COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, October 24, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2013-15 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article XII. Planning Commission.

Background/History/Details:

Each Planning Commissioner is required to reside in one of the five Board of Commissioners districts. These amendments remove that district requirement and only requires that a Planning Commissioner live in Fayette County. This is the same requirement that is used for the members of the Zoning Board of Appeals.

Staff recommends the amendments. The Planning Commission recommends the amendments and suggests that the Board of Commissioners considers districts for the Planning Commissioners in the future when the voting districts are finalized.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-15 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article XII. Planning Commission.

If this item requires funding, please describe:

Not Applicable.

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

**** 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	
Administrator's Approval			

Staff Notes:

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2013 - 15

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE XII (PLANNING COMMISSION); 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 1. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by deleting in Article XII, Planning Commission, Sec. 12-1. Planning Commission., A. Membership and Appointments. in its entirety and replacing it with the following:

A. *Membership and Appointments.*

1. The Planning Commission shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners of Fayette County. None of the Planning Commission members shall hold any other public office, except that one (1) member may also be a member of the Zoning Board of Appeals. The Planning Commission members shall be removed by the Board of Commissioners for cause, upon written charges, and after public hearing. Any member of the Planning Commission shall be disqualified to act upon a matter before the Planning Commission with respect to property in which the member has an interest. It may be deemed cause for removal should any Planning Commission member fail, without proper reason, to attend three (3) consecutive meetings.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. . 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 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 24th day of October, 2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
STEVE BROWN, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK

A. *Membership and Appointments.*

1. ***The Planning Commission shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners of Fayette County. None of the Planning Commission members shall hold any other public office, except that one (1) member may also be a member of the Zoning Board of Appeals. The Planning Commission members shall be removed by the Board of Commissioners for cause, upon written charges, and after public hearing. Any member of the Planning Commission shall be disqualified to act upon a matter before the Planning Commission with respect to property in which the member has an interest. It may be deemed cause for removal should any Planning Commission member fail, without proper reason, to attend three (3) consecutive meetings.***

   ~~The Planning Commission shall consist of five (5) members residing within the County who shall be appointed by the Board of Commissioners. The members of the Planning Commission shall reside in the same districts used in the election of the Board of Commissioners.~~

2. ~~Vacancies on the Planning Commission shall be filled by the member of the Board of Commissioners hailing from the district which has the vacancy. Prior to this requirement, whereby members of the Planning Commission shall be appointed from the same districts used in the election of the County Commissioners, members of the Planning Commission were required to reside in one (1) of five (5) different Planning Commission districts.~~

3. ~~None of the members shall hold any other public office except that one (1) member may also be a member of the Zoning Board of Appeals.~~

4. ~~Termination of a member from the Planning Commission shall require a majority vote of the Board of Commissioners.~~

Tim Thoms asked what the number of required parking spaces was.

Dr. Ukadike stated 349 parking spaces would be required. and the concept plans shows 358 parking spaces.

Jim Graw said the write up indicates that the number of parking spaces in front of the building on the SR 279 side of the property does not meet the 50 percent requirement of the General State Route Overlay and how many parking spaces are they over the 50 percent requirement.

Dennis Dutton said he didn't have the exact number but visually you can tell they don't meet the requirement so they can redesign the site at the site plan or seek a variance for the parking requirement.

Jim Graw asked why you were seeking R-45 zoning for the subject property instead of asking for A-R zoning on the existing church property.

Dr. Ukadike stated that he thought it would be easier to match the zoning of the existing church property.

Bill Beckwith said there was no advantage for either zoning in regards to a church.

Tim Thoms made a motion to approve the rezoning petition with one (1) recommended condition. Tim Thoms read the condition of zoning as follows:

> That the property owner work with staff during the Site Plan process to place a gate or other traffic controls on the property to reduce the potential of cut-through traffic between SR 279 and SR 314.

Chairman Gilbert asked the petitioner if he agreed to the condition.

Dr. Ukadike stated that he agreed with the condition.

Jim Graw seconded the motion. The motion passed 4-0. Doug Powell was absent.

Dr. Ukadike thanked the Planning Commission.

3. Consideration of Amendments to the Fayette County Code Of Ordinances, Chapter 20. Zoning Ordinance, regarding Article XII. Planning Commission.

Chairman Gilbert said this item was discussed at the last meeting and everybody seemed to be in agreement with the amendments.

Chairmen Gilbert asked if there was anyone to speak in favor of the amendment. Hearing none he asked if there was anyone to speak in opposition to the amendment. Hearing none he said he would return it to the board.

Jim Graw said the issue is by not requiring Planning Commissioners be appointed by district there is the potential that the Planning Commissioners could be grouped in only one area of the County instead of

being evenly distributed and he recommends that the Board of Commissioners reconsider the district requirement when the Board of Commissioner districts are settled in the future.

Tim Thoms said he agreed that this is a good interim solution until such time that the Board of Commissioner districts are settled and the Board of Commissioner should consider requiring Planning Commissioners to be appointed by district in the future.

Pete Frisina said he would pass the recommendation onto the Board of Commissioners.

Tim Thoms made a motion to approve the text amendment to the Zoning Ordinance. Jim Graw seconded the motion. The motion passed 4-0. Doug Powell was absent.

NEW BUSINESS

4. **Consideration of Minor Subdivision Plat of Brian Babb Subdivision, Brian Babb, Owner. The property is zoned R-70 and is located in Land Lot 19 of the 9th District and fronts on Barsi Point**

Chairman Gilbert informed Mr. Babb since there was not a full board present tonight and that he had the option to table the request until the next meeting.

Brian Babb said he would proceed tonight and that he was creating the lot to build a house in the future.

Chairmen Gilbert asked if there was anyone to speak in favor of the petition. Hearing none he asked if there was anyone to speak in opposition to the petition. Hearing none he said he would return it to the board.

Bill Beckwith asked Mr. Babb if he was aware of the recommended condition of right-of-way dedication through a quit claim deed.

Mr. Babb stated that he agreed with the condition.

Tim Thoms made a motion to approve the Minor Subdivision Plat with one (1) condition. Bill Beckwith seconded the motion. The motion passed 4-0. Doug Powell was absent.

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Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Tim Thoms said so moved.

Chairman Gilbert said the meeting was adjourned at 7:32 pm.