# COUNTY AGENDA REQUEST

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| Department: | Planning & Zoning | Presenter(s): | Pete Frisina |
| Meeting Date: | Thursday, December 11, 2014 | Type of Request: | Public Hearing |

Wording for the Agenda:

Public Hearing on proposed Ordinance 2014-19, amending the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, regarding Greenhouses in Section 110-3. Definitions, Section 110-79. Accessory Structures And Uses, Section 110-125. A-R Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

Background/History/Details:

In March of 2014 the Board of Commissioners gave Staff and the Planning Commission permission to draft amendments to the Zoning Ordinance concerning greenhouses (hoop houses).

The amendments address greenhouses (permanent and temporary), establish setbacks, building height and size limitations for temporary greenhouses per lot size in Residential zoning and A-R. In addition, requires a Temporary Greenhouse Permit for zoning compliance.

Staff and Planning Commission recommend approval of the proposed amendments:

Bob Simmons made a motion to recommend approval of the amendments to the Zoning Ordinance with an added recommendation that the Board of Commissioners establish a fee schedule for a Temporary Greenhouse Permit. Brian Haren seconded the motion.
The motion passed 3-1. Jim Graw said he voted in opposition to the motion because the recommendation for a fee schedule was included in the motion. He said he had no problem with the amendments as they were presented but would have preferred a separate motion be made for the recommendation of a fee schedule. Doug Powell was absent.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2014-19 amending the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, regarding Greenhouses in Section 110-3. Definitions, Section 110-79. Accessory Structures And Uses, Section 110-125. A-R Agricultural-Residential District, And Section 110-169 Conditional Use Approval.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | Yes | If so, when? | |
| 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.***

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

Staff Notes:

## Greenhouse Amendments to the Zoning Ordinance

### Sec. 110-3. Definitions.

Foundation, an in-ground masonry or poured concrete support for a structure

Greenhouse, temporary means a structure constructed with metal, plastic, or wood framing, (bent in a half round or hoop shape in the case of a hoop house) with a plastic sheet or cloth covering that is not mounted on a foundation used for the purpose of growing or storing plants.

Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or plexiglas that is mounted on a foundation used for the purpose of growing or storing plants.

### Sec. 110-79. Accessory structures and uses.

(a) The following accessory structures and uses are permitted in A-R and all residential zoning districts.

(1) Well/pump house;

(2) Guesthouse;

(3) Greenhouse ~~(for private use)~~; permanent or temporary (see (n) Temporary greenhouse)

(4) Swimming pool, hot tub, pool deck, pool equipment enclosure, and pool screen enclosure;

(5) Garage;

(6) Recreational court;

(7) Gazebo;

(8) Cabana/pool house, boat house, covered patio, and covered deck;

(9) Storage building;

(10) Carport;

(11) Solar panel (ground-mounted);

(12) Wind turbine/windmill (ground-mounted);

(13) Aircraft hangar, detached (see article V of this chapter);

(14) Dog house and dog pen/run;

(15) Playhouse;

(16) Outdoor kitchen and/or fireplace;

(17) Patio; and

(18) Underground storm shelter.

Farm outbuildings, including horse stables, auxiliary structures, and greenhouses are regulated as conditional uses under article VII of this chapter and shall be allowed in the A-R zoning district only. One semi-trailer may be utilized as a farm outbuilding provided the property is zoned A-R and the semi-trailer is being used to store agricultural items. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.

(b) *Structure limitations.* Construction of an accessory structure shall occur concurrently with or after the construction of the principal structure. Accessory structures shall not be used as dwelling units or for lodging purposes, except a guesthouse.

(c) *Number and size.* The number and size of accessory structures shall conform to the requirements described herein.

(1) Accessory structures shall be limited to one of the following options:

a. Two accessory structures, per individual lot, that shall not exceed a combined total of 1,800 square feet of floor area or a combined total of 3,600 square feet of floor area on a lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind (see total square footage). The square footage of the largest accessory structure shall not exceed the total square footage of the principal structure. One of these accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure. Under this option, an accessory structure located to the side of the principal structure shall not exceed 1,800 square feet;

b. One accessory structure, per individual lot, not to exceed 1,800 square feet of floor area (see total square footage), or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure; or

c. One accessory structure, per individual lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind, not to exceed 3,600 square feet of floor area (see total square footage) or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure. Under this option, an accessory structure shall be located only to the rear of the principal structure.

(2) At least 50 percent of the square footage of an accessory structure building shall be fully enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.

(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 in A-R under article V of this chapter); 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.

(4) Total square footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure:

a. The upper level space is accessed by permanent stairs; and

b. That portion of the upper level space where the ceiling width, measured at least seven feet in height, is more than 50 percent of the ceiling width measured at least five feet in height.

(d) *Location on lot.* Accessory structures shall conform to the dimensional requirements within each zoning district. No structure shall be located in the front yard except: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and ~~commercial~~

greenhouses located in an A-R zoning district, where the lot consists of five acres or more. A well/pump house of 70 square feet or less may be located within the setbacks. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.

(1) *Detached garage located in the front yard of a single frontage lot and a through lot.* A detached garage located in the front yard shall meet the following requirements:

a. Shall not exceed 900 square feet of floor area;

b. Located no more than 35 feet from the principal structure;

c. Shall not exceed 23 feet in height;

d. No more than 50 percent of the footprint of the garage may be located beyond the front building line of the principal structure;

e. The width of the portion of the garage facing the street shall not exceed 60 percent of the width of the principal structure; and

f. No portion of the garage may be located directly between the principal structure and the street.

(2) *Detached garage located in the front yard of a corner lot.*

a. *Primary front yard.* The location of the front door of the principal structure shall establish the primary front yard. If the front door is not oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and

b. *Secondary front yard.* Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:

1. Shall not exceed 900 square feet of floor area;

2. Located no more than 35 feet from the principal structure; and

3. Shall not exceed 23 feet in height.

(3) *Architectural standards for a detached garage located in all front yards.* The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.

b. The garage shall have at least one opening for vehicular access.

c. A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.

d. The garage shall be connected to the principal structure by at least one of the following:

1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached

breezeway shall be constructed within six inches of the principal structure and the garage;

2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

(e) *Guesthouses.* Only one guesthouse is allowed per individual lot. Any living area included in an accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.

