

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on August 20, 2009, at 7:08 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
Bill Beckwith
Jim Graw
Al Gilbert

MEMBERS ABSENT: Douglas Powell, Chairman

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

STAFF ABSENT: Pete Frisina, Director of Planning & Zoning

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.** *This is part of a year long review of the Zoning Ordinance.*

Dennis Dutton explained that the proposed amendments were very basic amendments. He presented the proposed amendments as follows:

01/23/09 – BOC Retreat
08/20/09 – PC Wkshop

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-2. Nonconformances.

- A. Nonconforming Lots. Any lot, being a lot of record at the time of passage of this ordinance **(November 13, 1980) or as the result of subsequent amendments**, that fails to comply with the requirements of this Ordinance may:

1. If vacant, be used for a dwelling, in the A-R or a residential zoning district, provided that the height and floor area requirements along with the yard and any other applicable requirements are met.
2. If vacant and in any district other than a residential or A-R Zoning District, be used for any use allowed in the applicable district provided that the minimum requirements for height, floor area and yards, and any other applicable requirements shall be met.
3. If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended provided that the minimum requirements for height, floor area and yards and any other applicable requirements are met.

B. Nonconforming Open Uses of Land. ***Any nonconforming open uses of land, at the time of passage of this ordinance (November 13, 1980) or as the result of subsequent amendments, that fails to comply with the requirements of this Ordinance including Uses*** consisting of storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.

1. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
2. Nonconforming open uses of land shall not be changed to any use but conforming uses.
3. A nonconforming open use of land shall not be enlarged to cover more land.
4. When any nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

C. Nonconforming Use of Structures. ~~Any Nonconforming~~ uses of structures existing ~~include structures used,~~ at the time of passage of this Ordinance (November 13, 1980) or as the result of subsequent amendments, for purposes not permitted in the zoning district in which they are located. ~~They~~ shall be governed by the following restrictions:

1. A nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
2. A nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
3. A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
4. When any nonconforming use of a structure is discontinued for a period in excess of six (6) months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Jim Graw asked how the discontinuance would be determined and how would the six (6) month period be counted.

Mr. Dutton explained that lack of activity, nonrenewal of occupational tax, or a new occupant requesting information about the use of the structure. He explained that the six (6) month period

would be counted as soon as Planning & Zoning is made aware of the discontinuance which could include new inquiries about the structure, questions from the public, or information provided by the Marshal's Office. He added that a continuance would require ZBA approval.

D. **Existing Nonconforming Structure. When a structure is an existing nonconforming structure at the time of passage of this Ordinance (November 13, 1980), or is made nonconforming as the result of subsequent amendments, or is made to be nonconforming due to land acquisition for road improvement projects, the setbacks used shall be those established by the existing structure, as long as, any new structure is attached via a heated corridor, common wall, or roofline to the existing structure. No addition shall make the structure a more nonconforming structure. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. Any new, separate structure shall be required to meet all setbacks of the respective zoning district.**

DE. **Restoration and Re-Use of Nonconforming Historic Structures.** Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:

1. The structure and previous use must be identified in the Architectural Survey of Fayette County. (Amended 12/05/01)
2. The structure itself must be the subject of restoration. Any extension, enlargement or alteration of the structure is subject to approval of the Zoning Board of Appeals.
3. Areas of consideration for approval of such a request include, but are not limited to:
 - a. Submittal of a site plan;
 - b. Restriction of allowable uses;
 - c. Parking requirements;
 - d. Landscaping requirements; and

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- e. Signage.

E.F. Use of Historic Residential Structures in Residential Subdivisions. The preservation of historic residential structures listed in the Architectural Survey of Fayette County is encouraged in residential subdivisions as these structures can be used as residences or community facilities for the subdivision. Existing structures used for a community facility must meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The use of these structures will be subject to the approval of the Zoning Board of Appeals in terms of any nonconformance with the applicable zoning district. (Adopted in its entirety 12/05/01)

7-3. Reconstruction of Nonconforming Structures. When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind or act of God, such structure may be reconstructed only if the cost of reconstruction totals less than ~~seventy-five (75)~~ 75 percent of the current fair market value of the structure for tax purposes. **Cost of reconstruction shall include the costs of building supplies, electrical, plumbing, mechanical, and labor. The structure shall be in a finished state of completion per the Certificate of Occupancy requirements.** The "value of the structure" shall not include the value of any accessory building, well, septic tank or utility in determining the extent of the damage. Structures which do not conform to the yard requirements herein shall also be governed by this provision. **(See Permits & Inspections Department for Certificate of Occupancy requirements.)**

Al Gilbert asked how the costs would be determined.

