

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on June 21, 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
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Dennis Davenport, Assistant County Attorney

GUESTS: Rick Halbert of Group VI
Nick Marlin of Heartline Medical Transport

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 for a Non-Emergency Medical Transport Service regarding Article III. Definitions; Article VI. District Use Requirements, Section 6-17. O-I, Office-Industrial District; and Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, D. Conditional Uses as presented by the Planning & Zoning Department.**

Chairman Powell advised that the proposed amendments had been discussed once before. He said that he had discussed the proposed amendments with Pete Frisina, Chairman Jack Smith, and Interim County Manager Jack Krakeel. He stated that there was discussion as to whether or not the use should be allowed in the O-I zoning district throughout the county or limited to a certain distance from the hospital within the overlay corridor.

Pete Frisina explained that this type service is licensed by the State of Georgia as administered by the Department of Human Resources. He pointed out that a designated parking area for the medical transport vehicles was being proposed, as well as, screening by a minimum eight (8) foot fence or wall required between the designated parking spaces and the street. He explained that he preferred a fence or wall to vegetation, as a fence or wall would provide immediate screening. He commented that screening the medical transport vehicles was a point brought to his attention by the B.O.C. He presented a picture of the non-emergency medical transport vehicle which is not as large as a Fayette County ambulance. He confirmed that this type service transports patients from a facility, such as a nursing home, to a medical facility for treatment. He said that State law requires the vehicles to be equipped with lights and sirens in case there is an emergency while transporting the patient between facilities; however, State law requires lights and sirens to be used from hospital to hospital. He added that the vehicles do not leave their office under lights and sirens.

Mr. Frisina presented the following amendments for discussion:

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

Article III. Definitions

Non-Emergency Medical Transport Service. A service licensed by the State of Georgia under O.C.G.A. 31-11-1 through 31-11-82 as applicable and as administered by the Department Human Resources providing prearranged non-emergency medical transportation.

Article VI. District Use Requirements

Section 6-17. O-I, Office-Institutional District

D. Conditional Uses.

9. Non-Emergency Medical Transport Service

Article VII. Conditional Uses, Exceptions, and Modifications

7-1. Conditional Use Approval

B. Conditional Uses Allowed:

29. Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District)

a. The service must comply with all licensing requirements of the State of Georgia.

b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment and shall be a minimum height of eight (8) feet.

c. No on-site vehicle maintenance or fueling facilities are allowed.

29. 30. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping.

The P.C. held a lengthy discussion regarding only allowing this use to be located in the S.R. 54 West Overlay Zone within the O-I zoning district, requiring similar requirements for fleet vehicles/commercial vehicles, and/or establishing a defined number of fleet vehicles/commercial vehicles before screening and a designated parking area would apply.

The P.C. also held a lengthy discussion regarding the regulations of fleet vehicles/commercial vehicles, screening, and a designated parking area for other businesses allowed in the O-I zoning district.

Chairman Powell advised that he had reviewed several ordinances and the majority addressed one (1) or more fleet vehicles.

Mr. Frisina replied that he preferred to address four (4) or more commercial vehicles for other businesses; however, he preferred all medical transport vehicles to be screened and parked to the side/rear yard because of the size of the medical transport vehicles.

The P.C. questioned signage on vehicles which provide advertising to the public.

Attorney Dennis Davenport explained that it is difficult to put regulations in place regarding a mobile vehicle due to the Interstate Commerce issues. He said that a sign is defined as being attached to the ground, either temporarily or permanently. He added that if a vehicle with signage can move on its own power, it is not a sign.

The P.C. stressed that the S.R. 54 West Overlay Zone should be protected to remain residential in appearance.

Chairman Powell advised the P.C. that the B.O.C. was establishing new procedures for the consideration of ordinance amendments. He explained that the B.O.C. will direct Staff to work on amendments to an ordinance and have the P.C. discuss the proposed ordinance amendments in a workshop/public meeting, and then the proposed ordinance amendments are discussed in a B.O.C. workshop/public meeting before being advertised for a public hearing before the P.C. and the B.O.C.

The P.C. concurred to proceed with the proposed amendments for non-emergency medical transport service in a public hearing if directed to do so by the B.O.C.

Chairman Powell advised that the P.C. would discuss fleet vehicles/commercial vehicles for other businesses in the O-I zoning district, basically within the S.R. 54 West Overlay Corridor, further at the next workshop/public meeting.

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2. **Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning & Zoning Department.**

Dennis Dutton stated that Staff was directed by the B.O.C. to review the expansion of an existing nonconforming structure. He explained that the current ordinance requires structures to comply with the architectural standards within the overlay zones; however, it does not specifically address additions. He said that Staff has applied the architectural standards to additions also. He pointed out that there could be an existing structure with a flat roof; however, the regulations require a pitched roof. He advised that he had reviewed several ordinances and he was proposing to allow a one-time occurrence if the addition comprises fifty percent (50%) or less of the total square footage of the structure; however, should the addition comprise fifty percent (50%) or more of the total square footage of the structure then the entire structure must be brought into compliance.