(f) *Architectural standards.* All accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming accessory structure shall match the architectural design of the existing nonconforming accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.

(g) *Temporary accessory storage.* Portable on-demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one year. Portable on-demand storage units are defined as any container, storage unit, or other portable structure, other than an accessory building or shed complying with all building codes used to store household items. Only two portable on-demand storage units are allowed per lot.

(h) *Carport.* The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.

(i) *Cabana/pool house, boat house, covered patio, and covered deck.* The cabana, covered patio, and covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one story, and comply with the architectural standards for an accessory structure 200 square feet or greater.

(j) *Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure.* The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material and shall be exempt from the architectural requirements herein.

(k) *Solar panels (ground-mounted).* Ground-mounted solar panels shall be limited to three per lot, the total cumulative square footage of ground-mounted solar panels shall not exceed 900 square feet, shall not exceed ten feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground-mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one accessory structure/use.

(l) *Wind turbines/windmill (ground-mounted).* Wind turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable

zoning district setbacks, whichever are greater. Each lot is limited to one ground-mounted wind turbine/windmill. The ground-mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.

(m) *Nonconformance.* All accessory structures or uses which had a building permit issued prior to January 24, 2008, are legally nonconforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.

(n) *Temporary greenhouse.* Temporary greenhouses shall not exceed ten (10) feet in height. Each lot is limited to one (1) temporary greenhouse. The side yard setback shall be a minimum of 30 feet or the minimum side yard setback of the applicable zoning district, whichever is greater, and, the rear yard setback shall be a minimum of 50 feet or the minimum rear yard setback of the applicable zoning district whichever are greater. The maximum square footage for temporary greenhouses shall be as follows:

| Acreage | Square Feet |
|---|---|
| < 2 | 600 |
| 2 to <3 | 800 |
| 3 to <4 | 1,000 |
| 4 to <5 | 1,200 |
| 5 or greater | 2,400 |

Temporary greenhouses shall be maintained in good condition and the covering shall not be torn and tattered. Temporary greenhouses shall only be used for the purpose of growing or storing plants. Temporary greenhouses shall be exempt from (c) *Number and size.* (2) and (f) *Architectural standards.* above. One (1) temporary greenhouse of 120 or less square feet on a lot shall not count toward the total square footage or number of accessory structures for that lot. Greenhouses built in the A-R Zoning District as regulated under article V of this chapter shall be exempt from these requirements.

A Temporary Greenhouse Permit will be required for all temporary greenhouses prior to construction. Scaled drawings shall be submitted to the planning and zoning department which shall include, but not be limited to: temporary greenhouse elevations including height and total square footage and location on the lot including the distance from the property lines.

(Code 1992, § 20-5-20; Ord. No. 2012-09, § 3, 5-24-2012; Ord. No. 2012-13, § 3, 12-13-2012; Ord. No. 2013-07, § 1, 7-25-2013)

## Sec. 110-125. A-R, Agricultural-Residential District.

(a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.

(b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:

(1) Single-family dwelling;

(2) Accessory structures and uses (see article III of this chapter);

(3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;

(4) Plant nurseries and greenhouses (no sales of related garden supplies); and

(5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof.

(c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

(1) Aircraft landing area;

(2) Animal hospital, kennel or veterinary clinic;

(3) Cemetery;

(4) Church and/or other place of worship;

(5) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;

(6) Commercial driving range and related accessories;

(7) Child care facility;

(8) Developed residential recreational/amenity areas;

(9) Farm outbuildings, including horse stables, auxiliary structures, and ~~commercial~~ greenhouses (permanent or temporary);

(10) Golf course (minimum 18-hole regulation) and related accessories;

(11) Home occupation;

(12) Horse show, rodeo, carnival, and/or community fair;

(13) Hospital;

(14) Kennel (see animal hospital, kennel, and/or veterinary clinic);

(15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

(16) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

(17) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;

(18) Religious tent meeting; and

(19) Shooting range, outdoor.

(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

(1) Lot area: 217,800 square feet (five acres).

(2) Lot width: 250 feet.

(3) Floor area: 1,200 square feet.

(4) Front yard setback:

a. Major thoroughfare:

1. Arterial: 100 feet.

2. Collector: 100 feet.

b. Minor thoroughfare: 75 feet.

(5) Rear yard setback: 75 feet.

(6) Side yard setback: 50 feet.

(7) a. 35 feet as defined in article III of this chapter.

b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the A-R zoning district except single-family dwellings; accessory buildings and uses; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or ~~commercial~~ greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012)

## Sec. 110-169. Conditional use approval.

t. *Farm outbuildings, including horse stables, auxiliary structures, and ~~commercial~~ greenhouses.* Allowed in the A-R zoning district.

1. *Farm outbuilding.* All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes. Farm outbuildings shall be exempt from architectural standards (see article III of this chapter).

2. ~~Commercial~~ *greenhouses.* All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials. ~~Commercial~~ greenhouses shall be exempt from architectural standards (see article III of this chapter).

3. *Horse stables.* All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses. Horse stables are exempt from architectural standards (see article III of this chapter).

4. *Auxiliary structures.* All structures permitted in this category shall comply with the following:

(i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.

(ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.

(iii) For those uses that have the potential of generating noise levels audible to the adjacent properties acoustical treatment (soundproofing) shall be required to mitigate the volume of sound.

(iv) Commercial/retail activity shall not be permitted.

(v) An auxiliary structure shall not be utilized in conjunction with a home occupation.

(vi) Auxiliary structures are exempt from architectural standards (see article III of this chapter).

5. Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and ~~commercial~~ greenhouses.

6. Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, I ~~commercial~~ greenhouse, or horse stable consisting of a maximum of ~~1,800~~ 3,600 square feet in size.

Farm outbuildings, auxiliary structures, horse stables, and ~~commercial~~ greenhouses may: have plumbing and electricity, but shall not be used for residential purposes; Farm outbuildings, horse stables, and ~~commercial~~ greenhouses shall not be located within 100 feet of the principal residential structure or connected to any structures on site. Farm outbuildings, horse stables, and/or ~~commercial~~ greenhouses may be constructed prior to the principal residential structure.