Mr. Dutton replied that a detailed inventory list with prices, a contractor's invoice, a sub-contractor's invoice, details about trusses for the roof, etc.

Robyn Wilson advised that if the costs are outrageous, the Plan Reviewer or the Director of Permits & Inspections would question the information provided. She added that the Permits & Inspections Department and the Tax Office would be very involved with the process of determining the 75% reconstruction costs.

Mr. Gilbert asked how upgrades such as hardwood floors would be addressed.

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Mrs. Wilson replied that an engineered flooring system is not a requirement of a Certificate of Occupancy. She added that she could only remember this provision being utilized twice in the past 25 years.

7-4. Changes in Zoning. Any nonconformances produced by a change in zoning district boundaries or Ordinance regulations after the date of passage of this Ordinance (November 13, 1980) shall also be governed by the provisions of ~~Section 7-2~~ Article VII, Nonconformances.

7-5. Illegal Nonconforming Uses. Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the adoption of this Ordinance, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land whereon such use was conducted within a zoning district wherein such use is permitted as shown upon the Zoning Map of Fayette County.

7-6. Transportation Corridor Overlay Zone
(A. - Adopted in its entirety 03/09/95) (A., B., C. - Amended 06/24/04)

For the purposes of Section 7-6., a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed including a petition to rezone the land, the subdivision of property through a preliminary and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

A. S.R. 54 West Overlay Zone. All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the SR 54 West Overlay Zone is to achieve the following:
(Amended 06/07/06) (Amended 03/22/07)

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- a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
- b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and

- c. To protect the aesthetics for existing and future residential areas in this Highway Corridor. (Amended 03/22/07)
2. Access The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)
- a. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 06/07/06) (Amended 03/22/07)
3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
- a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.
 - b. Setbacks will be as follows:
 - (1) Front yard setback on SR 54 West: 100 feet
(Amended 06/07/06) (Amended 03/22/07)
 - e. ~~The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)~~

Mr. Graw asked why the impervious surface percentage was deleted.

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Mr. Dutton replied that there is confusion with the terms “pervious” and “impervious”. He reported that “lot coverage limit” would be utilized instead of “impervious surface”. He pointed out that this addresses spatial instead of environmental. He noted that lot coverage limit would be listed under each nonresidential zoning district and included structures and the parking area.

Vice-Chairman Thoms asked why all impervious surfaces other than approved access drives was not deleted in a.

Mrs. Wilson replied that a. may be deleted in its entirety; however, she would discuss this item with Staff. She added that it was in each overlay zone.

- d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. **Minimum slope of three (3) feet to one (1) foot and two (2) foot wide crown shall be required unless otherwise approved by the Stormwater Management Department.** (Amended 03/22/07)

Mr. Graw asked who addressed the minimum slope requirement.

Mrs. Wilson replied that Stormwater Management and an Engineer provided the details.

- e. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten (10) feet from the side property line.

- 4. **Architectural Standards.** These standards shall apply to all nonresidential development within this Overlay Zone*

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the Site Plan:

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction

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complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco); (Amended 03/22/07)
- c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows; and (Amended 03/22/07)
- d. The design of accessory/outlot buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
- e. When an existing nonconforming structure is enlarged by ~~fifty~~ 50 percent (~~50%~~) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ 50 percent (~~50%~~), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

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This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

** (excluding the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road) (Amended 06/07/06)*

- 5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the

Overlay Zone:

- a. Street Frontage. Landscape area: ~~fifty (50)~~ **50** feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/ structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06) (Amended 06/07/07)
 - b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure: When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

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- a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by existing structures. Any new construction shall comply with the setback requirements herein. (Amended 03/22/07)
 - b. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. (Amended 03/22/07)
7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
- a. Shielding standards. Lighting shall be placed in a manner to direct

light away from any adjacent roadways or nearby residential areas.
(Adopted 03/22/07)

8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
 - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site. (Adopted 03/22/07)
 - b. No outside storage allowed.
 - c. All ~~roof top mechanical~~ **heating ventilation and air conditioning (HVAC)** equipment and satellite/**communications equipment** ~~dish antennas~~ shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
 - d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR54.

