that he could speak on behalf of the City Council when he said that the City Council supports the referendum. The Board gave no direction and took no formal action based on this first request.

The second discussion concerned the City of Fayetteville's request to allow the selling of alcohol on County property for events sponsored by the City of Fayetteville.

County Attorney Scott Bennett told the Board that if it allowed the City of Fayetteville to sell alcohol, as requested, then the County would essentially be: 1) holding an event allowing private businesses to come in and compete with established businesses with no established way to determine which vendors are permitted to sell on County property, 2) allowing the City of Fayetteville to basically control when they are going to sell alcohol at the courthouse, and 3) opening the way for the Fayette Chamber of Commerce and the Economic Development Authority to also sell alcohol since it deletes the prohibition against alcohol sales. Mr. Bennett

THE FAYETTE COUNTY PLANNING COMMISSION met on November 1, 2012 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: Tim Thoms, Chairman
Al Gilbert, Vice-Chairman
Jim Graw

MEMBERS ABSENT: Douglas Powell
Bill Beckwith

STAFF PRESENT: Pete Frisina, Director Community Services Division
Dennis Dutton, Zoning Administrator
Hank Derbyshire, Marshal

Welcome and Call to Order:

Chairman Thoms called the Planning Commission Meeting to order. Chairman Thoms introduced the Commission Members, Staff, and Marshall. Chairman Thoms also stated that Bill Beckwith and Doug Powell were both absent tonight.

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1. **Consideration of the Minutes for the Meeting Held on October 18, 2012.**

Chairman Thoms asked the Planning Commission members if they had any comments or changes to the minutes. Al Gilbert made a motion to approve the minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Members voting in favor were: Chairman Tim Thoms, Al Gilbert, and Jim Graw. Bill Beckwith and Doug Powell were absent.

PUBLIC HEARING:

2. **Consideration of Amendments to the Fayette County Code Of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Article IV. Establishment of Districts, Article V. General Provisions, Article VI. District Use Requirements, And Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards concerning the area of State Routes 138 and 314, and the number of Animals in the A-R Zoning District**

2. **Consideration of Amendments to the Land Use Element Text and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the area on State Routes 138 and 314**

ITEMS 2 AND 3 WILL BE HEARD BY THE BOARD OF COMMISSIONERS IN A PUBLIC HEARING ON DECEMBER 13, 2012.

Chairman Thoms asked Dennis Dutton to read the procedures for Public Hearings. Chairman Thoms reiterated the procedures and explained that amendments were being proposed for the Zoning Ordinance and Comprehensive Plan and there was no actual rezoning of property taking place tonight. Chairman Thoms asked Pete Frisina to present the proposed amendments to the Zoning Ordinance and Comprehensive Plan.

Pete Frisina read the items and said since both items were related it would best to discuss them at the same time but it would require two separate votes. He added that these items will be considered by the Board of Commissioners (BOC) on December 13th, 2012 at 7:00 pm in this same meeting room.