**FAYETTE COUNTY PLANNING & ZONING DEPARTMENT**
**140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia 30214**
**Telephone (770) 305-5421, FAX (770) 305-5258 or (770) 305-5305**

# TEMPORARY GREENHOUSE PERMIT

**FOR STAFF ONLY:**

**Temporary Greenhouse Permit No.**_____

**Approved by:**_____ _____
**Zoning Administrator** **Date**

**OWNER/APPLICANT**_____

**ADDRESS**_____

**TELEPHONE**_____

**CONTRACTOR**_____

**ADDRESS**_____

**TELEPHONE**_____

**FAX NO.**_____

| | | | |
|---|---|---|---|
| **STRUCTURE HEIGHT** | _____**FT** | **ZONING** | _____ |
| **STRUCTURE WIDTH** | _____**FT** | **LAND LOT** | _____ |
| **STRUCTURE LENGTH** | _____**FT** | **DISTRICT** | _____ |
| **TOTAL SQUARE FOOTAGE** | _____**FT** | **TAX ID** | _____ |

***List the materials used for the temporary greenhouse:***

_____ _____ _____ _____
_____ _____ _____ _____
_____ _____ _____ _____
_____ _____ _____ _____

***This application MUST be accompanied by paperwork indicating the location of the temporary greenhouse on the property, and a scaled elevation drawing of the structure.***

Applicant's Signature_____

Applicant's Name (Print)_____

Address_____

Date _____Telephone_____

***NOTE: CALL BEFORE YOU DIG @ 811.***
***NOTE: Other site plans containing all required information may be submitted.***

Commissioner Barlow asked if Fayette FACTOR engaged the school system in 2012 about social hosting. Ms. Oparah said the Fayette County Board of Education has been on board with this initiative since its inception. She closed that Fayette FACTOR, as a nonprofit organization, will continue to work on this issue and with all the community leaders in order to save lives.

Officer Hobbs informed the Board that she received an email inviting her to a meeting later in the week. She said she would not be able to make the meeting, but encouraged the requestor to get together to study and, if needed, to strengthen the ordinance.

**Don Haddix:** Mr. Haddix agreed that Peachtree City had problem areas that needed to be dealt with, but he explained that there were extenuating factors that needed to be considered. He pointed out that while Peachtree City has problems, it does not tolerate its problems. He said this is a hard issue to deal with, that it is an issue that needs to be dealt with, and that there were parents in denial. He added that there are parents who are not even home to even know what is going on, and that makes the issue extremely hard to deal with. Mr. Haddix stated that when "these things go down" some of the kids do not even live in Fayette County. He said there are guns and drugs involved, that the situation is sad, and that the police descend on the parties immediately. Mr. Haddix said he was concerned with the issue of coordination, and he agreed that there has to be coordination between the Sheriff's Office and the police departments throughout the entire county. He emphasized that he supported Ordinance 2014-04, but he stressed that it needed to be a smooth operation through cooperation.

**Larry Younginer:** Mr. Younginer informed the Board that he supported Ordinance 2014-04, but that he wanted the wording to "be done correctly" so that the Sheriff does not have the authority to arrest the innocent. He stated that social media allows that any time someone has a party scheduled, that a lot more people show up than who were invited and they bring things that are unwanted. He said it was a lot easier now for a parent to not know what is involved in a party than it was before. He said the ordinance needed to be rewritten in such a way that innocent parents who are dealing with uninvited minors will not be arrested.

No one else spoke in favor of or in opposition to this request.

The motion to accept staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts passed unanimously. Copies of the request and Ordinance 2014-04, identified as "Attachment 16", follow these minutes and are made an official part hereof.

**17. Discussion of Hoop Houses and Detached Rooms in association with zoning regulations for accessory structures.**

Community Development Director Pete Frisina stated that two months ago he did not know what a hoop house was, but that he knows a lot more about them now. He stated that recently there have been two residents who are interested in putting hoop houses on their property, that both of the properties are zoned as residential, and that crops can be grown under the County's residential zoning provisions. He said both residents grow crops, and that a hoop house is a very inexpensive way to construct a greenhouse-type structure that is very inexpensive. He said the hoop house allows gardeners to extend growing seasons for their crops. He added that one resident informed him of a federal program to subsidize the materials; consisting of bent tubular aluminum or PVC framing with plastic or cloth coverings. Mr. Frisina added that hoop houses can be small but they can also be very big. He explained that the current zoning ordinance

states a person can have up to 1,800 square feet of accessory square footage on their property. He added that there is a provision that if a person has five or more acres in residential zoning that they may be able to get up to 3,600 square feet of accessory square footage on their property. He stated that the issue at hand is that the County was not addressing hoop houses and similar structures when the accessory uses were written. He stated that the hoop houses do not meet the requirements in terms of materials and architectural requirements that the County has on typical accessory structures. He asked for the Board's permission to work on this matter. He said staff had already spoken to the Planning Commission about this matter, and he asked for the Board's guidance on the matter. He explained that these types of structures would have to have a special section in the Zoning Ordinance to alleviate some of the architectural requirements. He added that the staff would need to get with the Permits and Inspections Department to see what, if any, inspections they would need to look at. He pointed out that they were not permanent structures and they are not put into a foundation, but that no one wanted them to be picked up by a heavy wind and blown into the neighbor's yard. He said the County wanted to ensure that the hoop houses were maintained. He also suggested that hoop houses would be specifically used to grow plants or crops, and not serve, as an example, as storage for household items.

Chairman Brown suggested that the hoop houses should be scalable based on lot sizes. He thought they should also stay in good repair. He added that seasonal provisions could be considered. Mr. Frisina replied that it was his understanding that the frames could stay up year round but that there would be some seasons where the sheeting could be taken off of the hoop house. Chairman Brown asked if someone would want a metal skeleton of that structure sitting in a yard all summer long.

Commission McCarty reminded the audience of his position that people should , depending on their lot size, have up to half a dozen chickens to keep out bugs, to produce eggs, and to fertilize the garden.

