

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on October 15, 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: Douglas Powell, Chairman
Bill Beckwith
Al Gilbert

MEMBERS ABSENT: Jim Graw
Tim Thoms, Vice-Chairman

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Phil Mallon, Director of Public Works/Engineering
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

GUESTS PRESENT: Huie Bray
Donna Lee
English Pope
Dr. and Mrs. James Sandwich

Welcome and Call to Order:

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

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1. **Discussion of a proposed policy regarding Driveway Adjustment Easement as presented by Public Works/Engineering.** *On October 7, 2009, the Board of Commissioners forwarded this item to the Planning Commission for review and input.*

Phil Mallon stated he had presented the proposed policy before the BOC on October 7, 2009. He stressed this is a policy and not a change, regulation, or ordinance. He said the policy deals with a change to the road such as right-of-way acquisition, raising or lowering the road, an allowable driveway slope, or a change which impacts the existing driveway. He commented the policy deals with reconnecting property owner's driveways, at no costs or compensation to the property owners, with the various transportation projects. He remarked the BOC asked several questions but when asked how to proceed forward, they wanted additional input from the P&Z Staff and the PC.

Chairman Powell asked if the policy had been reviewed by the County Attorney.

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Mr. Mallon replied the County Attorney had reviewed the policy in conjunction with his presentation at the BOC Workshop.

Bill Beckwith asked if there was a time line on adoption of the policy.

Mr. Mallon replied there was not a drop dead date; however, the department will be getting very busy with right-of-way beginning in late December so it would be helpful to have it adopted prior to that time.

Al Gilbert asked if this policy would also cover relocation of water lines and power lines.

Mr. Mallon replied the policy covers transportation projects only; however, it could be adopted County wide. He added County water lines are usually within an existing right-of-way or easement.

Mr. Beckwith clarified that some of the work could be outside of the right-of-way.

Mr. Mallon replied yes it could and added grading may need to be performed outside of the right-of-way which would require an easement. He said the policy deals with work on private property which is not needed to construct the road but the purpose is to cover areas only in regards to maintaining the driveway. He presented a graphic indicating disturbance of an existing driveway.

Mr. Gilbert commented that other items may be affected such as existing landscaping and redirection of water flow.

Mr. Mallon replied a drainage issue should be part of the overall design and would not be considered as a driveway adjustment easement. He added there will not be replacement or compensation for trees because it is hard to place a value on trees. He advised there would be a distinction between trees and a landscape area.

Chairman Powell remarked every citizen in the County would be upset if the road was built and driveways were disconnected so the reconnection needs to be done at no costs to the property owner.

Mr. Beckwith asked if mailboxes would be replaced.

Mr. Mallon replied mailboxes would be replaced; however, it would be required to comply with County requirements.

Pete Frisina asked if the easement would be permanent or temporary.

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Mr. Mallon replied the easement would be temporary; however, the more formal easements run with the land so a change of ownership would not void the easement.

Chairman Powell asked when the policy would be initiated with the property owner.

Mr. Mallon replied the process would start when right-of-way acquisition begins. He added the information would be delineated on the drawings for the road. He commented the property owner would be advised from the beginning about such items as replacement of their mailbox, fence, gate, retaining walls, irrigation lines, etc. He remarked that under certain circumstances, the County may compensate the property owner because some fences can be quite elaborate.

Chairman Powell remarked some fence and/or gated entrances could cost as much as \$40,000 to \$50,000.

Mr. Gilbert asked what would happen if the fence is in the right-of-way.

Mr. Mallon replied the fence would be replaced outside the right-of-way unless the fence was constructed illegally.

Chairman Powell asked if photographs would be taken of the property in its prior condition.

Mr. Mallon replied photographs will be taken by the Right-of-Way Agent and added the property owner will also receive drawings of the driveway reconnection details.

He presented the following policy:

10/07/09 – BOC Workshop
10/15/09 – PC Workshop

Fayette County Public Works
Driveway Adjustment Easement Policy

Policy qqq.qq

PURPOSE

This policy documents the procedures Fayette County follows when a transportation project results in the disturbance of an existing driveway or curb cut outside existing or proposed right-of-way or easements. Following this policy helps ensure all property owners are treated in a fair and consistent manner with respect to this issue.

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POLICY

Fayette County shall request a Driveway Adjustment Easement (DAE) from all property owners having a parcel in which a County transportation project disturbs an existing driveway. The DAE shall extend from the right-of-way onto private property to the furthest point where grading or other adjustment work is necessary to maintain connectivity between the driveway and road, sidewalk or path.

The County considers the reconnection of the driveway to a road, sidewalk or path as a service to the property owner. As such, Fayette County will perform any work necessary to maintain access to the public road, sidewalk or path at no cost to the property owner and with no compensation to the property owner. No work shall be done on a parcel's driveway outside County right-of-way or existing easement without a DAE from the property owner.

For purposes of this policy the term "driveway" includes all privately-owned paths, drives, roads, curb-cuts, etc. used to provide ingress and/or egress from a public road to one or more properties. "Transportation project" includes new road construction, operational improvements, safety improvements, sidewalk or path construction, maintenance work, etc. or any combination thereof.

PROCEDURE

The following procedures shall be followed whenever a Fayette County transportation project will disturb an existing driveway or curb cut on private property. These procedures are not applicable when the area of driveway disturbance is within existing or proposed right-of-way or easement area.