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- B. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line. (Amended 03/22/07)
 1. The purpose of the SR 85 North Overlay Zone is to achieve the following: (Amended 03/22/07)
 - a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle. (Amended 03/22/07)
 - b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

- c. To protect the aesthetics for existing and future development in this highway corridor. (Adopted 03/22/07)
2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)
- a. Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)
3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
- a. All impervious surfaces, other than approved access, shall be located at least ~~forty (40)~~ 50 feet from the right-of-way of SR 85 North and a minimum of ten (10) feet from the side property lines

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- b. Setbacks will be as follows:
 - (1) Front yard setback on State Route 85 North: 100 feet (Amended 03/22/07)
 - (2) Gasoline Canopy: Front yard setback on State Route 85 North: 85 feet (Amended 03/22/07)
- ~~e. Impervious surface: Per zoning district. (Amended 03/22/07)~~
- d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height and shall be placed to the inside of the applicable buffer. **Minimum slope of three (3) feet to one (1) foot and two (2) foot wide crown shall be required unless otherwise approved by the Stormwater Management Department.** (Amended 03/22/07)

4. Architectural Standards: These standards shall apply to all nonresidential development within this Overlay Zone.
 - a. All buildings of which any portion of said building is constructed within 1,000 feet of the right-of-way of S.R. 85 North shall be constructed of brick/brick veneer, fiber-cement siding (ie: Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), and/or wood siding. (Amended 03/22/07)
 - b. The design of accessory/outlot buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
 - c. When an existing nonconforming structure is enlarged by ~~fifty~~ 50 percent (~~50%~~) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement

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after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ 50 percent (~~50%~~), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

5. Landscape Requirements: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:
 - a. Street Frontage. Landscape area: ~~fifty (50)~~ 50 feet along the right-of-

way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

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- 6. Use of Existing Structure. When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
 - a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by the existing structures. Any new construction or improvements, shall comply with the setback requirements herein. (Amended 03/22/07)
 - b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)
- 7. Lighting. Lighting shall be designed in such a way as to meet the following requirements: (Amended 03/22/07)
 - a. Shielding standards. Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
- 8. Special Locational and Spatial Requirements. The following special

requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

- a. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
- b. All ~~roof top mechanical~~ heating ventilation and air conditioning (HVAC) equipment and satellite/communications equipment ~~dish antennas~~ shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)

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- c. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- C. General State Route Overlay Zone. All property and/or development which have road frontage and/or access on State routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This Overlay Zone specifically excludes SR 54 West and SR 85 North for which other Overlay Zones have been established herein. The Architectural Standards of this Overlay Zone Specifically excludes the L-C zoning district, for which other architectural standards have been established. (Amended 06/07/06) (Amended 03/22/07)
1. The purpose of the General State Route Overlay Zone is to achieve the following: (Amended 03/22/07)
 - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - b. To protect existing and future residential areas near highway corridors; and
 - c. To protect the aesthetics for existing and future residential areas in

this highway corridor. (Adopted 03/22/07)

2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)
 - a. Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)
3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

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- a. All impervious surfaces, other than approved access drives, shall be located at least ~~ifty (50)~~ **50** feet from the State Route right-of-way.
 - b. Setbacks will be as follows:
 - (1) Front yard setbacks on all other State Routes: 100 feet (Amended 03/22/07)
 - e. ~~Impervious surface: The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)~~
 - d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. **Minimum slope of three (3) feet to one (1) foot and two (2) foot wide crown shall be required unless otherwise approved by the Stormwater Management Department.** (Amended 03/22/07)
4. Architectural Standards. These standards shall apply to all nonresidential property and/or development within this Overlay Zone. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following must be submitted as part of the Site Plan. (Amended 03/22/07)
 - a. A pitched peaked (gable or hip) roof with a minimum pitch of four

and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)

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- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential. (Amended 03/22/07)
- c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. (Amended 03/22/07)
- d. The design of accessory/outlot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
- e. When an existing nonconforming structure is enlarged by ~~fifty~~ **50** percent (~~50%~~) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ **50** percent (~~50%~~), the entire nonconforming structure must be

brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

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5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
 - a. Street Frontage. Landscape area: ~~fifty (50)~~ **50** feet in depth along State Route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06)
 - b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

- a. The dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by existing structures. Any new construction or improvements, shall comply with the dimensional requirements herein.
- b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)

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- 7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
 - a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
- 8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
 - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site. (Amended 03/22/07)
 - b. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - c. All ~~roof top mechanical~~ **heating ventilation and air conditioning (HVAC)** equipment and satellite/**communications equipment** ~~dish antennas~~ shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
 - d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a State Route.

