

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on July 19, 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
Phyllis Williamson, P&Z Administrative Secretary

STAFF ABSENT: Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Delores Harrison, Zoning Technician
Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff. No legal council or public were present.

* * * * *

1. **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.**

Chairman Powell advised that the proposed amendments had been discussed at the previous Workshop/Public Meeting.

Pete Frisina presented the following proposed amendments:

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;

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.

1. Double Frontage Lots

On a corner lot, the area between the streets 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.

2. Triple Frontage Lots

On a triple frontage lot, (need input from the P.C.)

- 3. A detached garage, 900 square feet or less and located no more than thirty-five (35) feet of the principal structure may be located in the front yard provided all of the following provisions are met:**

Architectural Standards. The detached garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the building permit application:

- a. The design of the detached garage shall reflect and coordinate with the general architectural style inherent in the existing primary structure, including but not limited to, roofline pitch, roof facade, facade, residential windows, and residential doors.**
- b. The detached garage shall have at least one (1) garage door for vehicular access.**
- c. A separate electrical meter is prohibited.**
- d. The detached garage shall be connected to the principal structure by at least one (1) of the following:**

- (1) A breezeway which shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement); or
- (2) A patio or deck with guard rails measuring a minimum of three (3) feet in height; or
- (3) An arbor like structure consisting of an open roof of beams and crossing rafters shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement); or
- (4) A wall measuring a minimum of three (3) feet in height.

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, not to exceed 700 square feet of heated and finished living space, shall be allowed per principal use. 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 5-11. 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. All accessory structures, including a guest house, may not exceed sixteen (16) feet in height (See Article III. Definitions, Building Height for measurement of building height).
- ~~2.3.~~ At least fifty (50) percent of the proposed accessory structure shall be enclosed except as otherwise provided herein.

~~3.4.~~ 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)

5. *Farm outbuildings and greenhouses must comply with Section 7-1., B.,17. Farm Outbuildings and Greenhouses.*

6. *Total Square Footage*

When the two (2) following criteria are met, the upper level space shall be included in the total square footage: the upper level space is accessed by permanent stairs and that portion of the upper level space 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. The main level footprint of the building is also included in the total square footage.

Should the upper level space not meet the minimum ceiling height requirement, the upper level space may be accessed by permanent stairs, or a scuttle hole, or pull-down stairs and will not be included in the total square footage.

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.
- B. Size. *The size of guest house must comply to one (1) of the requirements described herein.*
1. A free-standing guest house shall not exceed 700 square feet of heated and finished living space 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.~~
2. *In the case where two (2) accessory structures are allowed per Section 5-10.,D.,1.,b., the guest house may be 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.*
3. *In the case where one (1) accessory structures is allowed per Section 5-10.,D.,1.,c., the guest house may be 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.*
- 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.*

Mr. Frisina explained that the ordinance does not allow an accessory structure to be located in the front yard, with the exception of less than a 900 square foot detached garage within 35 feet of the principal structure, and connected with a breezeway. He stated that the breezeway gives the illusion that the two (2) structures are attached. He confirmed that the ordinance addresses a corner lot and a through lot; however, it does not address a triple frontage lot. He advised that the front yard was considered to be located between the principal structure and the street. He reported that a corner lot has two (2) front yards and two (2) side yards. He said that on a through lot the area between the street which the lot accesses and the residential structure is considered a front yard in regards to accessory structures. He added that a lot with triple road frontages has three (3) front yards and one (1) side yard. He suggested that the orientation of the principal structure may be the best way to address triple frontage lots.

July 19, 2007
P.C. Workshop/Public Meeting

Mr. Frisina advised the P.C. that the Z.B.A. had expressed concern regarding multi-frontage lots and the reduction of the front yard setback between the side of the house and the street. He explained that this would create a problem for the adjacent lot because the side of the house would be located closer to the street than the front of the adjacent house.

Tim Thoms stressed that a side yard setback is significantly smaller than a front yard setback.

Al Gilbert suggested that illustrations of each situation should be included in the ordinance. He added that Fayette County is the only municipality in the area that allows a detached garage with a breezeway in the front yard.

Chairman Powell said that since aesthetics are a concern that a vegetative buffer should be required along the street where the accessory structure is located.

Mr. Frisina explained that should an owner want to locate a detached garage in the front yard, the proposed amendments provide for other means other than a breezeway such as a deck, patio, arbor like structure such as a pergola, or a minimum three (3) foot high wall. He pointed out that the proposed amendments also address the design of the detached garage, which is allowed in the front yard, in regards to roofline pitch, roof facade, facade, etc.

Mr. Gilbert suggested to delete the requirement “of at least one (1) garage door for vehicular access” and replace this with the requirement “of a garage door opening for vehicular access.” He also expressed concern that reducing the maximum height requirement to sixteen (16) feet and the possibility of an accessory structure being larger than the principal structure. (He added he had seen an accessory structure in Coweta County that far exceeded the size of the principal structure and he thought he looked terrible.) He suggested that a wall measuring a minimum of three (3) feet in height should be deleted.