Commissioner Barlow said that the small hoop house looked like square foot gardening that people could read about, and he suggested that the hoop designation came about because someone had square foot gardening that they wanted to cover up during the winter so they could do more gardening. He thought that if the hoop house was maintained to the square foot gardening that they would be fine. He pointed out that there is a gentleman who does organic growing in Peachtree City, that he has been to the gentleman's property, and that he has five or six hoop houses so that he can garden throughout the year. He said the man's hoop houses have irrigation and power installed with them, but he also has the acreage to support the hoop houses. Mr. Frisina replied that this issue really would not apply to A-R zoned property.

Commissioner Oddo stated that he likes giving the people liberty to do what they want with their property, but he agreed to have staff study the issue and come up with suggested limits. He asked how a greenhouse differed as an additional structure per the county's ordinance. Mr. Frisina replied that the current county ordinance reads that greenhouses would be built out of typical greenhouse materials such as steel and glass. He added that greenhouses have foundations as well. He said the basics for accessory structures include solid walls, foundations, and roofs. He said hoop houses have tubular framing with some kind of film draped on them. Commissioner Oddo suggested that, if a person had a big enough unit, they could conduct a business out of it. Mr. Frisina replied that the County would not want the business portion of it to be in a residential lot. Commissioner Oddo replied that he liked to see people sell their vegetables and that the ability to sell vegetables gives a little rural flavor to Fayette County that should not be lost.

Commissioner Ognio said he was concerned with the safety of hoop houses, and he suggested that the wind load on the hoop houses and their round structure would catch wind; becoming very dangerous objects. He suggested that the hoop houses would have to be properly anchored to the ground. Mr. Frisina replied that was one of the reasons the Buildings Permit and Inspection Department would be brought in on this matter.

Mr. Frisina then asked the Board for permission to work on studying detached rooms. He stated that there were many houses in Fayette County with detached rooms. He said he did not think the county wanted to consider detached rooms as accessory structures because of the way they are attached to the house. He said staff wanted to look at a few houses with detached rooms to see if there is a way to qualify what really is a detached accessory structure and what is an integral part of a home. Chairman Brown suggested that the distance from the main structure could be a consideration. Mr. Frisina added that the relationship of what the structure is could also determine whether the structure is a detached home or an accessory structure.

Code Enforcement Officer Kathy Hobbs added that it was her understanding that State of Georgia's Agriculture Department allowed for produce that is grown on site to be sold on site.

The Board agreed to allow staff to look into matters pertaining to hoop houses and detached rooms, but did not take official action on these matters. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

**18. Consideration of the request from the Fayette County Chamber of Commerce and Fayette County Development Authority for Fayette County to support the Fayette Visioning Initiative in the amount of $10,000.00.**

County Administrator Steve Rapson reported that this request came from the Fayette County Chamber of Commerce asking for Fayette County to support the Fayette Visioning initiative. He added that the memo attached to the request outlined the information that would be used by the County for the 2017 Comprehensive Plan. He explained that those deliverables are what was being recommended for approval with a $10,000.00 contribution.

Commissioner McCarty moved to approve New Business Item 18. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

**19. Consideration of the March 7, 2014 Special Called Meeting Minutes.**

Chairman Brown informed the audience that the Commissioners had copies of the March 7, 2014 Special Called Meeting Minutes on the dais, and that the minutes could be obtained from the County Clerk.

Commissioner Oddo moved to approve the March 7, 2014 Special Called Meeting Minutes. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Jim Graw asked if we should limit the uses in O-I allowed in this corridor.

Pete Frisina said he wouldn't recommend restricting the O-I uses in the corridor.

Chairman Gilbert said if you have any corrections please send them to Pete Frisina by next Wednesday.

**4. Continue discussion of hoop houses and detached rooms.**

Chairman Gilbert said the longer he thinks about hoop house the less he is in favor of them in residential zoning and he is afraid this could cause problems. He said he is not against it but he is apprehensive of going too far.

Pete Frisina said he was watching the news this morning and citizen was being interviewed in his back yard and as the camera panned the yard he had a hoop house in his backyard. He said if he had to estimate the size it was about 10 feet by 20 feet and was tall enough to stand up in and it had a door on the front. He added that these hoop houses are becoming very popular and people are going to want them in their backyards.

Chairman Gilbert said he doesn't have a problem with 200 square feet but he has a problem with 3,000 some square feet for commercial growing.

Pete Frisina said he had sent out some size ranges for hoop houses and some questions concerning hoop houses for instance what is the threshold for when we want the hoop house to count toward the square footage for accessory structures. He added that we need to determine a height and/or width threshold and basically if you can stand up in the hoop house then you are probably reaching the threshold. He said he sent out these square footages for hoop house to start the discussion.

Jim Graw asked where the proposed square footage numbers came from.

Pete Frisina said the 900 square feet came from the old regulations of no accessory structure could be more than 900 square feet and he increased the square footage incrementally up to 3,600 square feet which is now the maximum for five acres.

Doug Powell asked if he had thought about the setbacks.

Pete Frisina said he had included a table with all of the different setbacks for the residential zoning districts and had thought he could just double the setbacks but in some cases that would be a 100 foot setback

Jim Graw asked if the table contains proposed setbacks or existing setbacks.

Pete Frisina said they are existing setbacks and if you take R-85 as an example the lot width is 125 feet and the side setback is 50 feet leaving 25 feet to build.

Jim Graw said if we are going to permit these, they need to be controlled tightly by setback, size and height and should they be considered an accessory structure.

Pete Frisina said yes, they are accessory structures.

Jim Graw said they should count toward the total accessory structure square footage allowed on a lot.

Doug Powell said they may be seasonal and do we want to require that they be taken down in the non-growing season.

Pete Frisina said he thinks the cover may be taken off but the hoop will stay up and some of the requirements that had been discussed were the maintenance of the hoop house because we don't want them to be torn and tattered and that they be used for growing plants and not a storage building. He said to summarized we want to control the size, location, maintenance and use of hoop houses.

Doug Powell said so the guy we changed the ordinance for so he could build a gymnasium at 3,600 feet he would not be able to put up a hoop house because he already used up his allowable accessory structure square footage.

Pete Frisina said that is correct, but what if someone on a one acre lot has his maximum square footage of 1,800 square feet of accessory structures and wants a small hobby hoop house, he won't be able to build it.

Doug Powell said you probably won't know about it unless there is a complaint.