Mr. Dutton presented the following amendments for discussion:

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

Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone,

A. S.R. 54 West Overlay Zone, 4. Architectural Standards

e. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure, the addition does not have to meet the aforementioned Architectural Standards but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure, the entire structure must be brought into compliance with the aforementioned Architectural Standards.

B. S.R. 85 North Overlay Zone, 4. Architectural Standards

c. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure, the addition does not have to meet the aforementioned Architectural Standards but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure, the entire structure must be brought into compliance with the aforementioned Architectural Standards.

C. General State Route Overlay Zone, 4. Architectural Standards

e. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure, the addition does not have to meet the aforementioned Architectural Standards but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure, the entire structure must be brought into compliance with the aforementioned Architectural Standards.

The P.C. concurred to present the proposed amendments to the B.O.C. as presented.

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3. Further business. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures and Section 5-11. Guest Houses as presented by the Planning & Zoning Department.

Robyn Wilson confirmed that on April 4, 2007, the B.O.C. directed the P&Z Staff to work with Vice-Chairman Herb Frady on any revisions to accessory structures. She stated that the P.C. was advised at a previous workshop/public meeting that there would be proposed amendments presented to them in the near future. She reported that a meeting had been held with Commissioner Frady on June 19, 2007, and June 21, 2007.

Mrs. Wilson explained that a third option was being proposed for an 1,800 square foot accessory structure; however, if this option is chosen, only one (1) accessory would be permitted. She reported that property owners had questioned why you could construct two (2) accessory structures limited to a maximum of 900 square feet each, but could not construct one (1) accessory structure not to exceed 1,800 square feet since the square footage was the same. She pointed out that the measurement of total square footage and living area had been clarified by utilizing the building code. She added that architectural standards, including a pitched peak roof and façade for accessory structures 200 square feet or greater were also being proposed. She stated that a provision was being made to allow permanent stairs; however, permanent stairs shall comply with all current building codes.

June 21, 2007

Mrs. Wilson presented the following amendments for discussion:

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

Article V. General Provisions

5-10. Accessory uses and structures. Construction of an accessory structure shall only occur concurrently with or after the construction of the principal structure.

A. Structure Limitations. Accessory structures shall not be used as dwelling units or for lodging purposes except as otherwise provided herein.

B. Incidental Uses. The following accessory uses and structures and similar uses which are customarily incidental to a residential use are permitted in A-R and all residential zoning districts except farm outbuildings which shall be permitted in the A-R Zoning District only: (Amended 06/24/04)

1. Energy-saving Devices;
2. Wells;
3. Guest Houses;
4. Pump or Well Houses;
5. Greenhouse, Private;
6. Swimming Pool, Private;
7. Detached Garages;
8. Recreational Court, Private; ~~and~~
9. Gazebo; ~~and~~

10. *Pool Cabana;*

11. *Storage Building; and*

12. *Detached Carports.*

C. Location on Lot. Accessory uses and structures shall conform to the dimensional requirements within each zoning district except that no structure shall be located between the front property line and a residential structure except the following: a well, pumphouse or well house less than seventy (70) square feet; a detached garage less than 900 square feet when connected by a breezeway and located within thirty-five (35) feet of the principal dwelling; or farm outbuildings and greenhouses in an A-R Zoning District consisting of at least five (5) acres. On a corner lot, the area between the street adjoining the side or rear property line and the residential structure shall be treated as a front yard with regard to the location of accessory uses and structures. On a through lot, the area between the street from which the lot is accessed and the residential structure shall be treated as a front yard with regard to the location of accessory uses and structures.

- D. ~~Number and Size. No more than two (2) accessory uses or structures shall be allowed per principal use. Wells, pumphouses, well houses of less than thirty five (35) square feet, swimming pools, farm outbuildings, greenhouses, and accessories incidental to commercial and industrial uses shall not be included in determining the number of accessories. (Amended 04/09/98)~~
- E. ~~Size. No accessory structure, except farm outbuildings and combination guest house/garage or guest house/cabana, shall exceed 900 square feet of floor area. At least fifty (50) percent of the proposed accessory structure shall be enclosed except as otherwise provided herein.~~

The number and size of accessory structures shall conform to the requirements described herein.

1. **Accessory structures shall be limited to one (1) of the following options:**
 - a. **Two (2) accessory structures shall be allowed per principal use and shall not exceed 900 square feet of floor area each; or**
 - b. **One (1) accessory structure, not to exceed 900 square feet, and one (1) free-standing guest house shall be allowed per principal use. When a guest house is combined with a structure, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure (See Section 5-11. Guest Houses); or**
 - c. **One (1) accessory structure, not to exceed 1,800 square feet, shall be allowed per principal use. When a guest house is combined with an accessory structure, said total structure shall not exceed 1,800 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure (See Section 5-11. Guest Houses).**
2. At least fifty (50) percent of the proposed accessory structure shall be enclosed except as otherwise provided herein.
3. Wells, pumphouses, well houses of less than thirty-five (35) square feet, swimming pools, farm outbuildings, greenhouses, and accessories incidental to commercial and industrial uses shall not be included in determining the number of accessories. (Amended 04/09/98)
4. **Farm outbuildings and greenhouses must comply with Section 7-1.,B.,17. Farm Outbuildings and Greenhouses.**
5. **Total Square Footage**