Pete Frisina stated that in June of 2012, a land owner and local business person came before the BOC to request that the Land Use Plan be reviewed on SR 138 as they were working on the development of a movie studio and the current Land Use Plan did not designate the area for that type of development. He said the BOC instructed staff and the Planning Commission to review the Land Use Plan and bring recommendations back to the BOC. He stated staff and Planning Commission reviewed the area and studied a number of options for the area such as creating a new zoning district for the area and also looked at the option of Commercial land use for the area as a movie studio was allowed in the current commercial zoning district, but came back to creating a new non-retail business zoning district for the area based on input from a few of the residents of the area. He added the new General Business zoning district was created with no retail or industrial uses and also created was a new General Business land use category for the Comprehensive Plan and Future Land Use Plan map to correspond to this new zoning district. He said the area designated for General Business on the Future Land Use Plan map encompasses an area that comes approximately 1,000 feet off of SR 138 between the property where the Catholic school is located, which is designated as Public Facilities/Institutional on the Land Use Plan, and an area at the intersection of SR 138 and 314 which is shown as Commercial and Office on the Land Use Plan. He stated that in addition, a new S.R. 138 and North S.R. 314 Overlay Zone had to be created to address this area and the overlay zone has the architectural standards. He added the area was covered under the General State Route Overlay, but it did not anticipate the larger buildings that are likely in the General Business zoning district, so this new Overlay Zone has a threshold based on total square footage (35,000 sq ft) and a minimum building dimension of 150 feet where the architectural standards requiring a residential character will not apply. He stated the architectural standards for the larger buildings would require that a minimum of 50 percent of the wall area is covered in a brick stone, wood, textured masonry, precast concrete, or stucco, including an engineered façade that simulate these materials, and any area covered by metal façade must have a horizontal seams as opposed the metal façade with a vertical seams which is associated with an industrial building. He added the Overlay Zoned would require the standard 50 foot landscape area along the right-of-way and a 100 foot front yard building setback.

Pete Frisina said also included is amendments to the zoning ordinance regarding the number of animals in the A-R zoning district. He said the BOC instructed staff and Planning Commission to

prepare recommended amendments to the Zoning Ordinance to remove the limit of three (3) animals in the A-R zoning district as the zoning district allows unlimited livestock. He added that the intent of the amendments are to allow unlimited pet dogs and/or cats for personal use in A-R but still regulate commercial kennels and veterinarian clinics. He stated the amendments include a new section in Article V that specifies the number of animals allowed per each zoning district as opposed to reading through several articles of the ordinance to determine the number of animals allowed, regulations to govern the placement of dog houses, pens, runs and similar open air animal enclosures, and definitions for pet rescue and hobby breeder. He added that the intent is for the animal enclosures to be to the side or rear of the principal structure and meet the setbacks and a pet rescue that keeps the animals primarily in the residence did not have to meet the kennel requirements but if the animals were primarily kept outside of the residence it would need to meet the 300 foot kennel setback from other residential property.

Pete Frisina said Comprehensive Plan land use amendments are text and map amendments to correlate with the new General Business zoning district proposed for the SR 138 and 314 areas.

Chairman Thoms called for public comment and asked for those who were in favor of the amendments to come forward to speak. Hearing none, Chairman Thoms asked for those in opposition to come forward to speak.

Aisha Abdul-Raman said she opposes the amendments for the land use and zoning in the SR 138 area. She said that there was not proper notice to the citizens in this area as it is the gateway into the county and the home of seven (7) predominantly African-American neighborhoods and each Home Owner's Association president should have been contacted and notified of these proposed land use and zoning amendments because these neighborhoods will be directly impacted by development on SR 138. She added that she did not want SR 138 to look like Old National Highway; she did not want pawn shops and U-Hauls there, and auction houses that look like the Red Baron or the Great Gatsby with lawn structures as she likes the bucolic nature of the area. She said she has asked the question but not gotten a straight answer and she believes that all of this area is owned by one (1) or two (2) individuals and while she would like her local government to make a change in land use to help her sell her property, she doesn't think it is an appropriate thing to do and any change should be based on need, as in do we need more commercial space, do we need the face of that neighborhood to change and she does not think it needs to change. She added that Fulton County allowed a commercial building to be built in this area with 12 spaces in which only four (4) have ever been occupied and the grass is overgrown and parking lot is deteriorating and if somebody wanted to use that it would be rented and she doesn't think we need this in this area now. She said in addition to notice and need, she also asks who will benefit from this as the neighborhoods haven't asked for this otherwise the other spaces would occupied. She said this will benefit a particular property owner who has someone who wants to build a movie studio, as we don't have any pictures of the studio or architectural renderings and as we know what it won't look like based on the proposed architectural standards, we don't know what it will look like. She said she comes from California and she knows

what these big satellites dishes look like for broadcast studios and they are big ugly structures and she voiced opposition to a broadcast studio and it is still in the proposed amendments and she still wants the broadcast studio eliminated from the amendments. She said that she doesn't think that the need is there and she asks the Planning Commission to rethink its position.