Pete Frisina said sometimes people ask before they build and sometimes they don't.

Jim Graw said some of the setbacks listed in the table for one acre zoning are not large enough for a hoop house.

Chairman Gilbert said I agree.

Jim Graw said we need larger setbacks specifically for hoop houses.

Doug Powell asked if it has been discussed that a hoop house is for personal use unless it is on A-R and when we develop the size for residential there should be consideration if 900 square feet is larger than the typical family will need in terms of produce and if it is larger will we be

increasing the chance people will start selling vegetables from their house and increasing traffic in a residential area.

Chairman Gilbert said he didn't think 900 square feet was large enough to have a commercial operation.

Bob Simmons said the gentleman that came in initially sells commercially.

Brian Haren asked if hoop houses are sold as kits and if they are sold as kits are the sizes we are talking about match the kit sizes.

Pete Frisina said he had found a number of kits on the internet and there was not a standard size kit.

Bob Simmons said whatever we come up with should be tight enough or strong enough so somebody is going to be serious about wanting to do this.

Pete Frisina said he still needs to coordinate with the building department to determine a threshold for when or what kind of building permit may needed.

Jim Graw said we need to make sure they are built to some standard so we don't have big pieces of plastic blowing all over the neighborhood.

Doug Powell said we need to say hoop houses can only be used to grow plants and not be used to store stuff or as a garage. He added that someone is going to say I can have up to 1,800 square feet for a greenhouse but I can't have a 1,800 square foot hoop house because you are limiting me to 450 square feet.

Jim Graw said that is because a hoop house does not look as good as a greenhouse.

Brian Haren asked if there are construction standards for greenhouses.

Pete Frisina said he would assume that since they are a steel and glass structure there are some building codes that address the structure.

Brian Haren said conceptually a hoop house is a greenhouse.

Doug Powell asked if we have anybody asking about a hoop house other that the original person.

Pete Frisina said we have had one other person asking about hoop houses.

Doug Powell asked what his circumstances were.

Pete Frisina said the second person was in residential zoning and had more acreage.

Jim Graw asked how big the lot that the first person had was.

Pete Frisina said he had two lots that equaled about seven acres but to build what he wanted and where he wanted he would have to combine the lots. He added that just as we have had two people asking about hoop houses he thinks we are going to have more interest since there is a big movement for locally grown produce. Pete Frisina asked what size we want to start with on a one acre lot.

Jim Graw said going back to Chairman Gilberts comment do we want to allow hoop house in residential property.

Chairman Gilbert said he has a problem with large hoop houses in residential that are growing commercially and he thinks that is fine on A-R property.

Doug Powell said gardens and crops are allowed in residential zoning the question here is can you have it covered by a hoop house.

Pete Frisina said for example in R-40 you could have a 1,800 square foot greenhouse.

Chairman Gilbert said he likes 900 square feet better for a hoop house.

Jim Graw said the chart says 900 square foot hoop house on a one acre lot and what size accessory structure can you have on one acre.

Pete Frisina said 1,800 square feet.

Jim Graw asked if the 900 square foot hoop house would be in addition to the 1,800 square feet.

Pete Frisina said it would be a portion of the 1,800 square feet for the total accessory structure square footage.

Jim Graw asked and what size accessory structure can you have on two acres.

Pete Frisina said 1,800 square feet and the 3,600 square feet is allowed on five acres.

Chairman Gilbert asked if we are going to have a minimum height requirement.

Brian Haren said the height requirement will tend to restrict the width.

Doug Powel said an accessory structure can't go in the front yard in residential zoning.

Chairman Gilbert suggested we start with 600 square feet for a one acre lot, 800 square feet for a two acre lot, 1,000 square feet for a three acre lot, 1,200 square feet for a four acre lot and 2,400 square feet for a five acre lot.

Jim Graw said the original property owner had two lots that were each three plus acres, so under these numbers he could have a 1,000 foot hoop house on each lot.

Dennis Dutton said he has a house on only one of the lots and the zoning ordinance does not allow an accessory structure on a lot without a principal structure.

Pete Frisina asked what increased setbacks should we recommend.

Doug Powell said he would leave the setbacks per the zoning district.

Jim Graw said he wants the setbacks increased for hoop houses and he suggested 30 feet for a side yard setback on one acre and you would set a different setback for each zoning district.

Pete Frisina said we need to set one standard setback for a hoop house regardless how big the lot is.

Dennis Dutton suggested 50 feet for a side yard setback

Jim Graw suggested a standard setback of 40 feet for side and rear yard setbacks.

Doug Powel said with 40 feet you have doubled the setback in some zoning districts.

Jim Graw said he is most concerned with the side yard.

Chairman Gilbert said some lots narrow as they go back and if we increase the setback that decreases the area where you can have a hoop house and he suggested 30 feet for a side yard setback and 50 feet for a rear yard setback.

Doug Powell said that sounded reasonable.

Chairman Gilbert suggested 10 feet for a height.

Pete Frisina said he will take these suggestions and draw up regulations.

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

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 19, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Brian Haren
Bob Simmons

**MEMBERS ABSENT:** Douglas Powell

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services

**Welcome and Call to Order:**

Chairman Gilbert called the Planning Commission Meeting to order and introduced the Commission Members and Staff.

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**1. Consideration of the Minutes of the Meeting held on June 5, 2014.**

Brian Haren made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 4-0. Doug Powell was absent.

**2. Discussion of hoop houses.**

Pete Frisina said these proposed amendments are based on comments from the last meeting and they reflect amendments to the A-R zoning district, the Conditional Uses in A-R, a hoop house definition and the section for accessory structures. He said the statement of "For Private Use" was deleted from the use of a greenhouse in residential zoning and regulations specific to hoop houses have been created with a height limit of eight (8) feet, a minimum side yard setback of 30 feet, a minimum rear yard setback of 50, size limits based on acreage, required maintenance of the hoop house, can only be used to grow or store plants, and is exempt from architectural standards. He added amendments to A-R include the term "Commercial" was deleted from the use of a greenhouse, the term greenhouse/hoop house was used throughout the section, and the size of a farm outbuilding will go from 1,800 square feet to 3,600 square feet to match the residential accessory structures.

