

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on February 19, 2009, 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: Tim Thoms, Vice-Chairman
Al Gilbert
Bill Beckwith
Jim Graw

MEMBERS ABSENT: Douglas Powell, Chairman

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Robyn S. Wilson, PC Secretary/Zoning Coordinator

Welcome and Call to Order:

Vice-Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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1. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Personal Care Homes in a dwelling as presented by the Planning & Zoning Department.

Dennis Dutton explained that development of a Personal Care Home Ordinance was at the directive of the BOC. He advised that the Planning & Zoning Department (P&Z) had not only received complaints about personal care homes but also numerous requests for personal care homes. He reported that he had prepared a “Fact of Findings” regarding personal care homes which was presented to the BOC. He added that Scott Bennett, County Attorney, had reviewed the legal aspects and he has advised the BOC that personal care homes can not be prohibited; however, they can be regulated. He noted that the following was prepared by Attorney Bennett and Pete Frisina.

**PROPOSED AMENDMENTS TO
THE FAYETTE COUNTY ZONING ORDINANCE**

ARTICLE III. DEFINITIONS

Family. One (*1*) or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said

group is occupying a single dwelling unit. *A Personal Care Home, as defined herein, shall not be deemed a family.*

Personal Care Home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal care services for two (2) or more adults who are not related to the owner or administrator by blood or marriage.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval, B. Conditional Uses

32. Personal Care Home. (Allowed in the A-R, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts).

a. A personal care home shall only be allowed in a detached single-family dwelling.

b. A personal care home shall not be located within 1,500 feet of any existing personal care home. Such distance shall be measured from the nearest building wall of the proposed personal care home to the nearest building wall of an existing personal care home via a straight line. A surveyor registered in the State of Georgia shall provide a signed/sealed plat/affidavit regarding the measurements.

Renumber remaining items.

~~32.~~ *33. Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables). (Allowed in the A-R Zoning District).*

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-1. A-R Agricultural - Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the A-R Zoning District provided that all conditions specified in Section 7-1 herein are met:

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15. ***Personal Care Home;***

~~15-16.~~ Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

Renumber remaining uses.

6-2. EST, Estate Residential District (Amended in its entirety 08/11/05)

D. Conditional Uses Permitted within the Residential Area of an Estate Residential Subdivision. The following Conditional Uses shall be allowed in the Residential Area of Estate Residential Zoning District provided that all conditions specified in Section 7-1 herein are met:

3. ***Personal Care Home; and***

~~3-4.~~ Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

6-3. R-85 Single-family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-85 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. ***Personal Care Home;***

~~4-5.~~ School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-4. R-80 Single-Family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-80 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. ***Personal Care Home;***

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- 4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-5. R-78 Single-family Residential District.

- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-78 Zoning District provided that all conditions specified in Section 7-1 herein are met:

- 4. *Personal Care Home;*

- 4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-6. R-75 Single-family Residential District.

- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-75 Zoning District provided that all conditions specified in Section 7-1 herein are met:

- 4. *Personal Care Home;*

- 4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-7. R-72 Single-family Residential District.

- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-72 Zoning District provided that all conditions specified in Section 7-1 herein are met:

- 4. *Personal Care Home;*

- 4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

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Renumber remaining uses.

6-8. R-70 Single-Family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-70 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. **Personal Care Home;**

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-9. R-55 Single-family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-55 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. **Personal Care Home;**

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-10. R-50 Single-family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-50 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. **Personal Care Home;**

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-11. R-45 Single-family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-45 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. *Personal Care Home;*

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-12. R-40 Single-Family Residential District. (Added in its entirety on 04/09/98)

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-40 Zoning district provided that all conditions specified in Section 7-1 herein are met:

4. *Personal Care Home;*

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-13. R-20 Single-family Residential District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-20 Zoning district provided that all conditions specified in Section 7-1 herein are met:

4. *Personal Care Home;*

4.5. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and

Renumber remaining uses.

6-24. C-S, Conservation Subdivision (Adopted in its entirety 12/05/01)

D. Conditional Uses Permitted within the Residential Area of a Conservation Subdivision. The following Conditional Uses shall be allowed in the Residential Area of C-S Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Home Occupation;
2. Developed Residential Recreational/Amenity Areas; ~~and~~
- 3. *Personal Care Home; and***
- ~~3-4.~~ Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

6-23. Planned Unit Development.