Mr. Gilbert suggested that an accessory structure could not exceed the square footage of the principal structure.

Jim Graw asked what is wrong with the current requirements.

Mr. Frisina replied that Staff has received requests for variances and he thinks this subject bears discussion.

Bill Beckwith stated that for more than a year the Z.B.A. has been frustrated with corner lots and defining the front and side yards and what could be placed there. He added now he was learning of through lots and lots with triple frontages and the problems they could create. He continued homeowner’s come before the Z.B.A. and do not understand why the side of the property facing the street is a front yard and all we can say is “that is what the ordinance says”, and he would appreciate a better way to define front yards.

Mr. Frisina said he would look at a combination of orientation of the house and classification of the street and bring the results back to the P.C.

Chairman Powell said he, Al Gilbert and Jim Graw would like the final product to include a handout that would be offered to the homeowner demonstrating the front, side, and rear yard designations of their property.

Mr. Frisina said he would like to discuss the issues regarding detached garages, in the front yard, less than 900 square feet and no more than thirty-five feet (35 feet) from the principal dwelling and connected by a breezeway. He stated that he was presently dealing with a situation like this and the

P.C. Workshop/Public Meeting

homeowner did not want to connect the garage with a breezeway. He commented that the Planning and Zoning Staff had been asked, by the County Administrator, to take a fresh look at this also. He explained that this breezeway was only required if the garage was to be placed in the front yard. After more discussion, he said there were changes that could be made including reducing the 35 foot requirement or to do something on this similar to the other issue such as better defining front yards based on house orientation or street classification. He added that Staff studied limiting the height of accessory structures to a maximum of sixteen (16) feet. He said the purpose of this would be to have the principal dwelling be the highest structure on the lot.

Following a lengthy discussion, the P.C. had the following concerns:

- a.) Using decks, patios, arbors, or walls to make an illusion of a connection between garage and house, especially a patio, as it could simply be part of the driveway.
- b.) A connecting three (3) foot wall, with a facade like the house, could be a problem as it would break down when exposed to the elements.
- c.) Sixteen (16) feet in height would not be sufficient for two-story garages and also for garages with steep pitched roofs. If the pitch of the garage roof has to match the house, the garage and roof may be steeper than sixteen (16) feet.
- d.) Inadequate definition of garage door, i.e. do we mean an opening or a door?
- e.) Does the garage have to have four (4) solid walls?
- f.) Should the size of an accessory structure be smaller than the principal dwelling? The 1,800 square foot accessory structure may exceed the size of the house.
- g.) Should the size of an accessory structure be linked to the size of the lot, i.e. a certain percentage of the square footage of the lot?

Mr. Frisina said he would do some additional work on this and bring it back to the P.C. at a future Workshop/Public Meeting. He said he would suggest wording in the ordinance to prevent someone from building an accessory structure that is larger than the principal dwelling.

* * * * *

2. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding the parking and screening of fleet/company vehicles as presented by the Planning & Zoning Department.

Chairman Powell reminded the P.C. they had approved the conditional use of Non-emergency Medical Transport in O-I. He pointed out that there were two (2) items remaining: 1) That company vehicles should be parked in designated areas, which would be located to the side or rear yard, and 2) No on-site vehicle maintenance or fueling facilities allowed. He asked what the scope of this should be. He asked if the discussion should include all O-I. He asked if the regulations should be designated only to the S.R. 54 West Overlay or perhaps all the State Route Overlay Zones. He asked the P.C. how many vehicles should constitute a fleet. He added that in the ordinances, which he had reviewed, that one (1) vehicle to three (3) vehicles constitute a fleet.

Pete Frisina advised that if the requirement is placed under the State Route Overlay Zones that it will apply to all non-residential businesses regardless of how they are zoned. He pointed out that some of the existing businesses on S.R. 54 West do not have parking on the side or rear yards. He added that the O-I zoning district has a different character than commercial or industrial zoning.

Jim Graw suggested the P.C. define "fleet vehicle". He added that the ordinance should only address the S.R. 54 West corridor. He said he had seen parking of business vehicles along S.R. 54 West that disturbed him. He stated that a single company vehicle, including a trailer, should constitute as a fleet vehicle.

Al Gilbert asked how would the Marshals know if the vehicle is owned by the company if it has no markings on the vehicle. He added that this could create an enforcement issue.

Chairman Powell suggested to draft the ordinance to address: 1) Properties zoned O-I; 2) Include fleet vehicles to be one (1) or more vehicles; 3) Design parking to the side and rear yards; and 4) No on-site vehicle maintenance or fueling facilities.

Tim Thoms asked if a fleet vehicle could be described as “to be identified as such”.

Mr. Frisina confirmed that the P.C. wanted to address the O-I zoning district, company/fleet vehicles, a designated parking area in the side/rear yards, and no on-site vehicle maintenance or fueling facilities. He said that Staff would review the item further for presentation at next Workshop/Public Hearing.

* * * * *

Chairman Powell asked if there was any further business. Hearing none, Jim Graw made a motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:51 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**PHYLLIS WILLIAMSON
P&Z ADMINISTRATIVE SECRETARY**