

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on May 17, 2007 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:** Douglas Powell, Chairman  
Bill Beckwith  
Jim Graw  
Tim Thoms

**MEMBERS ABSENT:** Al Gilbert, Vice Chairman

**STAFF PRESENT:** Pete Frisina, Director of Planning & Zoning  
Tom Williams, Assistant Director of Planning & Zoning  
Dennis Dutton, Zoning Administrator  
Delores Harrison, Zoning Technician  
Phyllis Williamson, P&Z Administrative Secretary  
Bill McNally, County Attorney

**STAFF ABSENT:** Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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1. **Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions; Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 1. Adult Day Care Facility and Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 8. Church, Temple, or Place of Worship; and Article VI. District Use Requirements, Section 6-17. O-I Office-Institutional District, D. Conditional Uses, Adult Day Care Facility; Section 6-18. C-C Community Commercial District, C. Conditional Uses, Adult Day Care Facility; and Section 6-19. C-H Highway Commercial District, C. Conditional Uses, Adult Day Care Facility as presented by the Planning & Zoning Department.**

Staff's additions to the current ordinance are indicated in **bold**, **underline**, and *italics*. ~~Strikethrough~~ indicates deletion.

**Delete all sections numbers 3-1. thru 3-124. and add a definition for an Adult Day Care Facility. All definitions are to remain in alphabetical order. Only the section numbers are to be deleted.**

**ARTICLE III. DEFINITIONS**

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

- 3-1. Accessory.** A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as such principal use or structure.
- 3-2. Acre, gross.** A measure of land equal to 43,560 square feet.
- 3-3. Acre, net.** A gross acre less: street rights-of-way, both public and private; all land located within the 100 year flood plain; all water impoundments; and all lands proposed to be dedicated to a governing authority.

**Adult Day Care Facility. Adult Day Care Facilities shall include any building or portion thereof used to house more than three (3) adults requiring care, maintenance, and supervision by other than a relative. Client shall be ambulatory or semi-ambulatory and shall not be bedridden.**

**3-4. Alteration.** Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.

## ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. **Conditional Use Approval.** Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.

A. **Special Regulations.** Prior to the issuance of development and/or building permits, a Site Plan must be submitted to the Zoning Administrator and approved by the appropriate County officials. This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meeting and/or events which are conducted no longer than fourteen (14) days per year.

B. **Conditional Uses Allowed:**

1. **Adult Day Care Facility.** (Allowed in the C-C, C-H, and O-I Zoning Districts).

a. **The facility shall comply with all licensing requirements of the State of Georgia.**

b. **A client shall not remain in such facility for more than sixteen (16) hours per day. The hours of operation shall be limited to: from 6:00 a.m. to 10:00 p.m.**

## ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

8. **Church, Temple, or Place of Worship.** (Allowed in O-I, A-R, and residential zoning districts).

a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.

b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette county Thoroughfare Plan.

c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas.

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- d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
  - (1) Front yard: 100 feet
  - (2) Side yard: fifty (50) feet
  - (3) Rear yard: seventy-five (75) feet
- e. Uses and/or structures incidental to a church such as a private school, parsonage, gymnasium, playground, and/or athletic field shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 8.c. and 8.d., above. Outdoor lighting for recreation purposes shall be prohibited.
- f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met.
- g.** **Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met.**
- gh.** Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
- hi.** All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area.

### **6-17. O-I, Office-Institutional District.**

- D. Conditional Uses. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Section 7-1 herein are met:
  - 1. Church, Temple or Other Place of Worship;
  - 2. Church or Religious Tent Meeting; (Added 04/09/98)
  - 3. Day Care Facility (Nursery School or Kindergarten);
  - 4.** **Adult Day Care Facility;**
  - 4.5.** Hospital;

### **6-18. C-C Community Commercial District.**

- C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:
  - 1. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;

2. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
3. Campground Facilities;
4. Care Home, Convalescent Center or Nursing Home;
5. Church or Religious Tent Meeting;
6. Commercial Driving Range;
7. Day Care Facility (Nursery School or Kindergarten);
- 8. *Adult Day Care Facility;***
- ~~8.9.~~ Dry Cleaning Plant;
- ~~9.10.~~ Fraternities and/or Sororities;

**6-19. C-H Highway Commercial District.**

- C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Section 7-1 herein are met:
1. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
  2. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Accessory Repairs; (Amended 06/24/04)
  3. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
  4. Care Home, convalescent Center or Nursing Home;
  5. Cemetery;
  6. Church or Religious Tent Meeting;
  7. Commercial Driving Range;
  8. Day Care Facility (Nursery School or Kindergarten);
  - 9. *Adult Day Care Facility;***
  - ~~9.10.~~ Dry Cleaning Plant;

Dennis Dutton advised that Staff was recommending the deletion of the section numbers for all of the definitions; however, all of the definitions are to remain in alphabetical order. He also recommended that the following statement regarding for an Adult Day Care Facility under B. Conditional Uses Allowed be deleted: A client shall not remain in such facility for more than sixteen (16) hours per day. He said Staff would like the following statement to remain: The hours of operation shall be limited to: from 6:00 A.M. to 10:00 P.M.