E. Planned Residential Development.

2. Permitted Uses. Planned Residential Developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. ~~Customary home occupations and~~ Residential accessory buildings and uses shall also be allowed.

3. *Conditional Uses. The following Conditional Uses shall be allowed in the PUD-PRD provided that all conditions specified in Section 7-1 herein are met:*

1. *Home Occupation; and*

2. *Personal Care Home.*

~~3-4.~~ Minimum Dimensional and Other Requirements. The minimum dimensional requirements in the PRD shall be as follows:

Renumber remaining sections.

Al Gilbert asked if personal care homes would be issued a business license.

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Robyn Wilson replied that Attorney Bennett was also revising the County Code and the procedures

for being issued a business license would be addressed within the County Code and not the Zoning Ordinance. She added that there were also State regulations involved.

The PC concurred with the proposed amendments.

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2. Discussion of proposed amendments to the Fayette County Zoning Ordinance as presented by the Planning & Zoning Department.

Dennis Dutton advised that Pete Frisina had appeared before the BOC at their retreat and was instructed to revise the Zoning Ordinance, as well as, the Sign Ordinance. He stated that the process would probably take a year.

Robyn Wilson added that she had already begun revising other articles of the Zoning Ordinance. She said that changes in Article V. General Provisions could create changes in Article III. Definitions. She stressed that this would not be the only review of Article III. She pointed out that all section numbers would be deleted throughout the ordinance and replaced with article numbers since article numbers do not change but section numbers do change. She added that tract or parcel would be replaced with lot throughout the ordinance.

Mrs. Wilson advised that P&Z Staff had received input from the Permits & Inspections Department (P&I) to ensure that the zoning definitions did not conflict with building code definitions. She added that some of the definitions had been revised and new ones added based on definitions she had found in a zoning dictionary.

Mr. Dutton reviewed the following:

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:

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.

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Acre, gross. A measure of land equal to 43,560 square feet.

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/stormwater 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 four (4) or more adults requiring care, maintenance, and supervision for part of a day. (Adopted 06/28/07)

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.~~ **Any construction or renovation to an existing structure, other than repair.**

Vice-Chairman Thoms asked if this would be inside or outside alterations.

Mrs. Wilson replied that it would cover any alterations other than repairs.

Agriculture. The raising of soil crops and livestock in a customary manner on lots of land at least five (5) acres in size, including all associated activities.

Animal. For the purpose of this ordinance the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus). It shall not include livestock (see ~~Sec. 3-62.~~ **Livestock**). The number of animals kept shall be limited to three (3). (Adopted 08/25/05)

Animal, Exotic. This shall include any species or family or breed (including hybrids) of exotic animals listed by the Georgia Department of Natural Resources (DNR) as being exotic or wild (State law Ref. O.C.G.A.'27-5-1 as presently stated and as hereafter amended). Unless otherwise provided in O.C.G.A. '27-5-4 as presently stated and as hereafter amended; it shall be prohibited for any person to import, transport, transfer, sell, purchase, or possess any wild or exotic animal listed in O.C.G.A. '27-5-5 as presently stated and as hereafter amended. (Adopted 08/25/05)

Antenna. Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

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Automobile Service Station. A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Basement. The area below the first floor level in a building and having not more than one-half (2) of its height above grade.

Mrs. Wilson advised that the basement definition would be revised to comply with the building code definition in the future.

Breezeway. A roofed, open-sided or screened passageway connecting two (2) structures, such as a house and a garage.

Buffer. A portion of a lot which is set aside to provide a visual separation from abutting ~~lots;~~ ~~uses, or streams~~ lots through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. **(See Development Regulations, Article V.)**

Vice-Chairman asked why streams were deleted in the buffer definition.

Mrs. Wilson explained that a visual separation (zoning) buffer is different from a watershed buffer. She stated that P&Z Staff would amend the name.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure **for** any person, animal, process, equipment, goods or property of any kind.

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. **Architectural features, which are not utilized for habitable space, are exempt from building height.** See also, Tower Height. (Amended 07/24/03; 05/26/05)

Mr. Dutton explained that architectural features, such as a widow's walk, are not habitable space and should not be included in building height.