Jim Graw said we are putting a hoop house in the same category as a greenhouse and by doing that are we conferring anything to hoop house that we currently allow with a greenhouse that we don't want for a hoop house.

Pete Frisina asked for an example.

Jim Graw said greenhouses are permanent structures made out of steel and glass on a foundation and a hoop house is a temporary structure made out piping and plastic sheets.

Pete Frisina said that is correct and based on these amendments hoop houses will have more restrictions than a greenhouse. He said he would give this some more consideration.

Brian Haren asked how many people have asked about hoop houses.

Pete Frisina said he has talked to three (3) people about hoop houses in residential zoning.

Bob Simmons asked for a clarification of not more than two (2) accessory structures per lot.

Pete Frisina said that is already in the ordinance.

Bob Simmons said they couldn't have multiple structures on one (1) lot.

Pete Frisina said currently you could have up to 1,800 square feet of accessary structure space and that could be divided between two (2) structures.

It was the consensus of the Planning Commission to send the item back to the Board of Commissioners for further direction.

3. **Discussion of wedding/event facility in A-R.**

Pete Frisina said he was presenting items for discussion regarding the wedding and event use in A-R. He said Coweta County does this as a Special Use Permit that requires a public hearing and Fayette County does not have this sort of mechanism in our zoning ordinance. He asked if this something we want to consider requiring a public hearing for this type of use or go with just a Conditional use which doesn't require a public hearing so when the conditions are met the use can be established.

Chairman Gilbert said he didn't have much of a feeling one way or the other and since we don't have a Special Use Permit procedure he would recommend a Conditional Use procedure would be fine.

Pete Frisina said the next item is to outline the uses which are weddings and events and we would need to delineate the type of events. He said we don't want the facility used for concerts, sporting event or vehicle racing. He added there are Conditional Uses allowed in A-R that are related and these uses should be allowed in conjunction with a wedding/event facility and these uses are a horse show, rodeo, carnival, community fair, and/or religious tent meeting.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 4, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Douglas Powell
Brian Haren
Bob Simmons

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**STAFF ABSENT:** Dennis Dutton, Zoning Administrator

**Welcome and Call to Order:**

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff.

1. **Consideration of the Minutes of the Meeting held on August 21, 2014.**

Chairman Gilbert made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 5-0.

2. **Consideration of Petition No. 1238-14, Sohel Dhanani, Owner, request to rezone 34.277 acres from A-R to R-40 to develop a Single-Family Residential Subdivision consisting of 19 lots. This property is located in Land Lot 222 & 227 of the 13th District and fronts on Westbridge Road.**

Pete Frisina said the applicant has submitted a letter requesting to table the petition until November 6, 2014. He said the applicant has some engineering work to do to address the intersection, skew angle, and sight distance on Westbridge Road which are concerns brought up by Engineering Public Works. He added the applicant will need at least 60 days to hire an engineer and get drawings back to Engineering Public Works for their review prior to public hearings.

Chairman Gilbert said in his many years on the Planning Commission a request for a table is something we have always honored. He added that the petitioner has the right to petition for the rezoning, the right to withdraw and the right to table.

Jim Graw said he would make a motion to table the petition until the November 6, 2014 meeting. Chairman Gilbert seconded the motion. The motion passed 5-0.

Chairman Gilbert said he thought somebody was going to come to the meeting tonight to discuss hoop houses.

Pete Frisina said Joe Wayton is not here but he could explain some of his issues with the proposed ordinance and Joe is considering rezoning to A-R. He said when we started the discussion of hoop houses they were not addressed in the zoning ordinance and they wouldn't meet the requirements for accessory structures allowed in residential zoning. He added that Joe is concerned with the height limit at eight (8) feet as he is interested in a federal program for hoop houses and the height would be 12 feet and he is concerned with the limit on square footage

which would be 2,400 square feet for a five (5) acre lot. He said we are also increasing the square



footage for A-R from 1,800 square feet to 3,600 square feet for lots of five (5) to 10 acres with these amendments.

Jim Graw asked what the total acreage of Joe's lots is.

Pete Frisina said between six (6) to seven (7) acres zoned R-20. He stated even if he were zoned A-R he would be allowed 3,600 square feet with these amendments.

Doug Powell said wouldn't it be easier to rezone to A-R and build hoop houses as an agricultural function because he is the only person wanting hoop house and not rezoning to A-R seems unnecessary.

Pete Frisina said we have had other individuals asking about hoop houses in residential zoning. He added that Joe asks that the square footage of the hoop house not count toward the total square footage for accessory structures on the lot as they should be considered as temporary structures that will be taken down and not left up all year.

Chairman Gilbert said he recalled that Joe would keep up the structures for at least nine (9) months and once you go past six (6) months they are more permanent.

Pete Frisina reiterated that Joe's concerns were the height limit of eight (8) feet and the limit on the square footage. He explained that we are writing the ordinance for the whole county and it is best to be prepared with regulations because he feels hoop houses will become more popular with homeowners that will grow produce for themselves and not for a farmer's market.

Chairman Gilbert asked if Joe's lots are in a platted subdivision.

Pete Frisina said the two (2) lots are in a three (3) lot subdivision on Neely Road.

Jim Graw asked how many square feet of accessory structures could he have on each of the two (2) lots.

Pete Frisina said 800 square feet on one lot and 1,000 square feet on the other lot and if he combined them he could get 2,400 square feet. He asked about concerns with the eight (8) foot height limit.

Doug Powell said he wouldn't want a 12 foot hoop house next to his property but he wouldn't mind it on an A-R lot.

Chairman Gilbert said so many times we write an ordinance for a single situation and it comes back to bite us later so we need to consider the entire county.

Jim Graw said he recommends eight (8) feet.

Chairman Gilbert said he is comfortable with the square footage restriction we are proposing.

Chairman Gilbert said he has had some questions on the wedding venue ordinance.

Pete Frisina said he has not had time to get back to the ordinance.

Jim Graw said he was questioned about the ordinance and this person didn't like the paved driveways.

Doug Powell made a motion to adjourn the meeting.

Chairman Gilbert said so moved.

Chairman Gilbert said the meeting was adjourned at 7:30 pm.