1. Property owners shall be notified in writing of the proposed project and schedule of construction activities. A copy of this policy shall be provided with the notification.
2. The County shall not compensate property owners for DAEs. DAEs are not required to construct the project but are acquired for the sole purpose of connecting, or reconnecting, a property's driveway with the transportation project. The County or its Contractor will perform this work at no cost to the property owners and with no compensation to the owner, tenants, or assigns for the area needed to reconnect the driveway. Every reasonable effort will be made to minimize impacts to physical improvements, landscaping, etc. located within the DAE area.
3. The County shall coordinate with the property owners to provide safe and reasonable access to and from the property at all times during construction.
4. Permanent repairs and/or replacements of the property owner's driveway within the DAE shall be of equal or greater materials and workmanship. The County shall not, however, replace structures that are inconsistent with County Development Regulations or widely-

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accepted safety standards set by the American Association of State Highway and Transportation Officials (AASHTO), Georgia Department of Transportation (GDOT), Federal Highway Administration (FHWA), or similar organization. In these situations, the County shall substitute a similar structure or material that serves the same function of the existing structure but meets applicable safety standards. No compensation shall be provided to the property owner if the compliant structure/item is of less value than the original structure/item.

5. Prior to any County work within a DAE, the property owner shall provide a signed DAE form that: A) acknowledges receipt and understanding of this policy, and B) provides permission for the County to perform the necessary work to and around the driveway.
6. A drawing will be provided by the County to each property owner showing the needed DAE area, applicable right-of-way lines, and any pertinent easement(s). The drawing will also indicate any structures, landscaping and trees that may be damaged or removed as a result of the driveway work.
7. Fayette County will not replace or provide compensation for trees that are damaged or killed as a result of the driveway work. Reasonable efforts, however, will be made to minimize the impact to trees wherever possible.
8. At the County's prerogative, structures (including but not limited to fences, gates, retaining walls and irrigation lines) and landscaping (excluding trees) may be compensated for or replaced with similar materials.
9. Any physical improvement the property owner desires to preserve should be removed and/or relocated by the owner prior to the County performing the driveway construction work.
10. The County shall not be held liable for damage to physical improvements, including landscaping, not moved and/or relocated from Driveway Adjustment Easement area(s).

Driveway work within existing or proposed right-of-way or easement area (other than a DAE) is not covered by this policy and shall be dictated under the conditions established in the typical right-of-way and/or easement acquisition process.

Fayette County Public Works Driveway Adjustment Easement PROPERTY OWNER AGREEMENT

Attached with this Agreement is a drawing depicting the Driveway Adjustment Easement area and a list of any conditions or agreements made for this property. Structures and landscaping within the Driveway Adjustment Easement area are labeled as "to remain", "to be removed", "to be replaced" or with similar descriptive notes.

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- Acknowledgment** – The undersigned hereby acknowledges that they have received, reviewed and understand Fayette County’s Driveway Adjustment Easement Policy.
- Permission** – The undersigned hereby *grants permission* to Fayette County or its assigned Contractor to enter upon your private property located at

_____ for the purpose of providing driveway connectivity with the _____ transportation project.

- Refusal** – The undersigned hereby *refuses permission* to Fayette County or its assigned Contractor to enter upon your private property located at _____ for the purpose of providing driveway connectivity with the

_____ transportation project.

- Release** – The undersigned hereby release and forever discharge Fayette County and its respective officers, elected official, agents, employees, and contractors of and from any and all causes of action and claims for relief of any nature whatsoever, known and unknown, anticipated and unanticipated, past, present and future, for breach of contract, compensation, damages, liability or otherwise arising from, or in any way initiated out of, the construction activities to re-connect the said driveway to the new road/sidewalk/path. This Release contains the entire agreement between the parties and no promise, inducement or representation other than here set forth has been made, and the terms of the Release are contractual and not a mere recital.

The undersigned further states that he/she/we has (have) fully read the foregoing Release in its entirety, and that he/she/we has (have) had the opportunity to consult with an attorney with respect to the legal effect of this Release and the he/she/we know(s) and understands the contents of this document and signs it as his/her/our own free act.

IN WITNESS WHEREOF, _____,

hereby executes this Release this _____ day of _____, 20____.

Name

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Name

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

Chairman Powell asked what would happen if the property owner signs the Agreement but not the Release. He said as a home owner he would be hesitant to sign the Release.

Mr. Gilbert concurred and asked what would happen if the property owner signed the Release and six (6) months down the road there was a problem. He asked if the County's response would be, "Well you signed the Release."

Mr. Mallon replied this is not the intent but he understood the concern.

Chairman Powell remarked it appears replacement of fences will be handled on a case-by-case basis.

Mr. Gilbert stated there would be exceptions and someone was going to have to make hard decisions because you won't be able to please everybody.

Chairman Powell said the County should be as specific as possible with the scope of work necessary for each piece of property. He added the dates of applicability should be included in the policy.

Mr. Frisina asked if the driveway portion could be included in the construction easement.

Mr. Mallon replied he could; however, a property owner usually gets paid for a temporary easement.

Mr. Frisina suggested making the Policy less specific and establishing some parameters to allow for some flexibility in each situation, if possible.

Chairman Powell asked the public if they had any comments. Hearing none, he thanked Mr. Mallon for his presentation. It was the consensus of the PC for Mr. Mallon to present the policy back to the BOC with the PC's concerns: 1) dates of applicability; 2) photograph prior to commencement of work; 3) ensuring everyone understands this is temporary in nature; 4) what happens if the Agreement is signed but not the Release; and 5) the concerns about the Release.

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Mr. Mallon thanked the PC for their input.

* * * * *

Pete Frisina suggested asking the guests what they would like to address to the PC prior to the next Agenda item.

Dennis Dutton stated Huie Bray and Donna Lee were present to discuss uses under the M-1 zoning district. He said English Pope was present to discuss horse shelters under the proposed ordinance amendments. He added Dr. and Mrs. James Sandwich were present to discuss architectural standards for accessory structures.