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Building Line, Front. A line running between the side property lines as parallel as possible to the street which touches the nearest point of the principal structure to the street. (Amended 01/24/08)

Building Line, Minimum. (Deleted in its entirety 01/24/08)

Building, Principal. A building in which the principal use of the lot is conducted.

Business Park. ~~A planned center for the delivery of goods and services consisting of at least ten (10) acres and identifiable as a unit.~~

~~Business Vehicles. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.~~ **Relocate to Vehicles, Business.**

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom. (Amended 01/24/08)

Campground Facilities. Any lot where two (2) or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy of fifteen (15) days or less.

Care Home. A convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons. (Amended 12/15/05)

Bill Beckwith asked if a Care Home was the same as a Personal Care Home.

Mr. Dutton replied that the definitions are different.

Carport, attached. A roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district. (Amended 06/26/08)

Carport, detached. A roofed, open-sided motor vehicle shelter, in a residential zoning district. (Adopted 06/26/08)

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Cemetery. A burial ground.

Cemetery, Commercial. The operation of a burial ground where burial sites are sold or exchanged for donations; however, this definition shall not include a cemetery maintained by and adjacent to a church.

Church or other Place of Worship. A building used for public worship, including ***but not limited to***, temples, synagogues, ***pagoda, shrine, cathedral, tabernacle, and mosque/masjid*** and related Sunday School or Church School facilities.

Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or Lodge, Private. All incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development. (Adopted 08/14/08 and enacted 10/01/08)

County Engineer. A person so designated by the Board of Commissioners: ***The person who has been designated by the Board of Commissioners who is licensed as a Professional Engineer.***

Al Gilbert stated that the County Engineer may not always be a Professional Engineer (PE) and this definition could possibly cause problems.

Mrs. Wilson stated that P&Z Staff would ask Attorney Bennett or the BOC for input with the County Engineer definition.

Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub. (Adopted 01/24/08)

Curb Cut. The point at which vehicular access is provided to a lot from an adjoining street.

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Day Care Facility. An agency, organization, or individual providing daytime care for four (4) or more individuals not related by blood or marriage or not the legal wards of the attendant adult. See also, Nursery School or Kindergarten.

Daylight Hours. That period of time beginning thirty (30) minutes before sunrise and ending thirty (30) minutes after sunset.

Density. The number of dwelling units per net acre.

Density, High. High density is defined as more than four (4) dwelling units per net acre.

Density, Low. Low density is one (1) dwelling unit or fewer per two (2) net acres.

Density, Medium. Medium density is one (1) to three (3) dwelling units per net acre.

Drive-In. A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Drive-Through. *An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.*

Dwelling. A building or portion of a building, designed for, or occupied for residential purposes.

Dwelling, Multi-Family. A dwelling designed for three (3) or more families living independently of each other.

Dwelling, Single-Family. A detached dwelling designed for a single family.

Dwelling, Townhouse. One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, Two-Family. A building containing two (2) single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.

Dwelling Unit. One (1) or more rooms within a structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping, sanitation, and which is physically set apart from any other rooms or dwelling units in the same building.

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F.A.A. The Federal Aviation Administration.

Family. One (1) or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or

be lawful wards, where said group is occupying a single dwelling unit. (Amended 12/09/04)

Farm. A ~~lot of land~~ **lot** devoted to the raising of agricultural products and/or livestock.

F.C.C. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails. (Adopted 08/14/08 and enacted 10/01/08)

Financial Institution - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. (Adopted 08/26/04)

Floor Area, Accessory Structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Principal Structure. The area of a dwelling exclusive of ***unheated space, including, but not limited to,*** attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

Jim Graw stated that the wording of floor area was confusing and should be revised and separated into two (2) sentences.

Mrs. Wilson suggested the following:

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Floor Area, Principal Structure. The area of a dwelling exclusive of ***unheated space shall be measured from the face of the exterior walls. Examples of unheated space shall include, but not be limited to,*** attic, basement, garage, carport, patios, and open porches ~~measured from the exterior face of the exterior walls of a dwelling.~~

Garage, Parking. A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Garage, Private. An enclosed accessory building or an enclosed portion of a principal building used only for private storage of permitted motor vehicles.

Garage, Repair. A ~~garage~~ **building** intended to be used to make commercial automobile or other motor vehicle repairs.

Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing Authority. The Fayette County Board of Commissioners.