**PLANNING COMMISSION**
**OF**
**FAYETTE COUNTY**

**ATTEST:**

**Al GILBERT, CHAIRMAN**

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 18, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Douglas Powell
Bob Simmons

**MEMBERS ABSENT:** Brian Haren

**STAFF PRESENT:** Pete Frisina, Director of Community Services
Phil Mallon, Director of Engineering/Public Works

**Welcome and Call to Order:**

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff.

1. **Consideration of the Minutes of the Meeting held on June 19, 2014.**

Doug Powell made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed 4-0. Brian Haren was absent.

2. **Discussion of greenhouses.**

Pete Frisina said he had taken a slightly different approach to the regulations for greenhouses and hoop houses. He said the premise we had been working with was there is the typical greenhouse that is built on a foundation and constructed of wood or metal framing with glass panes and a hoop house which is not built on a foundation and is constructed of hoop framing with a plastic sheet stretched over the hoops. He stated based on research he had done on the internet he had found another type of greenhouse that was similar to the hoop houses in that it was not built on a foundation but was not hoop shaped it had a pitched roof line and appeared to be a kit. He said based on the pitched roof he did change to the height limit from eight (8) feet to 10 feet.

Doug Powell said to looks to be a least ten feet tall.

Pete Frisina said as a result he is recommending that we put greenhouses into two (2) categories: temporary and permanent and define them as follows:

> Greenhouse, temporary means a structure constructed with metal, plastic, or wood framing, (bent in a half round or hoop shape in the case of a hoop house) with a plastic sheet or cloth covering that is not mounted on a permanent foundation used for the purpose of growing or storing plants.
>
> Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or plexiglass that is mounted on a permanent foundation used for the purpose of growing or storing plants.

Doug Powell asked if there is any time connotation to the terms permanent or temporary.

Pete Frisina said it is not time it is the structural characteristics.

Jim Graw said what do you mean by a permanent foundation.

Chairman Gilbert said something made of concrete or masonry.

Bob Simmons said do we need to define what a temporary foundation is.

Pete Frisina said he didn't think there is a temporary foundation, but it is that a temporary greenhouse would not be mounted on a foundation. He added the temporary structures would not likely require a building permit as opposed to a permanent greenhouse.

Jim Graw said a structure with a permanent foundation would require a building permit.

Pete Frisina said these temporary greenhouses appear to be kits that are assembled and they just sit on the ground. He added that on page three there is language that is added to the end of paragraph (3) and that language was deleted by mistake by a past amendment so it is being added back in now.

Doug Powell said I don't think we ever included bee hives in accessory structures.

Pete Frisina said this paragraph lists things that do not count toward the total accessory structure square footage and bee hives are not counted. He added the amendments are the same other than the height has been raised to ten feet and the terminology used now is "temporary greenhouse" and "permanent greenhouse." He pointed out that the size restrictions under (n) in the amendments would apply to temporary greenhouses and not the permanent greenhouses.

Chairman Gilbert said maybe the size restriction should apply to both a temporary and a permanent greenhouse as both could be intrusive.

Doug Powell said under the current ordinance you could have a 1,800 square foot stick built greenhouse.

Pete Frisina said we allow up to 3,600 square feet of accessory structure on a lot of five acres.

Doug Powell said but only 2,400 square feet could be a temporary greenhouse.

Jim Graw asked if a greenhouse is allowed in residential zoning.

Pete Frisina said they are allowed.

Jim Graw said their square footage is regulated under the current accessory structure restrictions.

Doug Powell said if you have a greenhouse they are heated and they would be limited to 750 square feet.

Pete Frisina said that is the square footage limits on a guesthouse not a greenhouse.

Jim Graw said on a three (3) acre lot you could have a 1,800 square foot accessory structure and could you also have a 1,000 square foot temporary greenhouse.

Pete Frisina said of the 1,800 square feet, 1,000 square feet could be a temporary greenhouse.

Jim Graw said the 1,800 square feet could be a permanent or a temporary greenhouse.

Pete Frisina said the temporary greenhouse would be limited to 1,000 square feet in your example of a three (3) acre lot.

Bob Simmons asked if the temporary greenhouse incorporates any time limit.

Pete Frisina said temporary refers to the structural characteristics and that it is not stick built on a permanent foundation.

Doug Powel asked at what point the county would intervene when a temporary greenhouse starts to look bad.

Pete Frisina said the ordinance requires the temporary greenhouse to be maintained.

Jim Graw said a temporary greenhouse regardless of the shape has to meet these regulations we are proposing.

Pete Frisina said we are raising the size of agricultural structures in A-R from 1,800 square feet to 3,600 square feet for lot of five (5) to ten acres which will match the amenments we made for accessory structures in residential zoning last year.

Joe Wayton said the only reason he wants a hoop house is to increase his growing season for about 90 days. He added that he wants to pass on his knowledge to kids by letting them help him grow crops.

Doug Powell asked Joe Wayton if these proposed regulations satisfy his needs or does he still feel that he has to rezone to A-R.

Pete Frisina said Joe Wayton is going to request A-R zoning.

Jim Graw asked Joe Wayton his opinion of the proposed regulations in terms of the square footage and height restrictions.

Joe Wayton said it does not meet his needs as it is not enough square footage and not high enough. He said he plans to have at least 2,900 square feet or more and he needs 12 to 15 feet in height for a tractor to clear.

Jim Graw said we have to look at the surrounding property owners when we create regulations and try to find a balance between you doing what you want on your property and protecting the adjacent properties.

Joe Wayton said the Constitution is only three (3) pages and we have all this written for hoop houses. He said one person's opinion doesn't count and when we fought the revolutionary war only 25 percent wanted to leave England.

Jim Graw said he understood and he may not be the only person who wants to put these temporary greenhouses in and these can go into others areas where there are smaller lots that may only be one (1) acre.

Joe Wayton said when he was young and confronted at school he was either going to get whipped or he was going to whip the other guy so he really doesn't care what his neighbor does and if I am busy doing my job at my house, I don't even look at his house. He added if his house needs painting that's his job and if runs out of food or power I will ask him if he needs me to help him but as far as what he does in his yard is his business and I think we have way more rules than we need.

Bob Simmons said we are charged with certain responsibilities and we are governed by certain rules and regulations. He added that ours is an advisory position and the Board of Commissioners has the final say so, but they look to us to do our due diligence to help them make the final decision. He said he appreciates what you are trying to do but it is not just you, it is the other 40,000 people we have to consider.