Chairman Powell suggested discussing the M-1 zoning district.

Huie Bray advised his property was zoned M-1 which is very restrictive as to whom he can rent an office to and it shouldn't be. He presented a list of proposed uses to he would like to see added to the M-1 zoning district.

Donna Lee advised her property was zoned M-1; however, in 1986, an allowance was given for a percentage of retail uses on the northern section of her property only, along the section which faces SR 314. She said they also constructed the same type brick buildings on the south section but the allowance was only for the north section. She remarked it had been difficult to rent the buildings and she has had to turn people away. She added she always checks with Dennis Dutton prior to leasing out a suite. She pointed out she could have a restaurant but not a catering service which are very similar uses.

Chairman Powell pointed out numerous uses proposed by Mr. Bray are more suited for office institutional. He said M-1, which is an intense zoning, should only permit intense uses. He remarked he did not want to turn M-1 into O-I.

Mr. Bray commented self-storage facilities have office space and many started in a small office and as they grew would move to Mrs. Lee's facility. He noted he had been zoned C-H and M-1. He said the restrictive uses had taken away the ability to help businesses get started.

Chairman Powell reported this is the third time for this type request in two (2) years.

Al Gilbert commented allowing self-storage under M-1 may be the problem. He pointed out he had no problem with pest control, truck rental, and catering. He said M-1 should not bring in customers or traffic. He remarked a beauty salon should not be next door to a grading company.

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Pete Frisina stated Mr. Bray's M-1 facility is not really industrial because it is more service oriented and not manufacturing. He pointed out C-H is more retail with some service and M-1 with heavier uses such as grading and paving companies. He said there was no existing zoning district in the middle to allow a mix of uses such as a PUD.

Mr. Gilbert suggested providing for an office up front with storage behind the office area.

Chairman Powell suggested the creation of a new zoning district. The other two (2) PC members concurred.

Chairman Powell asked Staff to begin the development of a new zoning district for review and discussion at the November Workshop/Public Meeting.

Mr. Frisina said he would begin working on a new zoning district; however, he stressed he did not want to delay the adoption of the Zoning Ordinance amendments based on one (1) zoning district.

Mrs. Lee asked if there was any way to get an allowance for the southern section of her property which faces SR 314, similar to what was granted for the northern section.

Mr. Frisina said the rezoning for the allowance was on the northern section only; however, the buildings were constructed on the southern section thinking the allowance was for this section also. He asked Mrs. Lee to provide a list of the uses presently located in her center.

Chairman Powell also asked Mrs. Lee to provide a list of the uses she would like to see allowed.

Mr. Bray and Mrs. Lee thanked the PC for their time and consideration.

The PC thanked Mr. Bray and Mrs. Lee for their input.

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Mrs. James Sandwich advised she was currently having a pool house constructed and she decided to have a roof added to allow for the parking of her lawnmowers. She presented photographs of the pool house. On January 28, 2008, she noted there was a revision to the Zoning Ordinance which requires a roof pitch of 4 ½" to 12". She said she applied for the permit for the roof addition on Monday and the P&I Staff stated the permit should be ready by Friday. She commented she related the message to her builder and when she got home on Friday afternoon, the roof extension had been constructed but the roof pitch is 3 ½" to 12". She advised the roof was covered with felt and was

approximately three (3) weeks from completion. She reported there would not be a slab but the area underneath would be graveled for the lawnmowers. She added she lived on 15 acres and no one could see the structure. She remarked she was asking for a variance to keep the structure in similarity to her house.

Dennis Dutton advised there was a provision in the proposed amendments which would remedy her problem.

Chairman Powell advised a variance would have to be approved by the ZBA and not the PC.

Al Gilbert asked if this was an item the ZBA could consider.

Robyn Wilson replied since the addition was constructed prior to approval, it is not a hardship.

Pete Frisina said he is unsure if the ZBA will approve the variance request. He added there is not a "quick fix".

Chairman Powell advised there were three (3) options: 1) remove the unapproved portion; 2) receive a variance approval; or 3) leave the structure as is until the revised ordinance has been adopted.

Dr. and Mrs. Sandwich thanked the PC for their time and consideration.

* * * * *

2. 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 this was the final section of the Zoning Ordinance to be reviewed. He presented the following proposed amendments:

01/23/09 – BOC Retreat
10/15/09 – PC Workshop

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

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

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A. Special Regulations. Prior to the issuance of development and/or building permits,

a Site Plan must be submitted to the Zoning Administrator and approved by the appropriate ~~County officials~~ departments. This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than ~~fourteen (14)~~ 14 calendar days per year.

B. Conditional Uses Allowed:

1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts). (Adopted 06/28/07)
 - a. The facility shall comply with all licensing requirements of the State of Georgia. (Adopted 06/28/07)
 - b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m. (Adopted 06/28/07)
2. Aircraft Landing Area. (Allowed in the A-R, M-1, and M-2 Zoning Districts).
 - a. F.A.A. approval for visual flying flight operations and landing areas is required, where applicable.
 - b. For any newly developed landing area for fixed wing aircraft, a 1,000 foot clear zone as defined by the F.A.A. extending from the end of all runways shall be maintained through ownership or easement, and in no case shall the end of a runway be closer than 200 feet from adjoining properties.
 - c. Any newly developed landing area shall be located at least 300 feet, as measured from the centerline of the runway, from any contiguous property line.
 - d. Any roofed structure shall be setback at least 200 feet from the nearest point on the centerline of the runway.