Home Occupation. An occupation ~~involving the sale of goods or services~~ conducted within a dwelling by ~~members of a family residing~~ **residents** in the dwelling.

Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" ~~and "tourist court"~~.

~~Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.~~

Mr. Gilbert asked why impervious surface was being deleted.

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Mr. Dutton replied that there are pervious and porous materials which are not impervious. He explained that impervious surface is not referring to environmental but spatial, such as, building and parking.

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for

installation on a non-residential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/Auto Grave or Salvage Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Mrs. Wilson explained that Salvage Yard was deleted because under the Conditional Uses, Junk/Auto Grave Yard is the correct term.

Junked Automobile. See Vehicle, Abandoned.

Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include not more than one (1) litter of dogs or cats of not more than six (6) months of age. (Amended 08/25/05)

Kindergarten. See Nursery School or Day Care Facility.

Landscape Areas. A maintained area of grass or ornamental planting materials.

Livestock. Animals that are kept or raised, for use, profit, or for food, including but not limited to, horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats. (Amended 08/25/05)

Loading Space. Space logically and conveniently located for pick-up and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot. A lot of land of varying size which is designated as a single unit of property.

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Lot, Corner. A lot located at the intersection of two (2) streets.

Lot Depth. The distance between the front and rear lot lines.

Lot, Interior. A lot which has frontage on only one (1) street.

Lot, Landlocked. A lot of record having no frontage on a ~~County-maintained~~ street.

Lot, Through. A lot, other than a corner lot, having frontage on more than one (1) street.

Lot Width, Minimum. The minimum distance between side lot lines measured along the front minimum building line for a depth of at least eighty (80) feet.

Lot of Record. An area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with the Fayette County Subdivision Rules and Regulations, or in a legally recorded deed.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Mini-storage Facility. Storage facilities which are leased to the public.

Motel. See Hotel.

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Museum. *A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study and enjoyment.*

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 of Human Resources providing prearranged non-emergency medical transport.
(Adopted 07/26/07)

Nonconformance. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of this Ordinance **(November 13, 1980)**, or as the result of subsequent amendments.

Nursery School or Kindergarten. An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult. See also, Day Care Facility.

Open Space. Land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Parking Space. An area for off-street motor vehicle parking.

Pavilion. A freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Planning Commission. The Planning Commission shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners.

Public Utility Facility. A location of or for Public Utilities such as an electric substation or water treatment plant or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission. (Adopted 06/24/04)

Pole Barn. A large structure for the storage of farm products, feed, or the housing of farm animals or farm equipment, supported by poles, in agricultural zoning districts.

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Porte Cochere. An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch.
(Adopted 06/26/08)

Public Water Facilities. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Rifle Range, Commercial. Any rifle range operated wherein a fee is charged for its use.

Rifle Range, Private. Any rifle range used by a club or a group of more than two (2) non-resident members.

School, Trade. ***TO BE ADDED - SR 74 N***

School, Vocational. ***TO BE ADDED – SR 74 N***

Setback. The area as designated by this Ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line, if a buffer is required.

Sewer System, Central Sanitary. Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release. **TO BE REVISED**

Sewer System, Community Sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than thirty (30) lots via a pipe network with transportation to a common collection point for on-site treatment via a drip irrigation discharge system. **TO BE REVISED**

Mrs. Wilson advised that this definition will be revised to comply with the Water System's requirements.

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~~Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off street parking and loading facilities provided on the property.~~

Solar Panel (ground-mounted). *An electrical device consisting of a large array of connected solar cells or photovoltaic cells that converts solar energy (light from the sun).*

Mr. Dutton advised that a solar panel would be treated as an accessory in regards to location but would not count toward the number of accessories allowed.

Mr. Beckwith suggested deletion of the word “electrical” and add “into electricity” at the end of the sentence.

Split zoning. A lot divided by more than one (1) zoning district.

Mrs. Wilson explained that the new GIS zoning map prepared by Pete Frisina was parcel specific and if a parcel has two (2) or more zoning districts then it will be labeled as split zoning.

~~Storefront Warehouse. A wholesale or retail establishment where at least fifty (50) percent of the building is used for storage of the products.~~

Stable, Horse. A horse stable is a building in which horses are kept.

Vice-Chairman Thoms suggested deletion of the words “horse stable”.