Joe Wayton said do you know what e pluribus unum means.

Bob Simmons said I know exactly what it means and don't condescend to me.

Joe Wayton said we have forgotten the meaning of it.

Bob Simmons said it makes no difference to me and he calls the question.

Doug Powell said how much A-R do you have before you can have unlimited agricultural buildings.

Pete Frisina said more than 10 acres.

Doug Powell said Joe Wayton will have seven (7) acres when his lots are combined.

Joe Wayton said he has about 6.9 acres.

Chairman Gilbert asked Pete Frisina where we go from here.

Pete Frisina said if the Planning Commission is ready to move forward we go to public hearings.

The consensus of the Planning Commission was to move forward with public hearings.

## 3. Discussion of wedding/event facility in A-R

Pete Frisina said we have Phil Mallon of the Engineering/Public Works Department here tonight. He said what we have to review tonight is proposed Conditional Use regulations for a Wedding/Event Facility in A-R. He said there are two (2) definitions as follows:

> *Event, private* means as event that is not open to the general public.
>
> *Event, public* means an event that is open to the general public.

He said concerts, sporting events and vehicle racing shall not be allowed at a Wedding/Event Facility but a horse show, rodeo, carnival, community fair, and/or religious tent meeting would be allowed as they are related Conditional Uses already allowed in A-R but the

Pete Frisina said every road in the County will be paved in the future. He said there is already 30 feet of right of way on the north side of the road so this is just a 10 foot strip but public works asks for a quit claim deed from the centerline.

Jim Graw asked Pete Frisina if we mean 40 feet of right-of-way.

Pete Frisina said yes.

Jim Graw suggested adding "right-of-way" to the condition.

Chairman Gilbert said we have a motion to approve the petition and we will add "right-of-way" to the condition. Jim Graw said he would second the motion.

Chairman Gilbert called the question. The motion passed 4-0. Doug Powell was absent.

**5. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, regarding Greenhouses in Section 110-3. Definitions, Section 110-79. Accessory Structures And Uses, Section 110-125. A-R Agricultural-Residential District, and Section 110-169 Conditional Use Approval.**

Pete Frisina said we discussed these amendments in previous meetings. He said this stared with hoop houses but now has become temporary and permanent greenhouses. He added that definitions were created for Foundation, Greenhouse, Temporary and Greenhouse, Permanent. He stated he changed the table with the acreage and square footage to recognize those lots that are less than one acre as there are older subdivisions in the County that were approved with half acre lots.

Jim Graw said you have a "more than" sign in front to the 1 and it needs to be a "less than" sign.

Brian Haren suggested that the table could just be less than two (2) acres.

Pete Frisina said yes we could do it that way.

Jim Graw asked if there are any changes since the last meeting.

Pete Frisina said there is a requirement to get a permit from Planning and Zoning since these structures won't be getting a building permit. He added that the permit is modeled after the Fence Permit we are currently using.

Chairman Gilbert asked if there is going to be a fee charged for the permit.

Pete Frisina said Staff had not recommended a fee.

Chairman Gilbert said he would recommend a fee because the County is expending materials and manpower to administer the permit.

Bob Simmons said he agreed with a permit fee.

Jim Graw said that is up to the Board of Commissioners.

Chairman Gilbert said he would recommend it the Commissioners.

Pete Frisina said the Planning Commission could make that recommendation. He added that Staff does not charge a fee for the Fence Permit.

He said as a housekeeping measure the square footage for farm outbuildings, auxiliary structures, horse stables, and greenhouses in A-R is increasing from 1,800 square feet to 3,000 square feet to match the amendments we made to residential accessory structures about a year ago.

Jim Graw asked if these greenhouse requirements will apply to A-R.

Pete Frisina said A-R has size restrictions for greenhouses based on acreage that would apply as well.

Chairman Gilbert asked if there was anyone in the public that would like to comment on the amendments. Seeing none he brought it back to the board.

Bob Simmons said he would like to discuss the fee structure for the permit and he would suggest $25 as there is a cost for resources to the County.

Bob Simmons made a motion to recommend approval of the amendments to the Zoning Ordinance with an added recommendation that the Board of Commissioners establish a fee schedule for a Temporary Greenhouse Permit.

Jim Graw asked if Bob Simmons was making a motion with a recommendation for a fee schedule.

Bob Simmons said yes.

Jim Graw said we should approve the amendments first and then go into the recommendation for a fee schedule.

Bob Simmons said I make the motion that we add a fee schedule to the ordinance.

Pete Frisina said the fee would not be in the ordinance because there is a separate fee schedule so what I think you mean is we charge $25 for each permit.

Bob Simmons said yes that is correct.

Chairman Gilbert said we should leave it the Board of Commissioners to set the fee and say that the Planning Commission is suggesting that they establish a fee.

Bob Simmons said he agrees the Board of Commissioners should set the fee.

Pete Frisina said to Bob Simmons your recommendation is we approve the amendments and that the Board of Commissioners considers a fee for the permit.

Bob Simmons said that is correct.

Brian Haren asked what do I as a citizen gets from the $30.

Bob Simmons said what you are paying for is the Staff time and resources it takes to review the permit.

Brian Haren asked when a citizen fills out this paper work what does the County do with it.

Pete Frisina said the staff would review it for compliance.

Brian Haren asked if staff would go out to the site.

Pete Frisina said Staff would not go the site, Staff would review it based on the application which would have drawings of the site and structure.

Brian Haren seconded the motion. The motion passed 3-1. Jim Graw said he voted in opposition to the motion because the recommendation for a fee schedule was included in the motion. He said he had no problem with the amendments as they were presented but would have preferred a separate motion be made for the recommendation of a fee schedule. Doug Powell was absent.

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Chairman Gilbert asked if there would be a meeting in two weeks.

Pete Frisina said there would be a meeting in two weeks.

Jim Graw made a motion to adjourn the meeting.

Chairman Gilbert said the meeting was adjourned at 7:30 pm.

**PLANNING COMMISSION**
**OF**
**FAYETTE COUNTY**

**ATTEST:**

**AL GILBERT, CHAIRMAN**