Bob Sits said he was concerned about the amendments concerning the number of pets in A-R as they are being related to the fact that livestock is not limited in A-R. He added that livestock and pets are different and the amendments are creating two groups of pet owners, those with unlimited animals for breeding and those that can only have one (1) litter of animals of not more than six (6) months old and he questions the structure of the statute and the objective to animal control. He said you are currently allowed to have three (3) animals under the current ordinance but if you have two female dogs for breeding, where the typical dog can come into season two (2) to three (3) times a year with an average litter of four (4) to eight (8) puppies per litter, so four litters with eight (8) puppies is 32 puppies but the amendments limit them to 30 and you can't control nature. He said he thinks the intent is to control the number of puppies and the current ordinance as it is written with the limit of three (3) animals succeeds in doing that. He said he doesn't like limiting the number of pets a person can have but he would like to see something that allows a limit of three (3) un-neutered/spayed pets and then no limit on the number of neutered/spayed pets which is an incentive to be a responsible pet owner because this will control a bigger problem in the future with more animals going through Animal Control. He stated that he would recommend that these amendments not be acted on until a more comprehensive approach with an overall objective to animal control can be developed. He said he has some handouts for the Planning Commission which the Marshal distributed to the Planning Commission. He said the issues are addressing the increasing animal population, facilitating the local adoption groups as they are limited to three (3) animals as well, and regulations are scattered over many parts of the County's codes and the approach is scattered and he recommended that the Planning Commission recommend that all of the regulations need to be reviewed with animal groups and citizen involved in the process. He added that there are groups that are involved with the trapping, neutering and releasing of feral cats which helps keep breeding cats out of the area so they don't become a problem and the problem is not animal control it should be a more objective approach of animal population control. He said all of the animal control regulations need to be reviewed and amended.

Chairman Thoms asked for anyone one else to speak in opposition to the amendment, seeing none he closed the publicc comment and brought the items back to the Planning Commission for discussion.

Al Gilbert said that he would clarify the difference between land use and zoning. He added that land use is shown on the future land use plan map and it signifies what should be put in every part of the county with residential zoning of one (1), two (2), or five (5) acre zoning and where non-residential development will go. He stated that we are creating a new land use where a new General Business zoning district will be indicated.

Jim Graw asked Bob Sits what changes he would make to the amendments. Bob said he saw no difference between A-R or other residential zoning districts in terms of the number of animals, where A-R has five (5) acres it is not likely that someone will fence in the whole five (5) acres to control animals so if someone on a one (1) acre lot fences in a half acre what's the difference. He added that three (3) is a good number for breeding and the number of three was also recommended by a past animal control director as four (4) dogs could lead to a pack mentality and be dangerous to the owners or others and he didn't think there was any basis for that happening. He said the nuisance regulations need to be reviewed to be affective in animal control. Jim Graw asked Bob if he is saying that he would limit every person to no more than three (3) un-neutered/spayed pets and unlimited neutered/spayed pets. Bob replied yes that is what he recommends. Jim Graw said unfortunately the County has to have some number to be able to regulate affectively. Bob said the County needs to regulate through nuisance regulations and he doesn't know if that should be Planning and Zoning or Animal Control.

Alice Jones said she would like to comment. Chairman Thoms stated that the public comment period was over but if she didn't have any comments about animals he would ask her to hold her comments but he would be interested in hearing her comments after that discussion.