~~Street. A roadway for traffic which may or may not be publicly owned. **has been deeded to the County or State via a Warranty Deed; is County or State maintained; or has been constructed to County standards and deeded to a homeowner’s association via a recorded Warranty Deed.**~~

Mr. Graw suggested that a Property Owners Association (POA) should be added to the definition.

~~Street, Access. A street intended to carry traffic between commercial uses and a major thoroughfare. **TO BE REVISED**~~

~~Street, Private. A street that is privately owned and used. **TO BE REVISED**~~

~~Street, Public. A street that is used for travel by the general public, whether or not it is owned by a public agency. **TO BE REVISED**~~

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~~Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Among other things, structures include buildings, manufactured homes, signs, and swimming pools, but do not include walls or fences.~~

~~Subdivision. All divisions of a lot or lot of land into two (2) or more lots, ~~building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing~~~~

~~streets, and includes re-subdivision and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition:—(Amended 04/22/04)~~

- ~~(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality;—(Amended 04/22/04)~~
- ~~(b) The division of land into lots of five (5) acres or more where no new street is involved.—(Amended 04/22/04)~~ **RELOCATE TO ARTICLE V**

Mr. Dutton noted that the regulations for a subdivision would be relocated to Article V. He said that a definition needs to define a subject rather than regulate a subject.

Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material. (Adopted 01/24/08)

Thoroughfare, Major Arterial. ~~A street designated to carry traffic into and out of a city.~~ **A street designated on the Thoroughfare Plan as a Georgia State Route which provides traffic movement through the region, as well as, traffic movement within and through the County.**

Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic movement within and through the County.

~~Thoroughfare, Collector. A street designated to carry traffic between minor thoroughfares and major thoroughfares.~~ **A street designated on the Thoroughfare Plan which collects traffic from local and other collector streets and provides a connection to arterial streets.**

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Vice-Chairman Thoms suggested that “collects” be replaced with “carries”.

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either *major* arterial, **minor arterial minor or proposed** or collector **or proposed collector**.

Thoroughfare, Minor. A street designated to carry primarily local or neighborhood traffic. **on the Thoroughfare Plan as a County Local or Internal Local primarily for access to abutting properties, providing for minimum speeds, and traffic volumes.**

The PC suggested to provide a definition for County Local and Internal Local.

Tourist Court. See Hotel.

Tot lot. An improved and equipped play area for small children usually up to elementary school age.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Mr. Beckwith suggested to add"/antenna" to the definition of Tower.

Tower Facilities. Includes towers, antennas, and all accessory buildings and structures, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also, Building Height.

Tower structure, alternative. Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to June 27, 1996.

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Townhouse. See Dwelling, Townhouse.

Trailer (Office Type), Temporary. A vehicle designed for towing, not intended for use as a dwelling, ~~temporary or permanent~~, and restricted to such uses as a ~~temporary~~ construction office/storage facility, sales office ~~and/or storage facility~~, **and** temporary operations office **or** classrooms pending construction of a permanent facility, and the like.

Mr. Graw suggested the deletion of "and the like" and added that it was too broad of a statement.

Training Center. TO BE ADDED – SR 74 N

Uses, Conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, Permitted. Those uses that are allowed in a particular zoning district as a matter of right.

Uses, Principal. The main purpose for which a lot is intended and for which it may be used.

Variance. A modification of the terms of this Ordinance granted by the Zoning Board of Appeals in accordance with criteria as set forth herein.

Vehicle, Abandoned. A vehicle which does not bear a current license plate with an appropriate decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building or unless it is stored on a bonafide sales lot and is in a satisfactory operating condition.

Vehicle/Boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding manufactured homes.

Vehicle, Business. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

Vehicle, Passenger. ***A wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, have seating for one (1) to ten (10) people, and typically have two (2) axles, and to be constructed principally for the transport of people rather than goods.***

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Vice-Chairman Thoms asked if a three (3) wheeled economy, fuel efficient vehicle should be included.

Mr. Graw suggested the addition of “not used for commercial purposes” to exclude such vehicles as a limo or shuttle van. He added that specific criteria may need to be established for commercial vehicles.

The PC and the P&Z Staff concurred that this definition needs to be more refined.

Vehicle, Recreation Vehicle. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping

trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half (8.5) feet in width and forty-five (45) feet in length.