The total square footage shall include: the main level footprint of the building, as well as, that portion of the upper level where the ceiling width, measured at seven (7) feet in height, is more than fifty percent (50%) of the ceiling width measured at five (5) feet in height. Habitable space requires a minimum ceiling height of seven (7) feet for more than fifty percent (50%) of the measurable area. If the space is utilized as storage only, permanent or pull-down stairs are permitted. Should the space be utilized as habitable space, permanent stairs are required. Habitable space shall not be considered as living space (See Section 5-11.,A).

Permanent stairs shall comply with all current building codes, including but not limited to: stairway width; headroom; riser height; tread depth; profile of nosing and projection; landings; surface of treads; handrails; hand grip size; illumination; etc.

F-E. **Administration.** Accessory structures of 200 square feet or greater shall be placed on a permanent foundation and shall require the issuance of a building permit and subsequent inspection. (Adopted 06/24/04)

Architectural Standards. A pitched peaked (gable, hip, or gambrel) roof shall be required for accessory structures of 200 square feet or greater. All buildings shall be constructed in a residential character of fiber-cement siding (eg: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or finished/baked enamel aluminum siding.

G-F. **Temporary Accessory Storage.** Portable On Demand Storage units, or “PODS” are only allowed on a temporary basis and only in conjunction with an on-going renovation project for the purpose of storage of household items for a period not to exceed one year. PODS are defined as enclosed cargo crates, usually constructed of metal, aluminum, or steel. Only one temporary accessory storage unit is allowed per lot. (Adopted 06/24/04)

H-G. **Carports, Detached** - A building permit is required prior to installation. The structure must be placed on a permanent foundation (slab), meet all State wind load requirements which shall include appropriate anchoring and only be used to house motor vehicles and trailers. Structures shall be constructed of the same material or types of material as the principle structure on the property or of metal. (Adopted 02/24/05)

5-11. Guest Houses.

A. **Number.** Guest houses are accessory structures which are allowed in the A-R and residential zoning districts. Only one (1) guest house is allowed per parcel or lot. Any living area included in a ~~detached garage or swimming pool cabana~~ **an accessory structure** is a guest house. **Living area must be heated and include facilities for: cooking and eating, full bathroom, and sleeping/living space.**

B. **Size.** A free-standing guest house shall not exceed 700 square feet of heated and finished floor area. ~~When a guest house is combined with a detached garage or cabana, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure.~~ **When a guest house is combined with an accessory structure, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure See Section 5-10.,D.,1.,b.).**

When a guest house is combined with an accessory structure, said total structure shall not exceed 1,800 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure (See Section 5-10.,D.,1.,c.).

C. Use prohibited. A guest house which is inhabited by a person or persons based upon an oral or written lease for value is prohibited. In the event an accessory structure which satisfies the requirements of this section is inhabited by a person or persons based upon an oral or written lease, the accessory structure, for purposes of this Ordinance, shall be construed to be a principal structure. No more than one principal structure shall occupy any residentially zoned lot or parcel.

D. Architectural Standards. A pitched peaked (gable, hip, or gambrel) roof shall be required. All buildings shall be constructed in a residential character of fiber-cement siding (eg: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), finished/baked enamel aluminum siding.

The P.C. expressed concern that in some zoning districts the accessory structure could be larger than the minimum house size and if the 1,800 square feet was too large for smaller lots. The P.C. also expressed concern about large two-story accessory structures.

It was suggested that there could be a relationship between the size of the accessory structure and the single-family dwelling.

Mrs. Wilson explained that approval is required by the Environmental Health Department prior to the issuance of a building permit which includes the location of the septic system plus an alternative location. She pointed out that if this requirement cannot be met that the accessory structure may be required to be decreased in size.

Attorney Dennis Davenport stated that under Section 5-11. Guest Houses the difference between a 1,200 square foot accessory structure with living space and a 1,800 square foot accessory structure with living space needed to be clarified.

Mrs. Wilson replied that she would clarify the difference. She explained that the difference was one (1) 1,200 square foot accessory structure with a maximum of 700 square feet of living space and one (1) accessory structure not to exceed 900 square feet or one (1) accessory structure not to exceed 1,800 square foot with a maximum of 700 square feet of living space.

Attorney Davenport questioned facilities required in a living area. He said he did not want to create a "loop-hole" where someone does not have one (1) of the required facilities and; therefore, the area is not considered as a living area.

Mrs. Wilson replied that she would discuss the facilities required in a living area with Attorney Davenport for discussion at the next workshop/public meeting. She added that she would discuss the P.C.'s concerns with Commissioner Frady.

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Chairman Powell asked if there was any further business. Hearing none, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:25 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**