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Add in Its Entirety 11/14/02:

- 2A. Aircraft Hangar. ~~Defined as a fully enclosed structure with operational~~

~~doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.~~ (Allowed in the A-R, M-1 and M-2 Zoning Districts)

1. An Aircraft Hangar must comply with all of the above criteria of ~~Section 7-1.B.1.~~ Article VII, Aircraft Landing Area.
 2. Use of an Aircraft Hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An Aircraft Hangar shall not include any living quarters or be used for residential purposes.
 3. In the A-R zoning district, on lots of less than ten (10) acres in size, there shall be a maximum of one (1) detached hangar allowed.
 4. In the A-R zoning district, no trade or business of any kind shall be conducted from an Aircraft Hangar.
 5. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - a. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - b. A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - c. A detached hangar shall be located to the side or rear of the principal dwelling.
 - d. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
3. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic. (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):

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All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.

- a.4. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial kennel) (Allowed in O-I Zoning District):

All structures shall not be located closer than 55 feet (30 foot buffer and 25 foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed. (Amended 10/22/98)

- 4.5. Sales and/or Repairs of Automobile, Truck, Farm Equipment, or Motorcycle. **Sales and Incidental Repairs.** (Allowed in C-H Zoning District). (Amended 04/28/05)

1. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions: (Adopted 04/28/05)

- a. All activities except sales shall be conducted indoors.
- b. No outside storage of equipment or parts shall be permitted.
- c. No external loud-speakers allowed. (Adopted 04/28/05)

2. All repair facilities either incidental to a sales use ~~or as a principal use~~ and **that** are not listed as a permitted use in the C-H Zoning District, shall comply with the following conditions: (Adopted 04/28/05)

- a. All repair activities shall be conducted indoors. (Adopted 04/28/05)
- b. No outside storage of equipment or parts shall be permitted. (Adopted 04/28/05)
- c. All overhead doors must face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, ~~Section 5-19.~~ Screening Standards of the Fayette

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County Zoning Ordinance or utilizing vegetative materials. (Adopted 04/28/05)

- d. All vehicles **stored** for repair ~~must~~ **shall** be screened ~~per~~ **in**

accordance with Article V. General Provisions, ~~Section 5-30. Outside Storage of the Fayette County Zoning Ordinance.~~
(Adopted 04/28/05)

- e. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 pm and 7:00 am.
(Adopted 04/28/05)
 - f. No external loud-speakers allowed. (Adopted 04/28/05)
5. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. (Allowed in C-C and C-H Zoning Districts).
- a. Service areas, facilities, and pump islands shall not be located closer than ~~seventy-five (75)~~ 75 feet from a residential or A-R Zoning District.
 - b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
 - (1) Major thoroughfare:
 - (i) Arterial: ~~thirty-five (35)~~ 35 feet
 - (ii) Collector: ~~thirty (30)~~ 30 feet
 - (2) Minor thoroughfare: ~~twenty-five (25)~~ 25 feet
 - c. Canopies shall extend no closer than ~~fifteen (15)~~ 15 feet from any street right-of-way.
 - d. Underground storage tanks shall be set back no closer than ~~twenty (20)~~ 20 feet from all property lines.

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6. Campground Facilities. (Allowed in the C-C Zoning District).
- a. Campsites shall be utilized by Recreational Vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).

- b. The campground shall be utilized for short-term occupancy of ~~fifteen (15)~~ **15 calendar** days or less, provided, however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.
- c. Said uses shall be permitted only on a lot which possesses at least ~~sixty (60)~~ **60** feet of frontage on a Major Thoroughfare (as defined by the Fayette County Thoroughfare Plan).
- d. The lot area shall be at least ten (10) acres.
- e. The maximum density shall not exceed four (4) campsites per gross acre.
- f. A minimum ~~fifty (50)~~ **50** foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (pursuant to the Sign Ordinance).
- g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (1) Front yard: ~~seventy-five (75)~~ **75** feet
 - (2) Side yard: ~~twenty-five (25)~~ **25** feet
 - (3) Rear yard: ~~twenty-five (25)~~ **25** feet
- h. At least ten (10) percent of the gross acreage shall be reserved for recreational areas.

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- i. Accessory uses shall be allowed provided that the following requirements are met:
 - (1) Such uses and structures shall be restricted to the use of occupants of the park and their ~~eg~~ guests;

- (2) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.
 - (3) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
 - (4) Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
 - (5) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.
- j. The Site Plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health Department.
7. Care Home, Convalescent Center or Nursing Home. (Allowed in the C-C, C-H, and O-I Zoning Districts).
- a. Minimum lot size: three (3) acres
 - b. Such uses shall be permitted only on a lot which fronts on an ~~Arterial~~ **Major** Thoroughfare unless such use is part of a planned development which has access to an ~~Arterial~~ **Major** Thoroughfare.

Chairman Powell asked for clarification of Major Thoroughfare.

Pete Frisina replied a Major Thoroughfare is either a Collector or an Arterial street.

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- c. A **minimum** ~~fifty (50)~~ **50** foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.
- d. Minimum setbacks:
 - (1) Front yard: 100 feet

- (2) Side yard: ~~fifty (50)~~ **50** feet
- (3) Rear yard: ~~fifty (50)~~ **50** feet
- e. The facility shall comply with all licensing requirements of the State of Georgia.
- f. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one (1) seating, and central recreational facilities shall be provided. (Amended 12/15/05)
- g. ~~Service areas and facilities shall not be located closer than 100 feet from a residential or A-R Zoning District (of which fifty [50] feet shall be a buffer).~~
- h. ~~Twenty-four (24)~~ **24** hour staff shall be required. (Adopted 12/15/05)
- i. All ~~living facilities~~ rooms and/or suites must be connected to the aforementioned central facilities through internal passageways (i.e. hallways, corridors, etc.) (Adopted 12/15/05)
- 8. Cemetery and Mausoleum. (Human or Pet) (Allowed in A-R and C-H Zoning Districts).
 - a. Minimum lot area shall be ten (10) acres for a human ~~cemetery and five (5) acres for a pet cemetery.~~

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- b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum.
- c. Grave sites shall be set back at least ~~fifty (50)~~ **50** feet from all property lines.
- d. No structure other than grave markers shall be located within 350 feet of a residential or A-R Zoning District.