Jim Graw said he is concerned with the animal amendments but he doesn't want to delay all of the amendments because of one issue. Chairman Thoms asked since the zoning amendments were advertised together, can they be acted on separately. Pete Frisina stated that those sections involving animals would need to be pulled out of the motion and he reminded the Planning Commission that it was their consensus to move ahead with the A-R portion of the animal amendments knowing that there are still issues that need to be worked on in terms of animals. Al Gilbert agreed that was the consensus of the Planning Commission and that additional work is needed on this issue. Chairman Thoms said that this is a good first step and there is additional work that needs to be done with Animal Control regulations as he doesn't know that it is the Planning Commission's responsibility. Jim Graw agreed that he doesn't know if it is the Planning Commission issue either and could be handled by some other means. Jim Graw said that the neutering aspect of animal control is something that could be considered but he didn't think it was a zoning function and may need to be addressed somewhere else. Chairman Thoms agreed with Jim Graw.

Chairman Thoms asked again if all of the amendments need to be delayed or can they be acted on individually. Pete Frisina stated that each section is numbered in the proposed amendments and portions could be pulled out and not acted on but the BOC is comfortable with the animals in A-R and he told the BOC that staff and the Planning Commission is still working on other issues in the zoning ordinance concerning animals. Jim Graw said he is comfortable with passing these amendments tonight knowing that we can continue to work on the animal issue.

Bob Sits asked if the Planning Commission could state to the BOC that it be required that local animal groups be involved. Chairman Thoms said it is not the place of the Planning Commission to

tell the BOC what to do but they will see the minutes from this meeting and be aware of the interest. Al Gilbert said the Planning Commission are not animal control experts and when Animal Control came to our meeting and felt comfortable with these amendments he felt we could move ahead with this portion knowing there is more work to do on the issue.

Chairman Thoms asked Alice Jones to make her comments. Alice Jones said that the she is the Vice-President of the North Fayette Community Association who represents to community and subdivisions and she doesn't think that citizen are aware of this public hearing and she didn't know that the County was proceeding with public hearings because we don't get the newspaper in our area so we are not given the opportunity to have the communication of what's going on here as what's being presented tonight, so my question is this the first public hearing on these amendments. Chairman Thoms said this is the first public hearing on the amendments and the Planning Commission recommendations will be sent to the BOC to consider at their public hearing on December 13, 2012. Alice Jones asked if the public would have input at the BOC public hearing on December 13, 2012. Chairman Thoms replied that the public would have the opportunity to comment at the BOC public hearing on December 13, 2012. Alice Jones recommended that the County have better means of communication with the masses specifically, the Dix-Lee-On subdivision that will be affected by any changes as well as all the other subdivisions in the area, perhaps notice could be sent through the water bills. Jim Graw stated that if the BOC adopts these amendments, the land owner will need to petition for a rezoning and signs will be placed on the property and people will be aware of the rezoning. Alice Jones said the County has to give the citizen due notice of what is going on in their area.

Chairman Thoms said that this is a unique area as it is on the northern boundary of the county with Clayton County where the north side of SR 138 is planned for a more intense land use that would allow buildings of mixed uses of four (4) or five (5) stories. He said that development pattern in Clayton County impacted his vision of SR 138 where Fayette County had a land use of Office along the road and residential behind the Office and Office is usually considered a step down from intense uses to residential. He said, however, a movie studio is currently allowed in Commercial and Industrial zoning and he initially thought Commercial was the answer but with public input he determined that Commercial was not acceptable to the residents and that is when he considered a non-retail alternative, which is the General Business zoning district. He said the amendments we are considering tonight remind him of the work that was done many years ago on the SR 54 West corridor where non-residential development was allowed but heavily controlled.

Jim Graw said into response to a previous public comment that no site plans, drawings or renderings were brought in tonight for this proposed movie studio, that those items will be submitted at the time of the actual rezoning request.

Aisha Abdul-Raman said that what is most offensive about this is there is no demonstrated need for this change and the seven (7) communities that will most impacted by this did not ask for this change

in the land use on SR 138 and looks like this is being done for the benefit of one (1) land owner.