Section 7-7. Commercial Development Standards. (Added in its entirety 08/26/04)

- A. Architectural and site design standards and guidelines for structures 5,000 ~~sq-ft~~ **square feet** or greater (this applies to a single structure) that are located in the area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This

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area shall also be known as the Fayette County Community Hospital District (Hospital District).

1. Lighting:
 - a. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
 - b. Shielding standards. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways or nearby residential areas.
 - c. Fixture height standards. Lighting fixtures shall be a maximum of ~~thirty-five (35)~~ **35** feet in height within the parking lot and shall be a maximum of ten (10) feet in height within non-vehicular pedestrian areas.
 - d. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent and neon, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.
2. Service Function Areas (SFA's) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.
 - a. Buffering and screening standards. Loading areas or docks, trash collection/compaction/recycling, mechanical equipment, vehicular storage (excluding new and used cars), roof top equipment and other service function

areas shall be fully screened from view of adjacent properties and roadways at ground view level.

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- b. Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the structure on site.
 3. Drive-through lane standards:
 - a. Drive-through windows shall not be placed between the building and a public road right-of-way.
 4. Pedestrian access standards:
 - a. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to all parking areas and outlots. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within required landscape areas, provided the landscape area is not less than ten (10) feet in width on average. Shared pedestrian walkways are required between adjacent projects.
 - b. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
 - c. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.
 - d. Materials. Pedestrian walkways and crosswalks shall be consistent with the provisions of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.
 5. Building design:

- a. Building orientation standards. Facades/elevations that are visible from an arterial or collector street constitute an affected facade. Any facade that fronts

on a right-of-way shall have two (2) of the following design features;

1. Windows at a minimum of ~~twenty-five (25)~~ 25 percent of the affected facade. All doors and windows must be divided or made to appear as if divided into more than 2 smaller panes either through framing or the use of mullions.
 2. Projected covered public entry with a minimum of ~~twenty-five (25)~~ 25 percent of each projected wall space devoted to windows. (This figure is non-cumulative).
 3. Covered walkway (excluding canvas type) provided with six (6) inch columns or better, attached to the building at a minimum extension of eight (8) feet wide. The walkway must be a minimum of eight (8) feet in height with a maximum of ten (10) feet in height and must extend the full length of the affected facade.
 4. Canopies/Awnings of a fixed nature.
- b. Facade/wall height transition: New developments that are located within ~~three hundred (300)~~ 300 feet of an existing building and are more than twice the height of, or are half of the height of or less than any existing building shall provide transitional massing elements to transition between the existing buildings of lower height within ~~three hundred (300)~~ 300 feet, and the proposed development. Any building that is more than two (2) stories shall have massing for any possible future neighboring development.
 - c. Facade standard: All buildings shall be designed with consistent architectural style. In the case of outlot buildings, all exterior facades shall adhere to the requirements of this section with respect to architectural design treatments for all facades. All exterior facades shall be designed to employ the following design treatments:
 1. All buildings shall maintain a facade of brick, stone, or stucco.

2. Window standards: Windows shall not appear to be false or applied.

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3. No horizontal length and/or uninterrupted curve of a building facade or roofline shall exceed twenty-five (25) linear feet and shall have architectural elements along a minimum of fifty (50) percent of their horizontal length per affected side. These features include, but are not limited to: display windows; projected entry areas; and/or other such design elements as proposed by the architect.

Mr. Dutton advised that remaining Articles of the Zoning Ordinance would be presented at future Workshops/Public Meetings.

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

Robyn Wilson advised that a Workshop/Public Meeting would be held immediately following the September 3, 2009, Public Hearing.

Hearing no further business, Al Gilbert 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 7:37 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
VICE-CHAIRMAN**

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