- e. A ~~twenty (20)~~ 20 foot buffer shall be provided in addition to required setbacks along all property lines which adjoin A-R or residential zoning districts.

Chairman Powell stated there was not a distance between graves or the number of graves allowed.

Pete Frisina advised a human cemetery is regulated by the State.

- f. *Minimum lot area shall be five (5) acres for a pet cemetery.*

Containers

Distance between graves

Number

Depth

Pete Frisina advised that the State has no regulations regarding a pet cemetery.

Charter or Motor Coach Bus Service. (Allowed in C-H zoning district).

- a. *All buses must be parked to the rear of the principal structure.*
- b. *All buses shall be screened in accordance with Article V. General Provisions, Outside Storage.*
- c. *Overhead bay doors shall not be open to the street.*

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- d. *The following uses shall be allowed: Administrative office, passenger pickup, and storage of buses.*
- e. *On-site maintenance/repairs are prohibited.*

(Note: Consider making this a permitted use with full range of repairs and maintenance in the M-1 zoning

district)

Chairman Powell stated he concurred with the proposed amendments.

9. Church, Temple, or Place of Worship. (Allowed in O-I, A-R, and residential R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts).

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

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

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

d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).

(1) Front yard: 100 feet

(2) Side yard: ~~fifty (50)~~ 50 feet

(3) Rear yard: ~~seventy-five (75)~~ 75 feet

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e. Uses and/or structures incidental to a church such as shall be limited to: a private school, parsonage, gymnasium, playground, ~~and/or~~ athletic field, day care facility, adult day care facility, administration, human cemetery and/or mausoleum, and broadcast facility shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements ~~specified in subsections 8.c. and 8.d., above.~~ Outdoor lighting for recreation purposes shall be

prohibited.

- f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met.
- g. Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met. (Adopted 06/28/07)
- h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
- i. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area.
- j. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
 - (1) The property ~~must~~ ***shall consist of*** be zoned A-R with a minimum of ~~15~~ ***10*** acres;
 - (2) The pavilion ~~must~~ ***shall*** be at least 150 feet from any property line;
 - (3) The pavilion ~~must~~ ***shall*** be constructed following the construction of the main sanctuary building;
 - (4) The floor area cannot exceed ~~twenty (20)~~ ***20*** percent of the square footage of the main sanctuary building; and
 - (5) The pavilion may not be lighted or used after 10:00 p.m.

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If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed ~~twenty~~ ~~(20)~~ 20 percent of the main sanctuary building square footage.

10. Church or Religious Tent Meeting. (Allowed in A-R, C-C, C-H, and O-I Zoning Districts). (Amended 04/09/98)
 - a. Said meetings shall not exceed ~~fourteen~~ ~~(14)~~ 14 days per year at the same site.
 - b. Tents shall require the approval of the Fayette County Fire Marshal.
 - c. Off-street parking areas shall be required.
 - d. All activities shall cease by 10:00 p.m.

11. Colleges and Universities, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium. (Allowed in the A-R, BTP, O-I, C-C, and C-H Zoning Districts). (Amended 08/27/09)
 - a. The lot area shall be at least ten (10) acres.
 - b. Such use shall be permitted only on a lot which fronts on a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
 - c. A minimum ~~fifty~~ ~~(50)~~ 50 foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.

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- d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows:
 - (1) Front yard: 100 feet
 - (2) Side yard: ~~fifty~~ ~~(50)~~ 50 feet
 - (3) Rear yard: ~~100~~ 75 feet

- e. Uses and/or structures incidental to colleges and universities such as a gymnasium, dormitory, ***fraternity, sorority***, and/or athletic field shall be allowed, provided; all buildings and use areas meet the minimum setback and buffer requirements specified ~~in subsections 10.c. and 10.d.,~~ above.
12. Commercial Driving Range and Related Accessories. Related Accessories limited to: Putting green, chipping green, sandtraps, artificial/natural surface, bunkers, pro shop, and snack bar. (Allowed in C-C, C-H, and A-R Zoning Districts).
- a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 - b. All greens, fairways, and driving areas shall be set back at least ~~fifty~~ (~~50~~) **50** feet from any non-residential zoning district.
 - c. Said facilities shall be for daytime use only except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence, provided that lighting is not directly visible from said residence(s).
 - d. No outside loudspeaker system shall be utilized.
13. Convenience Commercial Establishment. Facility is limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches and other freshly-prepared foods for off-site consumption. (Allowed in the L-C Zoning District.)

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- a. Maximum floor area: 3,500 square feet
- b. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and must be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement must be submitted as part of the Site Plan.
- c. Gasoline pumps, air hoses, and water hoses shall be setback as

follows:

- (1) Major thoroughfare:
 - (i) Arterial: ~~fifty (50)~~ **50** feet
 - (ii) Collector: ~~forty five (45)~~ **45** feet
 - (2) Minor thoroughfare: ~~forty (40)~~ **40** feet
- d. Canopies used in conjunction with the sale of gasoline shall extend no closer than ~~thirty five (35)~~ **35** feet from any street right-of-way.
 - e. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 - f. Underground storage tanks shall be set back at least ~~twenty (20)~~ **20** feet from all property lines.
 - g. *The number of gasoline pumps shall be limited to no more than four (4).***
14. Day Care Facility (Nursery School or Kindergarten). (Allowed in C-C, C-H, O-I, ~~and~~ A-R, **and MHP** Zoning Districts).
- a. A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the State certifications lapse or be revoked, the Conditional

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Use permit shall be null and void.