Wall. Structures made of masonry or concrete ***commonly used as an enclosure for a field or yard.*** (Adopted 08/14/08 and enacted 10/01/08)

Warehouse. A building in which at least seventy-five (75) percent of the gross floor area is devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water Distribution System, Central. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water Impoundment. A body of water confined by a dam, dike, floodgate, or other barrier.

Yard. A required open space on a lot that is left unoccupied with structures and facilities except as permitted herein.

Yard, Front. The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

Yard, Rear. The area between the rear property line and the rear building line, extending the full width of the lot.

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Yard, Side. The area between the side property line and the side building line, extending from the front yard to the rear yard.

Zoning Administrator. The person who has been designated by the Board of Commissioners to administer the enforcement of this Ordinance.

Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

- 18. C-C Community Commercial District (Sec. 6-18)
- 19. C-H Highway Commercial District (Sec. 6-19)
- 20. L-C Limited Commercial District (Sec. 6-20)
- 21. M-1 Light Industrial District (Sec. 6-21)
- 22. M-2 Manufacturing and Heavy Industrial District (Sec. 6-22)
- 23. PUD Planned Unit Development (Sec. 6-23)
- 24. C-S Conservation Subdivision (Sec. 6-24) (Adopted 12/05/01)

4-2. Maps. The boundaries of each zoning district shall be shown on a map entitled the "Zoning Map of Fayette County". The location and classification of all streets within these districts shall be shown on a map entitled the "~~Street and Road Classification and Major~~ ***Fayette County*** Thoroughfare Plan, Fayette County, Georgia". Each map shall be dated and certified by the Chairman and Clerk of the Board of Commissioners, Fayette County, Georgia. Said maps and all explanatory matter thereon are hereby made a part of this Ordinance. The Zoning Administrator shall retain said maps and all amendments thereto.

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4-3. Amendments. If, in accordance with the provisions herein, amendments are made to the aforementioned maps, the Zoning Administrator shall record such amendment on the appropriate map and indicate thereon the effective date of the amendment.

4-4. Boundary Rule. Where uncertainty exists with respect to the boundaries of any zoning district, the following rules shall apply unless otherwise specifically indicated:

A. Where the zoning district boundaries are indicated on the zoning map as approximately following the centerlines of a street, road, highway, railroad right-of-way line, stream bed, river bed, corporate city limits line, ~~militia district line~~, or land lot line, then such lines shall be construed to be the zoning district boundary lines. ***Setbacks are measured from corporate city limit lines and/or county boundary lines.***

Mr. Dutton explained that the addition is to define how setbacks are measured in regards to city limit lines and county boundary lines.

- B. Where the zoning district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such boundaries shall be construed as being at the scaled distance from the centerline of same and parallel thereto.
- C. Where a zoning district boundary line divides a lot which existed at the time of enactment of this Ordinance (November 13, 1980), the Zoning Administrator may, administratively change the zoning of the smaller portion of said lot to coincide with the zoning of the larger portion of said lot. Any changes in boundaries which occur pursuant to this provision shall be reported to the Clerk of the Board of Commissioners.
- D. *Where a zoning district boundary divides a lot which did not exist at the time of enactment of this Ordinance (??/??/2009), the property must be rezoned to one (1) zoning district prior to submittal of a Site Plan, Preliminary Plat, Final Plat, and/or building permit.***

Mrs. Wilson explained that this was always a County Policy and is simply being added to the ordinance.

Vice-Chairman Thoms advised that the PC would see more ordinance revisions throughout the year.

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Mrs. Wilson asked the PC to e-mail any additional input to her for consideration.

* * * * *

Vice-Chairman Thoms asked if there was any further business.

Mrs. Wilson advised that she received no applications for the March Public Hearing.

The PC discussed holding a Workshop if there was not a Public Hearing; however, they concurred to continue to hold Workshops on the third Thursday; however, they would not mind holding a Workshop after a short Public Hearing. The PC asked the P&Z Staff to try to break down the revisions to the Zoning Ordinance so that the Workshop would last no longer than an hour and a half.

Hearing no further comments, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 4-0. Chairman Powell was absent. The Public Meeting/Workshop adjourned at 8:32 pm.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

TIM THOMS
VICE-CHAIRMAN

ROBYN S. WILSON
P.C. SECRETARY