Al Gilbert made a motion to approve the amendments to the zoning ordinance as described under item number 2. Chairman Thoms seconded the motion. Chairman Thoms said he thought that the Planning Commission had done a lot of work on these amendments and he appreciated the comments from the public which the Planning Commission had used to shape these amendments and he was comfortable with the amendments. Chairman Thoms asked for any other comments, hearing none he called for the vote. The motion passed 3-0. Members voting in favor were: Chairman Thoms, Al Gilbert, and Jim Graw. Bill Beckwith and Doug Powell were absent.

Al Gilbert made a motion to approve the Comprehensive Plan amendments as stated under item number 3. Jim Graw seconded the motion. Chairman Thoms asked for any comments, hearing none he called for the vote. The motion passed 3-0. Members voting in favor were: Chairman Thoms, Al Gilbert, and Jim Graw. Bill Beckwith and Doug Powell were absent.

Chairman Thoms stated these same items will be heard by the BOC on December 13, 2012 and he would encourage those there tonight let their neighborhoods know of that. He said he realizes that it is hard to communicate with everyone when the County is making these types of changes and thanked the citizens for their input.

Al Gilbert said he would encourage Bob Sits to approach the BOC with a recommendation of a citizen committee regarding animals.

Pete Frisina said the next Planning Commission meeting will be cancelled since the BOC rescheduled their meeting for that same night.

Chairman Thoms asked if there was any further business. Hearing none, Al Gilbert made a motion to adjourn the Meeting. The motion unanimously passed 3-0. Members voting in favor of adjournment were: Chairman Thoms, Al Gilbert, and Jim Graw. Bill Beckwith and Doug Powell were absent. The Meeting adjourned at 8:45 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

_____

TIM THOMS
CHAIRMAN

_____

Zoning Ordinance Amendments

(Amendments to ARTICLE III related to Animals)

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus.) ~~It~~ ***This term*** shall not include livestock (see *Livestock*) ***or household pets (see Household Pet.)*** ~~The number of animals kept shall be limited to three (3.)~~

Dog Pen/Run. For the purposes of Article V., Accessory Structures and Uses, a dog pen/run is an outside open air enclosure, consisting of 400 square feet or less ***of space per animal***, used for the purpose of containing ~~dogs~~ ***animals***.

Hobby Breeder. A breeder of animals who sells less than 30 animals per year.

Household Pet. A household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Kennel. ~~Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include a location where one (1) litter of dogs or cats of not more than six (6) months of age are kept.~~ ***An establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A Hobby Breeder, as defined herein, shall not be considered a kennel.***

Livestock. Animals including, but not limited to: horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude ~~domestic dogs and domestic cats~~ ***animals(see Animal) and household pets(see Household Pet.)***

Pet Rescue. A nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet Store. A retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

(Amendments to ARTICLE V related to Animals)

Sec. 5-20. Accessory Stuctures and Uses

C. *Number and Size*. The number and size of accessory structures shall conform to the requirements described herein.

3. A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run ~~consisting of 200 square feet or less~~; swimming pool, hot tub, or recreational court; Aircraft Hangar, Farm Outbuilding, Commercial Greenhouse, Horse Stable, or Auxiliary Structure (as regulated under Article VII.); ground/pole mounted solar panel consisting of less than 200 square feet or

ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace, or patio; underground storm shelter; or beehive shall not be included in determining the number of accessory structures provided herein.

Sec. 5-28. Keeping of Animals in Residential and Agricultural-Residential Districts. The number of animals allowed per principal dwelling unit is limited to three in the following zoning districts: EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, M-1, M-2, and BTP. One (1) litter of animals of not more than six (6) months of age shall not count toward this limit. The number of animals allowed in the A-R zoning district kept for personal use or hobby breeding is unlimited. A Dog house and dog pen/run as regulated in Article V. and similar open air animal enclosures are allowed in side and rear yards only and shall meet the setbacks of the applicable zoning district. **(Note: All subsequent Sections shall be re-numbered accordingly)**

(Amendments to ARTICLE VI related to Animals)

Sec. 6-1. A-R Agricultural - Residential District.