- b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.
- c. Outdoor play **and recreational** areas shall be located to the side or rear of the principal building.
- d. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.

Chairman Powell stated this requirement seems unclear.

- e. A fence measuring at least four (4) feet in height shall enclose the entire play area.
- f. If the side or rear yard abuts a residential or A-R Zoning District, a minimum ~~five (50)~~ 50 foot buffer shall be provided adjacent to the lot line. The setback shall be measured from the buffer.
- g. ~~Service areas, facilities, and playgrounds areas shall not be located closer than 150 feet from a residential or A-R Zoning District.~~

Chairman Powell stated he was in favor of the 150 foot requirement and asked why it was deleted.

Pete Frisina replied Staff reviewed day care facility, private school, and church which all allow playgrounds but with different requirements.

- h. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
- i. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.

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- 15. Developed Residential Recreational/Amenity Areas. (Allowed in subdivisions in the A-R and residential *EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, and C-S* zoning districts, with Final Plat approval).
 - a. Lot area: Per zoning district
 - b. Said area must be shown on the Preliminary and Final Plats and labeled as follows: "Not a residential building lot, for recreational purposes only."
 - c. Landscape and buffer areas shall be planted in accordance with the

Development Regulations.

- d. In addition to the required landscape areas, a six (6) foot landscape or buffer area shall be required along the rear property line where adjacent to an A-R or residential zoning district.
- e. Paved parking area is required per the Development Regulations.
- f. No activity and lighting permitted after 10:00 p.m.
(Amended 07/28/05)
- g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings. (Adopted 07/28/05)

16. Dry Cleaning Plant. (Allowed in the C-C and C-H Zoning Districts).

- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above ~~forty (40)~~ **40** by the Underwriter's Laboratories, Inc. Standard of Classification known as Class I Systems shall be prohibited;
- b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but not less than ~~forty (40)~~ **40** according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;

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- c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building.
- d. Fuel for operation of the equipment shall be smokeless fuel; and
- e. Central water and central sanitary sewage systems are required.

17. Experimental Labs. (Allowed in the C-H, M-1 and M-2 Zoning Districts).

- a. Minimum lot area: three (3) acres if use is hazardous as defined by the Environmental Protection Agency (EPA).

- b. Said use must comply with all applicable State and/or Federal licensing requirements.
18. Farm Outbuildings, including horse stables and Greenhouses. (Allowed in the A-R Zoning District). (Amended 04/09/98)
- a. Farm Outbuilding. All structures permitted in this category ~~must~~ **shall** be ~~bonafide~~ structures related to the **a bonafide** farming operation. (Amended 04/09/98)
 - b. Greenhouses. All structures permitted in this category ~~must~~ **shall** be ~~bonafide~~ structures related to the **a bonafide** cultivation or ~~protection~~ **production** of landscape planting materials. (Added 04/09/98)
 - c. Horse Stables. All structures permitted in this category shall be related to the bonafide shelter and/or boarding of horses. Riding lessons and boarding shall be permitted; however, a Site Plan shall be required for these uses. Horse stables are exempt from architectural standards. (See Article V.)**
 - ~~e.d.~~ Farm size over ten (10) acres, no restriction of size of farm outbuildings and greenhouses, **and horse stables**. (Amended 06/25/98)

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- ~~d.e.~~ Farm size five (5) to ten (10) acres, one (1) detached farm outbuilding ~~or~~ greenhouse, **or horse stable** a maximum of 1,800 square feet in size. (Added 06/25/98)

Farm outbuildings, **horse stables**, and greenhouses may have plumbing and electricity, but shall not be used for residential purposes. A farm outbuilding may be used as a barn ~~for horses and/or~~ livestock, storing farm equipment, and any other agricultural purposes. Farm outbuildings, **horse stables**, and greenhouses shall not be located within 100 feet of the main residential structure or connected to any structures on site. (Added 06/25/98)

Chairman Powell pointed out a typo (do not delete “for”).

19. Feed Lot and/or Commercial Barn. Barns and feed lots must be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District).
20. ~~Fraternities and/or Sororities. All facilities shall be located on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. (Allowed in the C-C and C-H Zoning Districts).~~
21. Golf Course (minimum eighteen [18]-hole regulation) and Related Accessories. Related accessories are limited to: putting green, chipping green, sandtrap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. (Allowed in the C-C, C-H, A-R, and EST Zoning Districts). (Amended 04/09/98)
 - a. Said facilities shall be for daytime use only.
 - b. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 - c. No outside loudspeaker systems shall be utilized.
22. Heavy manufacturing, packaging, processing or handling of materials. (Allowed in the M-2 Zoning District).

Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material

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reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.

Helicopter Landing Pad. (Allowed in A-R, C-C, C-H, M-1, and M-2 zoning districts)

WORK ON THIS.

23. Home Occupation. (Allowed in A-R, residential **EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, C-S, RMF, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, M-1, and M-2** zoning districts, and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.) (Amended

10/23/08)

- a. Residents. Only residents of the dwelling may be engaged in the home occupation. **Outside business owners and employees are prohibited.**
- b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.
- d. Number. No more than four (4) home occupations may be issued per residence.**

Chairman Powell asked if four (4) home occupations were excessive.

Pete Frisina replied multiple occupational tax certificates are common for tax purposes.

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- ~~d.e.~~ Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building. **Said amount is cumulative provided there is more than one (1) occupational tax.**

Chairman Powell asked for clarification.

Robyn Wilson explained if you have four (4) occupational taxes at one (1) location you cannot exceed a maximum of 35 percent of the principal building total and not 35 percent for each occupational tax.

- e. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.

- g. ~~Music, etc.~~ **Tutoring.** Instructions in ~~music and similar subjects~~ **Tutoring** shall be limited to two (2) students at a time.
- h. **Vehicles.** Only **customary passenger** vehicles, **vans and pick-up trucks** shall be permitted to remain on the premises **in conjunction with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, and/or 8,000 pounds (empty vehicle weight).**
- i. **Uses.** The following and similar uses shall not be considered home occupations: automobile service station; automobile and related machine sales; automobile/**motorcycle/farm equipment** repair or maintenance; ambulance service; **beauty salon, barber shop,** rescue squad; amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic ~~or~~ **with or without** animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; and massage therapy.

24. Horse Shelter in Residential Zoning Districts. (Allowed in 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.)

a. Minimum lot size: Over ten (10) acres

b. Minimum side yard setback: 50 feet

c. Minimum rear yard setback: 75 feet

d. A horse shelter shall not be located within 100 feet of the main residential structure or connected to any structures on site; however, a horse shelter may be constructed prior to the main residential structure.

e. A horse shelter shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less, and may have plumbing and electricity, but shall not be used for residential purposes.

f. Only one (1) horse shelter shall be permitted and shall not

be counted as an accessory structure.

g. Riding lessons and boarding are prohibited.

h. Number of horses (see Article V.)

Mr. Dutton introduced English Pope who owns approximately 60 acres on Lake Road and raises horses for a hobby. He reported Mr. Pope has considered rezoning to A-R; however, he only wants horses and not other livestock.

Mr. Pope advised he owns approximately 60 acres zoned R-70, but subdivided his property for a mortgage on a five (5) acre tract where he plans on constructing his home. He said under the current ordinance, he was restricted to a maximum 1,800 square foot accessory structure; however, the accessory structure must be constructed on the lot with his home. He commented he was not allowed to construct a large horse barn. He remarked he has three (3) horses which need a shelter from inclement weather. He reported a horse shelter needs to be large enough to separate the healthy horses from the ill horses and to house a new horse before introducing it to the other horses. He added that the proposed amendments would allow him to construct a horse shelter.

Chairman Powell suggested to change “over ten (10) acres” to “ten (10) acres”.

Robyn Wilson explained it was more appropriate for the requirement to remain as proposed since the A-R zoning district states “over ten (10) acres” for an unlimited size for a farm outbuilding.

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Chairman Powell concurred.

Mr. Pope thanked the PC for their consideration.

~~24.~~ Hospital. (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts).

- a. Minimum lot size: ten (10) acres
- b. Such use shall be permitted only on a lot which fronts on an Arterial Thoroughfare, as designated on the Fayette County Thoroughfare Plan, unless such use is part of a planned development which has access to an Arterial Thoroughfare.
- c. A minimum ~~forty (40)~~ **50** foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.

- d. Minimum setbacks:
 - (1) Front yard: 100 feet
 - (2) Side yard: ~~fifty (50)~~ 50 feet
 - (3) Rear yard: ~~fifty (50)~~ 50 feet
 - e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten (10) percent of the primary structure floor area. No outside advertising is allowed.
25. Hotel. (Allowed in the O-I Zoning District).
- a. A minimum ~~thirty (30)~~ 30 foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas may be located within the setback areas.

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26. Junk Yard or Auto Grave Yard. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: ten (10) acres
 - b. Maximum site area: ~~twenty-five (25)~~ 25 acres
 - c. A minimum 100 foot buffer shall be provided along every property line including public rights-of-way so that junk is not visible from a public street or adjoining properties.
 - d. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R Zoning Districts.

Kenel. See Animal Hospital, etc.

27. Landfill. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: ~~twenty (20)~~ **20** acres
 - b. A minimum 100 foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 - c. Landfill operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - d. The landfill shall comply with all ~~licensing requirements~~ of the State of Georgia **and Federal requirements**.
28. Laundromat, Self-Service or Otherwise. (Allowed in the C-C and C-H Zoning Districts).
- a. Central water and central sanitary sewage systems are required.

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30. Mining or Quarrying. (Allowed in the M-2 Zoning District).
- a. Ingress and egress to and from the facility shall be via an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - b. A minimum 100 foot buffer shall be required adjacent to residential or A-R Zoning Districts.
 - c. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R Zoning District.
 - d. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 - e. The operation shall comply fully with **all** the requirements of the State of Georgia **and Federal requirements**.

29. Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District) (Adopted 07/26/07)
- a. The service must comply with all licensing requirements of the State of Georgia. (Adopted 07/26/07)
 - b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment and shall be a minimum height of eight (8) feet. (Adopted 07/26/07)
 - c. No on-site vehicle maintenance or fueling facilities are allowed. (Adopted 07/26/07)
31. Outdoor Amusement Facilities, Rides, Structures over ~~thirty-five (35)~~ 35 feet in height, including, but not limited to Bungee and Parachute Jumping. (Allowed in the C-H and M-1 Zoning Districts).

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- a. Where applicable, all State of Georgia Codes, Rules and Regulations shall apply. Verification that State Requirements are met shall accompany the application for a Conditional Use Permit.
- b. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
- c. Any structure, ride, etc. erected in connection with an outdoor amusement activity, over ~~thirty-five (35)~~ 35 feet in height, must be dismantled upon the closing of the business or activity in question.
- d. Any structure, ride, etc. over ~~thirty-five (35)~~ 35 feet in height, or with elements over ~~thirty-five (35)~~ 35 feet in height, must be surrounded by a six (6) foot high fence with a locked gate when the facility is not in use. A four (4) inch sphere shall not be able to pass through any section of the fence or gate.
- e. The structure shall be designed to fall entirely within the boundaries

of the site should structural failure occur.

32. Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables). (Allowed in the A-R Zoning District).
- a. Minimum lot area: five (5) acres
 - b. All structures shall be set back at least 100 feet from any property line.
 - c. No structure shall exceed 5,000 square feet of floor area (interior measurements).
 - d. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.

33. Recycling Facility. (Allowed in the M-1 Zoning District).
- a. All separation and processing (baling, compacting, grinding, or shredding) must occur entirely within an enclosed building.
 - b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the Site Plan.
 - c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 - d. All outside storage areas shall be totally screened according to the Development Regulations. Storage bins can not be a greater height than the screening.
34. Rifle Ranges. (Allowed in the A-R Zoning District).
- a. Any commercial or private rifle range shall comply with the requirements promulgated by the National Rifle Association Source Book of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and contained in that publication known as "HIGH POWER RIFLE RANGES", National Rifle Association, Range Facilities Department and on file with the Zoning Administrator of Fayette County.
 - b. Any commercial or private ranges operated solely for shotgun use shall comply with the rules and regulations as promulgated by the National Rifle Association Source Book of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and in particular that publication known as "SHOTGUN PLAN, SHOOTING FACILITIES" and on file with the Zoning Administrator of Fayette County.

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35. ~~School, *Private* (Private and special), and Incidental Sports Arena, Stadium or Recreational Field~~ including but not limited to, classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium (Allowed in the A-R, and residential zoning districts, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, and C-H zoning districts).
- a. Minimum lot size: five (5) acres
 - b. A minimum ~~100~~ 50 foot wide buffer plus required setbacks shall be provided adjacent to any residential or A-R Zoning District.
 - c. ~~Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or A-R Zoning District.~~ Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.

Chairman Powell voiced opposition again to deleting the 150 foot requirement.

- d. Student drop-off and vehicular turn-around facilities shall be provided on the site.
- e. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
 - (1) The property must be zoned A-R with a minimum of ~~fifteen (15)~~ 15 acres;
 - (2) The pavilion must be at least 150 feet from any property line;
 - (3) The pavilion must be constructed following the construction of the main school building;
 - (4) The floor area cannot exceed ~~twenty (20)~~ 20 percent of the square footage of the main school building; and

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- (5) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed ~~twenty~~ ~~(20)~~ 20 percent of the main school building square footage.

36. Self-Storage Facility. (Allowed in M-1 and C-H Zoning Districts) (Adopted in its entirety 06/28/01; Amended 06/24/04; Amended 01/13/05; Amended 03/24/05) (Amended 06/28/07)
- a. The maximum size of a storage bay shall be 550 square feet. (Amended 03/24/05)
 - b. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area, and the colors selected shall be classic exterior or nature-blending compatible with the area. The Transportation Corridor Overlay Zone shall apply when applicable. (Amended 06/28/07)
 - c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be ~~twenty-five (25)~~ 25 feet as measured from the closest part of the structure including any overhang. (Amended 03/24/05)
 - d. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed ~~twenty-five percent (25%)~~ 25% of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or

from any street, and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of ~~fifty (50)~~ **50** feet wide unless it is angle parking. (Amended 01/13/05)

- e. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two (2) foot berm with double the minimum planting requirements.
- f. All outdoor lighting shall be shielded away from adjacent residential uses. (Amended 03/24/05)
- g. No exterior loudspeakers or paging equipment shall be permitted on the site.

37. Single-Family Residence. (Allowed in the C-C, C-H, M-1, M-2, O-I, and BTP Zoning Districts). (Amended 08/27/09)

- a. Said residence shall be a single-family detached residence.
- b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.

38. Telephone, Electric or Gas Sub-Station or Other Public Utility Facilities. (Allowed in the ~~A-R, C-C, C-H, MHP,~~ and residential ***and nonresidential*** zoning districts).

- a. Minimum lot size: five (5) acres
- b. All structural parts of the facility shall be contained within the boundaries of the lot.
- c. An eight (8) foot high fence capped with barbed wire with a locked gate shall surround the facility.

- d. The facility shall be screened in accordance with ~~Section 5-19~~ Article K herein.
 - e. If electrical current is present in the facility, signs stating "High Voltage" shall be attached to the fence every ~~twenty (20)~~ 20 lineal feet.
 - f. A 100 foot undisturbed buffer is required adjacent to all property lines.
39. Temporary Carnival or Rodeo. (Allowed in the A-R Zoning District).
- a. Said carnival or rodeo shall not be operated longer than ~~fourteen (14)~~ 14 calendar days per year.
 - b. Tents shall require the approval of the Fayette County Fire Marshal.
 - c. Off-street parking shall be required.
 - d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.
40. Transfer Station for Household and Commercial Garbage. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: ten (10) acres
 - b. A minimum ~~fifty (50)~~ 50 foot buffer shall be provided around the entire site so that transfer station operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 - c. Transfer station operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - d. The transfer station shall comply with all licensing requirements of the State of Georgia.

Robyn Wilson explained the Zoning Ordinance would be discussed, in its entirety, at the November 19, 2009, Workshop/Public Meeting. She said she would be providing notebooks for each member and asked them to bring their notebook to each Workshop/Public Meeting.

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Chairman Powell asked if there was any further business. Hearing none, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 3-0. The Public Meeting/Workshop adjourned at 9:28P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

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