Chairman Powell asked what the basic difference was in adult day care and assisted living.

Mr. Dutton explained assisted living is a twenty-four (24) hour operation.

Chairman Powell said it probably should be explained in the definition that adult day care would operate on less than a continuous basis.

Pete Frisina said he would prefer not to set up parameters for this in the definition, because that is what the other sections of the ordinance do.

A long discussion followed regarding the hours of operation and also whether or not the adult day care could have beds.

Pete Frisina stated the ordinance says a care home, convalescent center, nursing home, etc. provides lodging and adult day care does not provide lodging. He said after speaking to the Georgia Association of Day Care Facilities, he discovered the industry standard is basically 6:00 A.M. to 6:00 P.M. and they think no client should be in the facility longer than twelve (12) hours per day. He also stated Staff was not stipulating that it could not be open on weekends and most operations are for weekdays only. He stated that beds should be allowed for those whose health concerns necessitated a need; however, it does not need to be stated in the ordinance.

The P.C. discussed the use of adult day care in a church, temple, or place of worship. Many questions arose as to what would be allowed. Staff stated it is a conditional use and would have to meet all conditional use requirements for a commercial establishment.

Following a lengthy discussion the P.C. agreed to make the following changes:

Under Article III, the definition of Adult Day Care Facility shall read: **Adult Day Care Facilities shall include any building or portion thereof used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day.**

Under Article VII. Conditional Uses, Exceptions, and Modifications, shall read:

B. Conditional Uses Allowed:

1. **Adult Day Care Facility.** (Allowed in the C-C, C-H, and O-I Zoning Districts).
  - a. **The facility shall comply with all licensing requirements of the State of Georgia.**
  - b. **The hours of operation shall be limited to: from 6:00 a.m. to 10:00 p.m.**

Chairman Powell instructed Staff to advertise the Adult Day Care Facility for the June Public Hearing.

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2. **Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures as presented by the Planning & Zoning Department.**

Pete Frisina advised the P.C. that a member of the B.O.C. had expressed concerns over the accessory structure requirements in the Zoning Ordinance. The B.O.C. member had stated that allowing two (2) 900 square foot accessory structures on a one (1) or two (2) acre lot was excessive and it was suggested to allow one (1) accessory structure at a larger maximum square footage on one (1) or two (2) acre lots. Mr. Frisina distributed a copy of the B.O.C. Minutes as they related to this issue. A copy of these minutes has been attached.

The P.C. and Staff discussed this issue and made some of the following points:

1. We presently allow two (2) structures not to exceed 900 square feet each. One (1) accessory structure could be as large as 1,200 square feet (if a guest house is combined with a garage or cabana), so 1,200 square foot accessories are allowed in some instances.
2. Perhaps the size of the accessory should be in proportion to the size of the lot.
3. Perhaps the size of the accessory structure should be considered in correlation to the size of the house.
4. Concern that changing to one (1) accessory structure will make properties with two (2) accessory structures nonconforming.
5. Concern that any citizen who built a 900 square foot accessory structure and thought they could build a second accessory, if this first structure was not adequate, would not be allowed to build the second structure if the ordinance is amended.

Mr. Frisina stated that a member of the B.O.C. would also like the P.C. to study architectural design standards.

The P.C. did not reach a consensus on either the issue of accessory structures or architectural design standards and plan to study both issues in a future workshop.

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Chairman Powell asked if there were any further business.

Chairman Powell asked the P.C. to consider the issue of “undue hardship”, especially following the request from the applicant of Brooks Crossing Subdivision Preliminary Plat. He stated he was concerned that during bad economic times, an applicant would use the economic hardship as an undue hardship, and that had not been an acceptable reason in the past.

Pete Frisina explained that an undue hardship would obviously be something that is extraordinary or exceptional.

Jim Graw asked if it would be possible to write a definition for an undue hardship.

Several members stated that every hardship is different and it is difficult to get a clear definition.

County Attorney Bill McNally stated he thought the P.C. had made an excellent decision in the Brooks Crossing request and he didn’t believe rewriting the criteria helps the P.C make a better decision.

After a long discussion regarding the subject, no agreement was reached for a definition of “undue hardship”.

Chairman Powell asked if there were any items requiring a June Public Hearing.

Delores Harrison stated there would be no rezoning applications; however, if a Preliminary Plat is approved by staff in time it will be forwarded to the P.C. She added that zoning ordinance amendments will be advertised for the June Public Hearing.

Hearing no further business, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 4-0. Al Gilbert was absent. The Public Meeting/Workshop adjourned at 8:39 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**DOUG POWELL  
CHAIRMAN**

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**PHYLLIS WILLIAMSON  
P&Z ADMINISTRATIVE SECRETARY  
FOR ROBYN S. WILSON  
P.C. SECRETARY**