C. *Conditional Uses.*

2. Animal Hospital, Kennel ~~(Commercial or Non-commercial)~~, or Veterinary Clinic;

14. Kennel (see Animal Hospital, Kennel ~~(Commercial or Non-Commercial~~, and/or Veterinary Clinic);

(Amendments to ARTICLE VII related to Animals)

Sec. 7-1. Conditional Use Approval.

B. *Conditional Uses Allowed*:

4. *Animal Hospital, Kennel ~~(Commercial or Non-Commercial)~~ and/or Veterinary Clinic.* (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2012 - 13

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE III, (DEFINITIONS), ARTICLE V (GENERAL PROVISIONS), ARTICLE VI (DISTRICT USE REQUIREMENTS), AND ARTICLE VII (CONDITIONAL USES, NONCONFORMAMNCES, TRANSPORTATION CORRIDOR OVERLAY ZONE AND COMMERCIAL DEVELOPMENT STANDARDS) ; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section I. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending the definitions of "Animal", "Dog Pen/Run' "Kennel", and "Livestock" (in alphabetical order) in Article III (DEFINITIONS) to read as follows:

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus.) This term shall not include livestock (see *Livestock.*) or household pets (see *Household Pet.)*

Dog Pen/Run. For the purposes of Article V., Accessory Structures and Uses, a dog pen/run is an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Kennel. An establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A Hobby Breeder, as defined herein, shall not be considered a kennel.

Livestock. Animals including, but not limited to: horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (see *Animal*.) and household pets (see *Household Pet*.)

Section 2. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as

amended, is hereby further amended by adding "Hobby Breeder", "Household Pet", "Pet Rescue", and "Pet Store" (in alphabetical order) to Article III (Definitions) to read as follows:

Hobby Breeder. A breeder of animals who sells less than 30 animals per year.

Household Pet. A household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Pet Rescue. A nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet Store. A retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

Section 3. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article V (GENERAL PROVISIONS) by amending Sec. 5-20. Accessory Stuctures and Uses, C. Number and Size, 3. to reads as follows and by adding Sec. 5-28. Keeping of Animals in Residential and Agricultural-Residential Districts, in its entirety to read as follows:

3. A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; Aircraft Hangar, Farm Outbuilding, Commercial Greenhouse, Horse Stable, or Auxiliary Structure (as regulated under Article VII.); ground/pole mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace, or

Sec. 5-28. Keeping of Animals in Residential and Agricultural-Residential Districts.
The number of animals allowed per principal dwelling unit is limited to three in the following zoning districts: EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, M-1, M-2, and BTP. One (1) litter of animals of not more than six (6) months of age shall not count toward this limit. The number of animals allowed in the A-R zoning district kept for personal use or hobby breeding is unlimited. A dog house and dog pen/run as regulated in Article V. and similar open air animal enclosures are allowed in side and rear yards only and shall meet the setbacks of the applicable zoning district. **(Note: All subsequent Sections shall be re-numbered accordingly)**

Section 4. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article VI (DISTRICT USE REQUIREMENTS) by amending Sec. 6-1. A-R Agricultural-Residential, C. *Conditional Uses*. 2. and 14. to reads as follows:

2. Animal Hospital, Kennel or Veterinary Clinic;
14. Kennel (see Animal Hospital, Kennel, and/or Veterinary Clinic);

Section 5. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Article VII (CONDITIONAL USES, NONCONFORMAMNCES, TRANSPORTATION CORRIDOR OVERLAY ZONE AND COMMERCIAL DEVELOPMENT STANDARDS) by amending Sec. 7-1. Conditional Use Approval, B. *Conditional Uses Allowed:* 4. to reads as follows:

4. *Animal Hospital, Kennel, and/or Veterinary Clinic*. (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):

Section 6. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 7. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 8. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 9. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 13th day of December, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK