

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on January 7, 2010, at 7:27 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Fayetteville, Georgia.

MEMBERS PRESENT: Tim Thoms, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Douglas Powell

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Division Director of Community Development
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

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, in its entirety.** *This is part of a year long review of the Zoning Ordinance.*

Pete Frisina presented the proposed amendments as follows:

01/23/09 – BOC Retreat

06/18/09 – PC Wkshop (Tract or Parcel changed to Lot) (Residential Zoning Districts Only)

10/07/10 – PC Wkshop

**PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE
ARTICLE VI. DISTRICT USE REQUIREMENTS**

Pete Frisina pointed out sometimes A-R is looked at as residential and sometimes as agricultural. He noted if someone is using their property as residential, they are allowed to have the residential accessory structures as regulated in Article V; however, they have an option to get larger structures and more structures than allowed under Article V based on their acreage and provided they have an agricultural use. He commented the ordinance mentions bonafide agricultural uses. He said the ordinance does not contain any criteria for what constitutes a bonafide agricultural use. He reported

the Census of Agricultural states property which produces or sells \$1,000.00 of agricultural products is considered agriculture. He commented he would like to amend zoning ordinance in the applicable sections to do away with the requirement of the bonafide agricultural use and base the allowance of accessory structures solely on the amount of acreage.

The PC concurred.

Al Gilbert said he has heard A-R referred to as a “holding category”. He added the A-R zoning district provides control over growth.

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

- A. Description of District. This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the A-R Zoning District:
1. Single-family dwelling;

~~Recreation centers and similar institutions owned by non-profit organizations so designated by the Internal Revenue Code, as amended; (*Relocate to Conditional Uses.*)~~

Pete Frisina pointed out recreation centers and similar institutions owned by non-profit organizations so designated by the Internal Revenue Code have been deleted as a Permitted Use and relocated as a Conditional Use. He said this would apply to such organizations as the YMCA.

2. Accessory ~~buildings~~ structures and uses (see Article V.);
3. Growing of crops and the on-premise sale of produce and agricultural products, provided 50% percent of the produce/products sold must shall be raised grown on-premise; (Amended 06/26/03)
4. Plant nurseries and greenhouses (no sales of related garden supplies); and (Amended 06/26/03)

5. Raising of livestock and the sale thereof.

C. Conditional Uses. The following Conditional Uses shall be allowed in the A-R Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

1. Aircraft Landing Area;

Doug Powell asked if a heliport was included in an aircraft landing area.

Pete Frisina replied a heliport was included.

2. Animal Hospital, Kennel (Commercial or Non-commercial), or Veterinary Clinic;

3. Cemetery ~~and Mausoleum (Human or Pet)~~;

4. Church, Temple, or Place of Worship;

Jim Graw suggested deleting “Temple” and adding “Temple” to the definition. He also suggested adding “other” prior to “Place of Worship”. (*This change will need to be amended throughout Article VI.*)

~~Church or Religious Tent Meeting;~~

6. Commercial Driving Range;

7. Colleges and Universities;

8. Day Care Facility (Nursery School or Kindergarten);

9. Developed Residential Recreational/Amenity Areas;

10. Farm Outbuilding, including horse stables, and Greenhouses; (Amended 04/09/98)

11. Rifle Shooting Range, Outdoor;
12. Golf Course;
13. Home Occupation;
14. Hospital;
15. Kennel (See Animal Hospital, etc.);
16. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
17. Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

Rifle Range;

18. Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office;

~~Church or Religious Tent Meeting;~~

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

19. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities; and
20. Temporary Carnival or Rodeo.

D. Dimensional Requirements. The minimum dimensional requirements in the A-R Zoning District shall be as follows:

1. Lot area: 217,800 square feet (five [5] acres)
2. Lot width: 250 feet

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3. Floor area: 1,200 square feet
 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: 100 feet
 - b. Minor thoroughfare: ~~seventy-five (75)~~ 75 feet
 5. Rear yard setback: ~~seventy-five (75)~~ 75 feet
 6. Side yard setback: ~~fifty (50)~~ 50 feet
 7. a. Height limit: ~~Thirty-five (35)~~ 35 feet as defined in Article III, ~~Sec. 3-12.~~ (Adopted 11/18/04)
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one (1) foot for every two (2) feet or part thereof of building height over ~~thirty-five (35)~~ 35 feet. (Adopted 11/18/04)
- E. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan ~~must~~ shall be submitted to the Zoning Administrator and approved by the appropriate County officials. This requirement shall apply to all Permitted Uses and Conditional Uses allowed in the A-R Zoning District except single-family dwellings; accessory buildings and uses; growing crops and the on-premise sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock. (Amended 06/26/03)

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6-242. C-S, Conservation Subdivision (Adopted in its entirety 12/05/01)

- A. Purpose. The intent of this section is to create a residential Conservation Subdivision procedure. A Conservation Subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space. This open space will be protected from development in perpetuity and will be utilized to protect water quality, water bodies, wetlands, riparian buffers, woodlands, archaeological resources, historic resources, agricultural areas and scenic areas. This open space will also provide flood protection, a reduction in soil erosion and be utilized for recreation. The aforementioned attributes should be taken into consideration in the design of the subdivision. The first step in designing a Conservation Subdivision is to locate and delineate the area and natural attributes to be preserved. The residential lots are located outside of this area. In addition, the clustering of lots can result in lower infrastructure costs both for installation and maintenance. The creation of the C-S Conservation Subdivision Zoning District is to assist Fayette County in fulfilling the goal of ~~permanently protecting 20 percent of the county as greenspace per the Georgia Greenspace Program~~ greenspace in the county. The Conservation Subdivision Zoning District is intended for those areas designated Low Density Residential (1 unit/1 to 2 acres) and Rural Residential (1 unit/2 to 3 acres) on the Fayette County Land Use Plan Map. (Amended 08/26/04)

Doug Powell suggested “permanently” not be deleted.

- B. Rezoning Requirements. The following is required for a rezoning request for the Conservation Subdivision Zoning District in addition to what is normally required for a rezoning request:
1. A request for the Conservation Subdivision Zoning District will require a Yield Plan. The number of lots allowed in a Conservation Subdivision will be determined by a Yield Plan which is a conventional subdivision design based on the dimensional requirements of the R-70 Zoning District. This concept is referred to as Neutral Density. The Yield Plan ~~must~~ shall contain the check list requirements available in the office of the Zoning Administrator. Staff analysis of the Yield Plan will add an additional month to the normal rezoning schedule.

2. The ~~Concept~~ **Development** Plan **shall be** required for the rezoning petition ~~will act as the Development Plan for the development.~~ The ~~Concept/~~ Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved ~~Concept/~~ Development Plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, ~~must~~ **shall** be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the ~~Concept/~~ Development Plan shall be supported by a written statement as to why the revisions are necessary.

Doug Powell suggested deleting “The” and inserting “A” at the beginning of the sentence.

Each Conservation Subdivision shall consist of two (2) areas: the Residential Area and the Conservation Area. The Conservation Area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The Conservation Area will remain in a natural and undisturbed state with minimal improvements and will be regulated in a manner consistent with the Georgia Greenspace Program requirements to the greatest degree possible.

In addition to what is normally required on the ~~Concept~~ **Development** Plan, the ~~Concept/~~ Development Plan ~~must~~ **shall** include the following;

- a. A delineation of the attributes (see Purpose) of the site which will be preserved;
- b. A delineation of the Residential Area and the Conservation Area including the acreage within each area;
- c. Uses and improvements planned for the Conservation Area with the acreage devoted to each; and
- d. Indicate and label existing structures to remain.

- C. Uses Permitted within the Residential Area of a Conservation Subdivision. The following permitted uses shall be allowed in the Residential Area of the C-S Zoning District:
1. Single-family dwelling; and
 2. Residential accessory ~~buildings~~ structures and uses (see Article V.).
- D. Conditional Uses Permitted within the Residential Area of a Conservation Subdivision. The following Conditional Uses shall be allowed in the Residential Area of C-S Zoning District provided that all conditions specified in ~~Section 7-4~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval, herein are met:
1. Home Occupation;
 2. Horse Shelter;
 3. Developed Residential Recreational/Amenity Areas; and
 4. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- E. Uses Permitted within the Conservation Area of a Conservation Subdivision. The following permitted uses and structures shall be allowed in the Conservation Area of the C-S Zoning District:
1. Trails and paths (impervious trails and paths are limited to five [5] percent of the Conservation Area and trails and paths ~~must~~ shall comply with the Watershed Protection Ordinance ~~in terms of impervious surface requirements~~);
 2. Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic Areas and Covered Picnic Pavilion are required to be setback 50 feet from any residential property line and are limited to five (5) percent of the Conservation Area. A Covered Picnic Pavilion shall be limited to a maximum of 900 square feet.

Bill Beckwith suggested inserting “one (1)” prior to “Covered” in the second sentence and deleting “A” and replacing with “The” in the last sentence.

2. Community gardens for the use of the residents of the subdivision only;
4. ~~Horse stables, animal containment areas and training/riding facilities for the use of the residents of the subdivision only are required to be setback 50 feet from any residential property line;~~
4. The maintenance of existing orchards and groves including the harvesting of fruit and nuts;
5. The maintenance of existing pastures including the harvesting of hay; and
6. The maintenance of existing farm fields used for row crops including the harvesting of crops. Said fields ~~must~~ **shall** be outside of watershed protection areas as described in the Watershed Protection Ordinance. All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with 6. above.

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the C-S Zoning District shall be as follows:

1. Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
2. Lot width per dwelling unit:
 - a. Major thoroughfare:
 - (1) Arterial: 150 feet

- (2) Collector: 150 feet
 - b. Minor thoroughfare: 125 feet
- 3. Floor area: 2,100 square feet
- 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
- 5. Rear yard setback: ~~thirty (30)~~ 30 feet
- 6. Side yard setback: ~~twenty (20)~~ 20 feet
- 7. Height limit: ~~thirty-five (35)~~ 35 feet

G. Use of Existing Structure. The preservation of existing historic residential structures listed in the Architectural Survey of Fayette County is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility ~~must~~ ***shall*** meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the Zoning Board of Appeals in terms of nonconformance with this zoning district.

H. Conservation Area Requirements. The Conservation Area of the subdivision shall meet the following requirements:

- 1. Ownership. Title to the Conservation Area ~~must~~ ***shall*** be conveyed to one **(1)** of the following entities:

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- a. A Home Owners Association that has been established according to OCGA 44-3-220;

- b. A Conservation Trust organization approved by the Fayette County Board of Commissioners; or
 - c. The Fayette County Board of Commissioners (for Conservation Areas with no structures only).
2. Size. Each development eligible for treatment as a Conservation Subdivision ~~must~~ ***shall*** place at least 40% ***percent*** of the total subject property into the Conservation Area notwithstanding the yield plan. This area ~~must~~ ***shall*** be described by metes and bounds.
 3. Permanent Protection. Each Conservation Area regardless of ownership ~~must~~ ***shall*** have a conservation easement as approved by the county attorney filed in the records of the Fayette County Clerk of Superior Court. The easement shall reserve the Conservation Area to conservation uses as defined herein in perpetuity.

6-3. EST, Estate Residential District (Amended in its entirety 08/11/05)

- A. Purpose. An Estate Residential subdivision is a residential subdivision where lots are reduced in size and clustered to provide conservation area. Each Estate Residential subdivision will consist of two areas, a residential area and a conservation area. The conservation area will be protected from development in perpetuity by an easement or deed restriction. The conservation area will be utilized for approved recreation for the residents of the subdivision. The clustering of lots can result in lower infrastructure costs both for installation and maintenance. The Estate Residential Zoning District is intended for those areas designated Agricultural Residential (1 unit/5 acres) on the Fayette County Land Use Plan Map. ***The creation of the EST Estate Residential District is to assist Fayette County in permanently protecting greenspace in the county.*** (Amended 07/27/06)
- B. Rezoning Requirements. The following is required for a rezoning request for the Estate Residential Zoning District in addition to what is normally required for a rezoning request:

1. A request for the Estate Residential Zoning District will require a Yield Plan. The number of lots allowed in a Estate Residential Zoning District will be

determined by a Yield Plan which is a conventional subdivision design based on the dimensional requirements of the A-R Zoning District. This concept is referred to as Neutral Density. The Yield Plan ~~must~~ **shall** contain the check list requirements available in the office of the Zoning Administrator.

2. The ~~Concept~~ **Development** Plan **shall be** required for the rezoning petition ~~will act as the Development Plan for the development~~. The ~~Concept/~~ Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved ~~Concept/~~ Development Plan, which affects the intent and character of the development, the density or land use pattern, or similar substantial changes, ~~must~~ **shall** be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the ~~Concept/~~ Development Plan shall be supported by a written statement as to why the revisions are necessary.

Doug Powell suggested deleting “The” in the first sentence and inserting “A”.

In addition to what is normally required on the ~~Concept~~ **Development** Plan, the ~~Concept/~~ Development Plan ~~must~~ **shall** include the following:

- a. A delineation of the residential area and the conservation area including the approximate acreage within each area; (Amended 07/27/06)
 - b. Uses and improvements planned for the conservation area with the acreage devoted to each; and (Amended 07/27/06)
 - c. Indicate and label existing structures to remain.
- C. Uses Permitted within the Residential Area of an Estate Residential Subdivision.
The following permitted uses shall be allowed in the Residential Area of the Estate Residential Zoning District:
1. Single-family dwelling; and

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2. Residential accessory ~~buildings~~ **structures** and uses (see Article V.)
- D. Conditional Uses. Permitted within the Residential Area of an Estate Residential

~~Subdivision.~~ The following Conditional Uses shall be allowed in the residential area of EST Zoning District, provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** herein are met:

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

E. Uses Permitted within the Conservation Area of an Estate Residential Subdivision. The following permitted uses and structures shall be allowed in the conservation area of the Estate Residential Zoning District: (Amended 07/27/06)

1. Trails and paths (impervious trails and paths are limited to five [5] percent of the conservation area and trails and paths ~~must~~ **shall** comply with the Watershed Protection Ordinance ~~in terms of impervious surface requirements~~); (Amended 07/27/06)
2. Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic Areas **and one (1) Covered Picnic Pavilion** are required to be setback 50 feet from any residential property line and are limited to five (5) percent of the conservation area. **A Covered Picnic Pavilion shall not exceed a maximum of 900 square feet.**; (Amended 07/27/06)

Bill Beckwith suggested deleting “A” and inserting “The” in the last sentence.

3. Community gardens for the use of the residents of the subdivision only;
4. The maintenance of existing orchards and groves including the harvesting of fruit and nuts;

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5. The maintenance of existing pastures including the harvesting of hay; and
6. The maintenance of existing farm fields used for row crops including the harvesting of crops. Said fields ~~must~~ **shall** be outside of watershed protection

areas as described in the Watershed Protection Ordinance. All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with 5. above. (Amended 07/27/06)

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the Estate Residential Zoning District shall be as follows:

1. Lot area per dwelling unit: 108,900 square feet (two and one half [2.5] acres)
2. Lot width per dwelling unit: 160 feet
3. Floor area: 2,500 square feet (Amended 05/22/08)
4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
5. Rear yard setback: ~~fifty (50)~~ 50 feet
6. Side yard setback: ~~twenty five (25)~~ 25 feet
7. Height limit: ~~thirty-five (35)~~ 35 feet

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G. Use of Existing Structure. The preservation of existing historic residential structures listed in the Architectural Survey of Fayette County is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility ~~must~~ ***shall*** meet all applicable building and safety codes and will be regulated as a Conditional Use under

Developed Residential Recreational/Amenity Areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the Zoning Board of Appeals in terms of nonconformance with this zoning district.

- H. Conservation Area Requirements. The conservation area of the subdivision shall meet the following requirements: (Amended 07/27/06)
1. Ownership. Title to the conservation area ~~must~~ **shall** be conveyed to one of the following entities: (Amended 07/27/06)
 - a. A Home Owners Association that has been established according to OCGA 44-3-220;
 - b. A Conservation Trust organization approved by the Fayette County Board of Commissioners; or
 - c. The Fayette County Board of Commissioners (for conservation areas with no structures only). (Amended 07/27/06)
 2. Size. A minimum of 40 percent of the total subject property ~~must~~ **shall** be set aside in conservation area. The conservation area described in its entirety by metes and bounds, total acreage and percentage of total subject property ~~must~~ **shall** be submitted to the Fayette County Zoning Department in the Final Plat stage prior to Final Plat approval. (Amended 07/27/06)
 3. Permanent Protection. Each conservation area regardless of ownership ~~must~~ **shall** have an easement or deed restriction as approved by the county attorney filed in the records of the Fayette County Clerk of Superior Court. The easement or deed restriction shall reserve the conservation area to uses as defined herein in perpetuity. (Amended 07/27/06)

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6-4. R-85 Single-family Residential District.

- A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

- B. Permitted Uses. The following uses shall be permitted in the R-85 Zoning District:
1. Single-family dwelling;
 2. Accessory ~~buildings~~ **structures** and uses **(see Article V.)**; and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-85 Zoning District provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** herein are met:
1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 - 3. Horse Shelter;**
 4. Home Occupation;
 - ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 - 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
 6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

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- D. Dimensional Requirements. The minimum dimensional requirements in the R-85 Zoning District shall be as follows:
1. Lot area per dwelling unit: 130,680 square feet (three [3] acres)
 2. Lot width: 125 feet

3. Floor area: 3,000 square feet
4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
5. Rear yard setback: ~~fifty (50)~~ 50 feet
6. Side yard setback: ~~twenty-five (25)~~ 50 feet
7. Height limit: ~~thirty-five (35)~~ 35 feet

6-5. R-80 Single-Family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a very low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-80 Zoning District:
 1. Single-family dwelling;

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2. Accessory ~~buildings~~ structures and uses (see Article V.); and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-80 Zoning District provided that all conditions specified in ~~Section 7-4~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 3. Home Occupation;
 4. **Horse Shelter;**
 4. ~~School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 5. **Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
 6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- D. Dimensional Requirements. The minimum dimensional requirements in the R-80 Zoning District shall be as follows:
1. Lot area per dwelling: 130,680 square feet (three [3] acres)
 2. Lot width: 175 feet
 3. Floor area: 2,500 square feet
 4. Front yard setback:

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- a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ **75** feet
 - (2) Collector: ~~seventy-five (75)~~ **75** feet
 - b. Minor thoroughfare: ~~fifty (50)~~ **50** feet
5. Rear yard setback: ~~fifty (50)~~ **50** feet

6. Side yard setback: ~~thirty (30)~~ 30 feet
7. Height limit: ~~thirty-five (35)~~ 35 feet

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

- A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following uses shall be permitted in the R-78 Zoning District:
 1. Single-family dwelling;
 2. Accessory ~~buildings~~ structures and uses (see Article V.); and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-78 Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval ~~herein~~ are met:
 1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;

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- ~~3. Horse Shelter;~~
4. Home Occupation;
- ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-78 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)
2. Lot width: 125 feet
3. Floor area: 3,000 square feet
4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
5. Rear yard setback: ~~fifty (50)~~ 50 feet
6. Side yard setback: ~~twenty-five (25)~~ 25 feet
7. Height limit: ~~thirty-five (35)~~ 35 feet

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6-7. R-75 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following uses shall be permitted in the R-75 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ **structures** and uses (**see Article V.**); and
 3. Growing crops, gardens.
- C. **Conditional Uses.** The following Conditional Uses shall be allowed in the R-75 Zoning District provided that all conditions specified in ~~Section 7-4~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** ~~herein~~ are met:
1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 - 3. Horse Shelter;**
 4. Home Occupation;
 - ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 - 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
 6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- D. **Dimensional Requirements.** The minimum dimensional requirements in the R-75 Zoning District shall be as follows:

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1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)
2. Lot width: 125 feet
3. Floor area: 2,500 square feet
4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet

- (2) Collector: ~~seventy-five (75)~~ 75 feet
- b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
- 5. Rear yard setback: ~~fifty (50)~~ 50 feet
- 6. Side yard setback: ~~twenty-five (25)~~ 25 feet
- 7. Height limit: ~~thirty-five (35)~~ 35 feet

6-8. R-72 Single-family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-72 Zoning District:
 - 1. Single-family dwelling;
 - 2. Accessory ~~buildings~~ structures and uses (see Article V.); and
 - 3. Growing crops, gardens.

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- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-72 Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:
 - 1. Church, Temple, or Place of Worship;
 - 2. Developed Residential Recreational/Amenity Areas;
 - 3. Horse Shelter;**
 - 4. Home Occupation;

4. ~~School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 - 5. *Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and***
 6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- D. Dimensional Requirements. The minimum dimensional requirements in the R-72 Zoning District shall be as follows:
1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)
 2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 175 feet
 - (2) Collector: 175
 - b. Minor thoroughfare: 150 feet
 3. Floor area: 2,100 square feet

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4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ **75** feet
 - (2) Collector: ~~seventy-five (75)~~ **75** feet
 - b. Minor thoroughfare: ~~fifty (50)~~ **50** feet
5. Rear yard setback: ~~fifty (50)~~ **50** feet
6. Side yard setback: ~~twenty-five (25)~~ **25** feet (Amended 06/25/98)

7. Height limit: ~~thirty five (35)~~ 35 feet

6-9. R-70 Single-Family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the ~~polluting~~ depreciating effects of excessive densities and development and those uses incompatible with a ~~protected watershed area~~ such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-70 Zoning District:
 1. Single-family dwelling;
 2. Accessory ~~buildings~~ structures and uses (see Article V.); and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-70 Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

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1. Church, Temple, or Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
- 3. Horse Shelter;**
4. Home Occupation;
- ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
- 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

E. Dimensional Requirements. The minimum dimensional requirements in the R-70 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)
2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 175 feet
 - (2) Collector: 175 feet
 - b. Minor thoroughfare: 150 feet
3. Floor area: 1,500 square feet
4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ 75 feet

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- (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
5. Rear yard setback: ~~fifty (50)~~ 50 feet
6. Side yard setback: ~~twenty-five (25)~~ 25 feet
7. Height limit: ~~thirty-five (35)~~ 35 feet

6-10. R-55 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

- B. Permitted Uses. The following uses shall be permitted in the R-55 Zoning District:
1. Single-family dwelling;
 2. Accessory ~~buildings~~ **structures** and uses **(see Article V.)**; and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-55 Zoning District provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** herein are met:
1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 - 3. Horse Shelter; and**

Doug Powell suggested deleting “and”.

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4. Home Occupation;
 - ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 - 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
 6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- D. Dimensional Requirements. The minimum dimensional requirements in the R-55 Zoning District shall be as follows:
1. Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)

- b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
- 2. Lot width: 150 feet (Amended 04/09/98)
- 3. Floor area: 2,500 square feet
- 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
- 5. Rear yard setback: ~~fifty (50)~~ 50 feet

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- 6. Side yard setback: ~~twenty-five (25)~~ 25 feet
- 7. Height limit: ~~thirty-five (35)~~ 35 feet

6-11. R-50 Single-family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following permitted uses shall be allowed in the R-50 Zoning District:
 - 1. Single-family dwelling;
 - 2. Accessory ~~buildings~~ structures and uses (see Article V.); and

3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-50 Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:
1. Church, Temple, or Place of Worship;
 2. Developed Residential Recreational/Amenity Areas;
 3. *Horse Shelter*;
 4. Home Occupation;
 - ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
 5. *Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and*

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6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.
- D. Dimensional Requirements. The minimum dimensional requirements in the R-50 Zoning District shall be as follows:
1. Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
 2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 150 feet

- (2) Collector: 150 feet
 - b. Minor thoroughfare: 125 feet
- 3. Floor area: 2,100 square feet
- 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~seventy-five (75)~~ 75 feet
 - b. Minor thoroughfare: ~~fifty (50)~~ 50 feet
- 5. Rear yard setback: ~~thirty (30)~~ 30 feet

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- 6. Side yard setback: ~~twenty (20)~~ 20 feet
- 7. Height limit: ~~thirty-five (35)~~ 35 feet

6-12. R-45 Single-family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-45 Zoning District:
 - 1. Single-family dwelling;
 - 2. Accessory ~~buildings~~ structures and uses (see Article V.); and
 - 3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-45 Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

1. Church, Temple, or Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
- 3. Horse Shelter;**
4. Home Occupation;
- ~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
- 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**

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6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-45 Zoning District shall be as follows:

1. Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary nor central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
2. Lot width: 125 feet
3. Floor area: 1,800 square feet
4. Front yard setback:
 - a. Major thoroughfare:

- (1) Arterial: ~~sixty (60)~~ **60** feet
- (2) Collector: ~~sixty (60)~~ **60** feet
- b. Minor thoroughfare: ~~forty (40)~~ **40** feet
- 5. Rear yard setback: ~~forty (40)~~ **40** feet
(Amended 04/09/98)
- 6. Side yard setback: ~~twenty (20)~~ **20** feet
(Amended 04/09/98)
- 7. Height limit: ~~thirty-five (35)~~ **35** feet

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6-13. R-40 Single-Family Residential District. (Added in its entirety on 04/09/98)

- A. Description of District. This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-40 Zoning District:
 - 1. Single-family dwelling;
 - 2. Accessory ~~buildings~~ **structures** and uses (**see Article V.**); and
 - 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-40 Zoning District provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** herein are met:
 - 1. Church, Temple, or Place of Worship;

2. Developed Residential Recreational/Amenity Areas;
- 3. Horse Shelter;**
4. Home Occupation;
4. ~~School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
- 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**
6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

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- D. Dimensional Requirements. The minimum dimensional requirements within the R-40 Zoning District shall be as follows:
1. Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
 2. Lot Width:
 - a. Major thoroughfare:
 - (1) Arterial: 150 feet
 - (2) Collector: 150 feet
 - b. Minor thoroughfare: 125 feet
 3. Floor area: 1,500 square feet

4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~sixty (60)~~ **60** feet
 - (2) Collector: ~~sixty (60)~~ **60** feet
 - b. Minor thoroughfare: ~~forty (40)~~ **40** feet
5. Rear yard setback: ~~thirty (30)~~ **30** feet
6. Side yard setback: ~~fifteen (15)~~ **15** feet

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7. Height limit: ~~thirty-five (35)~~ **35** feet

6-14. R-20 Single-family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a medium density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the R-20 Zoning District:
 1. Single-family dwelling;
 2. Accessory ~~buildings~~ **structures** and uses (**see Article V.**); and
 3. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the R-20 Zoning District provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval** herein are met:
 1. Church, Temple, or Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Shelter; and

Doug Powell suggested deleting “and”.

4. Home Occupation;
4. ~~School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
- 5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and**

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6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-20 Zoning District shall be as follows:

1. Lot area per dwelling unit:
 - a. Where a central sanitary sewage or a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 150 feet
 - (2) Collector: 150 feet
 - b. Minor thoroughfare: 125 feet
3. Floor area: 1,200 square feet

4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~sixty (60)~~ **60** feet
 - (2) Collector: ~~sixty (60)~~ **60** feet
 - b. Minor thoroughfare: ~~forty (40)~~ **40** feet
5. Rear yard setback: ~~thirty (30)~~ **30** feet

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6. Side yard setback: ~~fifteen (15)~~ **15** feet
7. Height limit: ~~thirty-five (35)~~ **35** feet

6-15. DR-15 One and Two-family Residential District.

- A. Description of District. This district is composed of certain lands and structures having a high density one and two-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the DR-15 Zoning District:
 1. Single-family dwelling;
 2. Accessory ~~buildings~~ **structures** and uses (see Article V.);
 3. Growing crops, gardens; and
 4. Two-family dwellings.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the DR-15 Zoning District provided that all conditions specified in ~~Section 7-4~~ Article VII, Conditional Uses, Exceptions, and Modifications, Conditional Use Approval, herein are met:

1. Church, Temple, or Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. ~~School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~
- 4. *Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and***

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5. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the DR-15 Zoning District shall be as follows:

1. Lot area per dwelling:
 - a. Single-family or two-family dwelling with central sanitary sewage or central water distribution system: 43,560 square feet (one [1] acre)
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)
2. Lot width:
 - a. Major thoroughfare:
 - (1) Arterial: 125 feet
 - (2) Collector: 125 feet
 - b. Minor thoroughfare: 100 feet
3. Floor area:
 - a. Single-family dwelling: 1,200 square feet

- b. Two-family dwelling: 1,800 square feet
- 4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~fifty (50)~~ **50** feet
 - (2) Collector: ~~forty-five (45)~~ **45** feet

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- b. Minor thoroughfare: ~~forty (40)~~ **40** feet
- 5. Rear yard setback: ~~thirty (30)~~ **30** feet
- 6. Side yard setback: ~~ten (10)~~ **10** feet
- 7. Height limit: ~~thirty-five (35)~~ **35** feet
- 8. Off-street parking: parking spaces for three (3) motor vehicles per dwelling unit

Doug Powell suggested capitalizing “parking”.

6-16. RMF Multi-family Residential District.

- A. Description of District. The intent of the RMF District is to provide locations in which high density residential uses can take place. The RMF District is designed to promote desirable housing conditions for high density residential uses, while minimizing the negative impacts associated with said uses on Fayette County's roads, schools, and water supply.
- B. Permitted Uses. The following Permitted Uses and Structures shall be allowed in the RMF Zoning District:
 - 1. Apartments; and
 - 2. Townhouses.

C. Conditional Uses. The following Conditional Use shall be allowed in the RMF Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval, herein are met:

Home Occupation; and

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

D. Dimensional requirements. The minimum dimensional requirements in the RMF Zoning District shall be as follows:

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1. Maximum requirements per development:
 - a. Maximum density: five (5) units per gross acre
 - b. Maximum number of dwelling units per development: 160
2. Minimum requirements for a development:
 - a. Site area: five (5) acres
 - b. Site frontage: ~~fifty (50)~~ **50** feet of immediate frontage on at least one (1) street which has been identified as an arterial as specified by the Fayette County Thoroughfare Plan.
 - c. Peripheral yard requirements:
 - (1) Front yard:
 - (a) Major thoroughfare:
 - (i) State-numbered route: 150 feet
 - (ii) Arterial: 100 feet
 - (iii) Collector: ~~eighty (80)~~ **80** feet
 - (b) Minor thoroughfare: ~~sixty (60)~~ **60** feet
 - (2) Side yard: ~~forty (40)~~ **40** feet

(3) Rear yard: ~~forty (40)~~ **40** feet

3. Lot Coverage and Minimum Open Space

a. No more than ~~forty (40)~~ **40** percent of any development site may be covered with buildings, structures or parking areas. Driveways, sidewalks, covered patios, private recreation areas, and swimming pools shall not be computed as lot coverage.

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b. Private, usable open space, such as balconies, sundecks or patios shall be provided contiguous to each dwelling unit. The area of such open space shall not be less than ten (10) percent of the floor area of the unit served except that balconies shall not be less than five (5) percent.

c. The minimum distance between buildings, including any projections, shall not be less than ~~fifty (50)~~ **50** feet.

4. Height limit: ~~thirty-five (35)~~ **35** feet

5. Floor area:

a. One bedroom: 600 square feet

b. Two bedroom: 850 square feet

c. Three bedroom: 1,200 square feet

6. Special Location and Spatial Requirements

a. No more than eight (8) dwelling units shall compose a single building.

b. Within a townhouse development, no more than three (3) consecutive dwelling units which form a part of a single building shall have the same front setback or roof line. Such setback and roof line shall be varied by a minimum of ~~sixteen (16)~~ **16** inches.

c. All exterior refuse areas or outside storage shall be screened in

accordance with ~~Section 5-19~~ Article V.

- d. Recreational facilities, including swimming pools, shall not be located within 150 feet of any single-family residential district, unless the recreational facility is screened from view of the single-family district by a principal dwelling or accessory building which exceeds the length of the recreational facility by ~~twenty (20)~~ 20 feet in each direction.

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- e. At least ~~fifteen (15)~~ 15 percent of the total land area shall be reserved for recreation available to all residents of the development. At a minimum, recreation areas shall include the following:

- (1) One (1) swimming pool at least 1,000 square feet;
- (2) Two (2) standard tennis courts;
- (3) One (1) children's playground; and
- (4) ~~Twenty (20)~~ 20 off-street parking spaces.

- f. Parking areas shall not be located within the minimum required peripheral front, side, or rear yards of the development. A minimum of three (3) spaces are required per dwelling unit.

7. Circulation System Requirements

- a. Principal access drives serving more than ten (10) dwelling units shall be constructed to Fayette County public street standards.
- b. Parking areas shall be connected to living units by paved walkways. Sidewalks may be required where necessary for safe pedestrian circulation as determined by the County Engineer.

8. Landscape Areas and Buffers. If a rear or side peripheral yard adjoins a residential or A-R zoning district, a minimum buffer of ~~fifty (50)~~ 50 feet shall be provided within the required setback. The front peripheral yard shall be landscaped in accordance with the Development Regulations.

9. Subdivisions. Where developments are designed or otherwise proposed such

that each dwelling therein is to be sold along with the land on which it sits and any yards, such divisions shall comply with the Fayette County Subdivision Regulations.

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6-17. MHP Manufactured Home Park District.

- A. Description of District. This district is composed of certain lands and structures for purpose of providing the proper development of manufactured home parks.
- B. Permitted Uses. The following Permitted uses shall be allowed in the MHP Zoning District:
1. Manufactured home park;
 2. Accessory ~~buildings~~ **structures** and uses **(see Article V.);**
 3. Office trailer; and
 4. Growing crops, gardens.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the MHP Zoning District provided that all conditions specified in ~~Section 7-1~~ **Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval,** herein are met:
- ~~1. Nursery schools and kindergartens, provided:~~
 - ~~a. There are off street loading and unloading spaces;~~
 - ~~b. There is at least 100 square feet of outdoor play area per child; and~~
 - ~~c. A fence of at least four (4) feet in height encloses the entire play area and is constructed in such a manner as to insure maximum safety to the children. (Relocate to Article VII.)~~
 1. **Home Occupation; and**

2. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Special Regulations. The following regulations shall apply to the MHP Zoning District in addition to any other applicable regulations herein:

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1. Development Plan: The applicant shall file a petition with the Zoning Administrator for approval of a Manufactured Home Park. This application shall be supported by six (6) copies of a written summary of the development planned, known as a Letter of Intent, which shall describe the proposed development in detail and a Site Plan. The Site Plan and Letter of Intent shall present the following information:
 - a. A draft of the proposed rules and regulations which shall be established and enforced by the management of the Manufactured Home Park;
 - b. Existing topographic conditions, including where necessary, contour intervals of not less than two (2) feet based on field surveys or photogrammetric methods at a minimum scale of one (1) inch equal 100 feet (1" - 100');
 - c. The existing and proposed land uses and the approximate location of all buildings and structures;
 - d. The location of existing and proposed streets and parking areas;
 - e. A legal description of the subject property;
 - f. Typical elevation drawings, indicating general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises;
 - g. A statement of the present ownership of all land within the proposed development;
 - h. A summary of acres, dwelling units, and gross density, as well as a statement of the number of acres devoted to buffer areas, and green belts or other amenities, such as lakes, etc.;

- i. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction; and

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- j. Specific plans for provision of central water and central sanitary sewage systems.
2. Pre-application Conference. Prior to filing a formal application for a Manufactured Home Park the applicant is required to appear before the Planning Commission in a public hearing in order to provide for review of the general character of the proposed Manufactured Home Park development (on the basis of a tentative land use sketch, if available), and to obtain information on projected programs or improvements, as well as County requirements.
 3. Approval. An application for approval of a Manufactured Home Park will be considered administratively as a petition for rezoning, and will be subject to the procedures established in this Zoning Ordinance. After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications to the Site Plan and/or Letter of Intent, after receiving the recommendation of the Planning Commission.
 4. Use Regulations. In addition to the above listed permitted uses, the buildings or land shall only be used as follows:
 - a. Parking and inhabiting of manufactured homes in parks with a minimum of ~~ifty (50)~~ **50** spaces, provided all facilities shown on the Site Plan submitted to and approved by the Board of Commissioners are installed and maintained according to the schedule submitted with the Site Plan and stipulations of the Letter of Intent;
 - b. Recreation areas, office and/or maintenance and storage buildings, for residents of the Manufactured Home Park only. No repair facilities of any type including automobile repair shall be permitted;
 - c. Convenience food stores with a maximum of 1,500 square feet including inside and outside storage, as an accessory to a Manufactured Home Park as designated on an approved Site Plan;

- d. Laundromat, including coin operated dry cleaning, as an accessory to a Manufactured Home Park as designated on an approved Site Plan, upon approval by the Fayette County Health Department;

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- e. The sale or display of a manufactured home, provided each such manufactured home offered for sale shall be located on its individual lot and connected to all utilities.

5. Perimeter Requirements:

- a. A buffer zone having a minimum width of 150 feet shall be provided so as to provide a continuous buffer along all side and rear yards of any Manufactured Home Park.
- b. A buffer zone having a minimum depth of 100 feet shall extend along the entire frontage of any Manufactured Home Park.
- c. Where the existing foliage in the buffer zones is not sufficient to provide and maintain an evergreen visual screen between adjacent properties, landscaping and planting shall be required sufficient to provide visual separation and privacy between a Manufactured Home Park and adjacent properties and/or streets.

6. Storage Requirements. Each Manufactured Home Park shall provide an area for the storage of boats, travel trailers and/or other vehicles which shall be at least ten (10) percent of the gross area of the Manufactured Home Park, provided, however, said ten (10) percent is not located in a flood hazard area.

7. Circulation system. Each Manufactured Home Park shall have a minimum 200 feet of frontage, and only access, an Arterial Thoroughfare. Said access shall not exceed 600 feet in length as measured from the right-of-way.

- a. Each Manufactured Home Park over ~~twenty (20)~~ 20 acres in size shall have a minimum of two (2) access streets or drives to provide ingress and egress for vehicular traffic.
- b. Provision shall be made for safe, all-weather pedestrian movement within the development.

8. Night Lighting. Streets, pedestrian walkways and parking areas shall be adequately lighted.

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9. Garbage Refuse Collection Facilities. Garbage refuse collection shall be provided by the Manufactured Home Park owner.
 10. Utilities. Each manufactured home shall be connected with water and sanitary facilities in a manner approved by the Fayette County Health Department and in compliance with the regulations of the Fayette County Water System. Each manufactured home shall be served by electricity and gas. All utilities shall be placed underground.
 11. Recreation Facilities. A minimum of ten (10) percent of the gross acreage of the Manufactured Home Park shall be provided for common facilities, open space, and recreation for the residents of the Manufactured Home Park.
- E. Dimensional Requirements. The minimum dimensional requirements in the MHP Zoning District shall be as follows:
1. No Manufactured Home Park shall be constructed or maintained on ~~a lot or~~ lot of a total area of less than ten (10) acres.
 2. Each manufactured home shall be located on a separate lot as follows:
 - a. Each lot shall have a minimum width of ~~sixty (60)~~ **60** feet.
 - b. Each lot shall contain a minimum of 6,000 square feet.
 - c. Each lot shall provide a paved concrete or all-weather patio area having a minimum area of 300 square feet.
 3. Manufactured Home Siting Requirements. Within ~~sixty (60)~~ **60** days of the siting of a manufactured home on its lot, the under-carriage of the manufactured home shall be concealed from view, through the use of permanent non-flammable construction materials. No manufactured home or other structure shall be located within:
 - a. Four (4) feet of its individual lot line; or

- b. ~~Fifteen (15)~~ **15** feet of any street or drive within the Manufactured Home Park.

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4. Height Limit: 35 feet

01/23/09 – BOC Retreat
06/30/09 – PC Wkshop
01/03/10 – PC Wkshop

6-18. O-I, Office-Institutional District. (Adopted 05/26/88)

- A. Description of District. This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- B. Permitted Principal Uses and Structures. The following Permitted Uses shall be allowed in the O-I Zoning District:
 - 1. Office;
 - 2. Art Gallery;
 - 3. **Bank and/or Financial Institution;**
 - 4. Clinic (Human Treatment);
 - 5. College **and/or** University, **including classrooms and/or administration only;**
~~Dance Studio or School;~~
 - 6. **Educational/Instructional/Tutorial Facilities, including, but not limited to: Academic, Art, Computer, Dance, Driving and/or DUI, Martial Arts, Music, Professional/ Business/Trade, and similar facilities;**
~~Financial Institution;~~
 - 7. Health Club **and/or** Fitness Center;
 - 8. Insurance Carrier, Agent, **and/or** Broker;

9. Laboratory, Medical, and/or Dental;
 10. Legal Services;
 11. Massage Therapy (see County Code - Occupational Licenses);
 12. Museum;
 13. Performing Arts Theater;
 14. Private School, including classrooms and/or administration only;
 15. Professional Services, including, but not limited to: Accounting; Advertising and Marketing Research Services; Architectural Firms; Bookkeeping, Tax Preparation; Brokerage Firms; Computer System Software Design; Consulting Services; Engineering Firms; Internet and Web Hosting Firms; Payroll Services; Photographic Services; Research Services; Specialized Design Services; Telemarketing; and Translation and Interpretation Services.
 16. Real Estate Agent and/or Broker; and
School, Private and Special-
- C. Permitted Principal Uses and Structures for Office Parks with at least 100,000 square feet of floor area. In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten (10) percent of the total floor area, are located in a building in which office uses comprise at least ~~fifty (50)~~ 50 percent of the floor area and have no exterior advertising display:
1. Beauty and/or Barber Shop;
 2. Blueprinting;
 3. Cafeteria;
 4. Commercial Art and/or Drafting Service;

5. Day Care Facility;
6. Delivery and/or Messenger Service;
7. Drug Store;
8. Florist;
9. Gift Shop;
10. Photocopying and/or Reproduction;
11. Restaurant (limited to five [5] percent of total floor area of office park and included in overall ten [10] percent limitation);
~~Restaurant, Fast Food;~~
12. Stenographic and/or Typing Service;
13. Teleconferencing Center; and
14. Travel Agency and/or Ticket Office.

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

1. Adult Day Care Facility; (Adopted 06/28/07)
2. Animal Hospital and/or Veterinary Clinic (with no animal boarding or outdoor runs) (Added 06/25/98)
3. Care Home, Convalescent Center, and/or Nursing Home;
4. Church, Temple, and/or Other Place of Worship;
5. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;

6. Day Care Facility (Nursery School ~~or Kindergarten~~);
7. Home Occupation; (Adopted 10/23/08)
8. Hospital;
9. Hotel **and/or Bed and Breakfast**;
10. Non-Emergency Medical Transport Service; ~~and~~ (Adopted 07/26/07)
11. **Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;**
12. ~~Church or~~ Religious Tent Meeting; (Added 04/09/98)
13. Single-Family Residence **and accessory structures and/or uses (see Article V.); and**
- 14. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.**

(Section E. adopted in its entirety 06/24/04)

- E. Auxiliary Conditional Uses for an Office Building with a minimum of 10,000 square feet of floor area. The following auxiliary permitted uses shall be allowed within the specific **area with a land use designation of** Office ~~Institutional District~~ **as indicated** area on the Fayette County **Future** Land Use Plan ~~Map~~ **map** defined as that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District). Such uses will support and ~~must~~ **shall** be compatible with the Fayette County Community Hospital, the medical industry, and the development of the office and institutional uses planned for this area.

The following Auxiliary Conditional Uses shall be allowed in the O-I Zoning District:

1. Durable Medical and Rehabilitation Equipment Sales/Rental (i.e. wheelchairs, crutches, etc.);
2. Pharmaceutical Sales (for the purpose of filling prescriptions only);

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3. Counter Service Restaurants, including but not limited to: a bakery, café, coffee shop, or deli. No drive-thru, **no drive-in**, or free standing facilities ~~will~~ **shall** be allowed;
4. Optical Care Center to include prescription eyeglass/contact lense sales;
5. Gift Shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e. get well cards, etc.); and
6. Floral Sales.

Development Standards:

Dimensional Requirements

1. These Auxiliary Conditional Uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of ~~twenty~~ **20** percent (~~20%~~) of the total floor area of the building and ~~must~~ **shall** occupy space on the first floor of the building.
2. Multiple uses may be permitted concurrently but may not exceed the ~~twenty~~ **20** percent (~~20%~~) limitation.

Architectural Requirements

1. Architecture shall conform to the existing hospital/medical office development. **The architectural standards of the Transportation Corridor Overlay Zone shall not apply.**
 2. Elevation drawings shall be submitted as part of site plan approval
- F. Dimensional Requirements. The minimum dimensional requirements in the O-I Zoning District shall be as follows:
1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

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- b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. Lot width: 125 feet
3. **Outside** Storage **shall not be permitted.**
 - a. ~~Inside: not to exceed fifteen (15) 15 percent of the total gross floor area~~
 - b. ~~Outside: not permitted~~
4. Setbacks, yards adjoining rights-of-way:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ 75 feet
 - (2) Collector: ~~seventy (70)~~ 70 feet
 - b. Minor thoroughfare: ~~fifty-five (55)~~ 55 feet
5. Setbacks, yards not adjoining rights-of-way:
 - a. Side yard: ~~fifteen (15)~~ 15 feet
 - b. Rear yard: ~~fifteen (15)~~ 15 feet
6. Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of ~~thirty (30)~~ 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
7. Height limit:
 - a. ~~Forty (40)~~ 40 feet as defined in Article III, ~~Sec. 3-14.~~ (Adopted 11/18/04) (Amended 02/23/06)

- b. When a structure reaches a minimum height of four (4) floors (including basements), it shall be sprinkled. (Adopted 11/18/04)
8. Use of Existing Structure: When property containing a lawfully existing building and accessory structures is rezoned to O-I for use of the existing buildings, the following 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, including expansion of any existing structure, shall comply with the dimensional requirements herein.
 - b. In the event that a structure which existed at the time of rezoning is removed, demolished or destroyed, any new structure ~~must~~ ***shall*** comply with the provisions of this district.
9. Lot coverage limit, including structure and parking area: ~~sixty~~ ***60*** percent (~~60%~~) of total lot area (Adopted 06/28/01)

(Adopted in its entirety – 08/27/09)

- G. SR 74 North - East Side Special Development District. The following will apply to the area identified in the Fayette County Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as Special Development District and Office on the Fayette County Future Land Use Plan Map. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County’s main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and (3) to protect existing and future residential areas in the SR 74 North corridor.

The assemblage of parcels will be necessary in some areas to meet the intent of the Special Development District. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.

1. In a planned office development consisting of a minimum of ten (10) acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 - a. Restaurants (no drive-through, drive-in, or free standing facilities shall be allowed);
 - b. Personal Services, **including, but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Electrolysis and/or Hair Removal; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon;**
 - c. Convenience store (no gasoline sales);
 - d. Blueprinting, graphic, and/or copying service; ~~and~~
 - e. Office **and/or** computer supplies **sales and/or service; and**
 - f. Cellular phone/communication device supplies **sales and/or** service.

6-19. C-C Community Commercial District.

- A. Description of District. This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein.
 1. Amusement or Recreational facility, **indoor or outdoor (see County Code - Coin-Operated Machines);**
 2. Appliance sales and **incidental** repair, etc.;
 3. Art studio;

4. Auto parts and/or Tire store, retail;
5. Bakery;
6. Bank and/or Financial Institution;
~~Barber shop;~~
~~Beauty shop;~~
~~Business school;~~
7. Catering service;
8. Church, and ~~customary related uses~~ excluding outdoor recreation, parsonage, and cemetery or mausoleum;
~~Clothing store/variety store;~~
9. College, and/or University, including ~~Dormitory and Fraternity or Sorority house when located on main campus~~ classrooms and/or administration only;
10. Copy shop;
11. Cultural facility, including Performing Arts Center;

Pete Frisina stated “including Performing Arts Center” should be deleted as it is indicated in the definition of “cultural facility”.

~~Dance school or Studio;~~

Day Spa

Pete Frisina noted that a day spa is a new use and it is an establishment catering primarily to women and offers certain body treatments including such things as facials, mud baths, body wraps, hair removal, pedicures, manicures, and hair dressing as well as massages and the sale of related products

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such as lotions, soaps, etc. He explained that when massage therapy was first addressed in the

ordinance, a massage parlor had a different connotation and in some instances was associated with criminal activity. He said the day spa industry has been growing in recent years and would not be allowed under the current ordinance if massage therapy was offered. He stated that he had spoken with Sheriff Hannah and explained how the County was concerned about a day spa becoming a massage parlor; however, Sheriff Hannah was not concerned about a day spa becoming a massage parlor. He pointed out the County Code requires a massage therapist to be fingerprinted and have a criminal background check. In addition, a massage therapist must have a degree from a massage school accredited by the American Massage Therapy Association.

12. Dental office;
13. Department store, variety store, and/or clothing store;
14. Drug store;
~~Dry goods store;~~
15. **Educational/Instructional/Tutoring Facilities, including, but not limited to: Academic, Art, Computer, Dance, Driving and/or DUI School, Martial Arts, Music, Professional/ Business/Trade, and similar facilities;**
16. **Electronic sales and incidental repair;**
~~Financial institution;~~
17. **Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);**
18. Florist;
19. Gift shop;
20. Grocery store;
~~Growing crops, garden, shrubbery, flowers, etc. and related sales;~~
~~Gunsmith;~~

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21. **Hardware Store;**

22. **Health Club and/or Fitness Center;**
23. Jewelry shop;
24. Laboratory serving professional requirements, (e.g. medical, dental, etc.);
~~Laundry pickup station;~~
25. Library;
~~Locksmith;~~
26. Medical office **(human treatment)**;
27. Messenger service;

Doug Powell suggested adding “/courier” after “Messenger”. He added this amendment would also need to be made under the C-H zoning district.

Doug Powell suggested adding “Military Recruiting Office”. He added this amendment would also need to be made under the C-H zoning district.

28. **Movie Theatre (excluding drive-in);**
29. Museum;
~~Music teaching studio;~~
~~Novelty shop;~~
30. **Office;**
31. Office equipment sales **and/or** service;
32. Parking garage;

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33. **Personal Services, including but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Counseling Services; Electrolysis and/or Hair Removal; Fitness Center; Laundry Drop-off/Pick-**

up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon.

- 38. ~~Photography studio;~~
- 34. Plant nursery, growing crops/garden, and related sales;
- 35. Printing, graphics, and/or reproductions;
- 36. Private Clubs and/or Lodges;
- 37. Private School, including classrooms and/or administration only;
- 38. Radio studio;
- 39. Recording Studio (Audio and Video);
- 40. Restaurant, including drive-in and/or drive thru);
- 41. Retail establishment;

School;

Shoe repair;
- 42. Taxidermist; and

Taxi service;

Telegraph service;
- 43. Television studio. ~~and~~

Watch repair.

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- C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in ~~Section 7-4~~ Article VII, Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

1. Adult Day Care Facility; (Adopted 06/28/07)
2. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic;
3. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
- ~~Campground Facilities;~~
4. Care Home, Convalescent Center, and/or Nursing Home;
5. Church, Temple, and/or Place of Worship;
6. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
7. Commercial Driving Range;
8. Day Care Facility (Nursery School ~~or Kindergarten~~);
9. Dry Cleaning Plant;
- ~~Fraternities and/or Sororities;~~
10. Golf Course;
11. Home Occupation; (Adopted 10/23/08)
12. Hospital;
13. Kennel (See Animal Hospital, etc.);

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14. Laundromat, Self-Service or Otherwise;
15. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;

16. ~~Church or~~ Religious Tent Meeting;
17. **Seasonal Sales as Outdoor Displays;**
18. Single-Family Residence **and accessory structures and/or uses (see Article V.); and**
19. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities; **and**
20. **Temporary Tent Sales.**

D. Dimensional Requirements. The minimum dimensional requirements in the C-C Zoning District shall be as follows:

1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. Lot width: 125 feet
3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ **75** feet
 - (2) Collector: ~~seventy (70)~~ **70** feet

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- b. Minor thoroughfare: ~~sixty-five (65)~~ **65** feet
4. Rear yard setback: ~~fifteen (15)~~ **15** feet
5. Side yard setback: ~~fifteen (15)~~ **15** feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of ~~fifty (50)~~ **50** feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
7. Height limit: ~~thirty-five (35)~~ **35** feet
8. Screening dimensions for parking and service areas as provided in ~~Section 5-19, 5-20~~ **Article V. General Provisions of the Zoning Ordinance and** the Development Regulations.
9. Lot coverage limit, including structure and parking area: ~~sixty (60)~~ **60** percent (~~60%~~) of total lot area (Adopted 06/28/01)

6-20. C-H Highway Commercial District.

- A. Description of District. This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the County and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- B. Permitted Uses. The following uses shall be permitted in the C-H Zoning District as ~~long as the area devoted to inside storage does not exceed fifty (50) percent of the gross floor area of the principal structures except as excluded herein for Business Parks.~~
 1. Ambulance and Reseue squad **service, including Non-Emergency Medical Transport service;**
 2. Amusement or Recreational facility, **indoor or outdoor (see County Code - Coin-Operated Machines);**

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3. Appliance sales **and/or** repair;
4. Armories, for meetings and training military organizations;
5. Art studio;
- Athletic events;**

6. Auto parts, Tire store/installation, Brake installation, Muffler repair, Oil change, Tune-up, and Emission Testing Facilities, ~~retail~~; (Amended 06/24/04)
7. Bakery;
8. **Bank and/or Financial Institution;**
~~Barber shop;~~
~~Beauty shop;~~
~~Blueprinting;~~
11. Bookbinding;
12. Building, contracting and related activities, (e.g. sales and storage of building supplies and materials);
13. Bus passenger station (**pick-up and drop-off only**);
~~Business park;~~
~~Business school;~~
14. Cabinet manufacturing, sales, repair and/or installation;
~~Carnival (temporary in nature);~~
15. Car wash and/or detailing facility; (Amended 07/22/04)

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16. Catering service;
17. Church, and ~~customary related uses~~ **excluding outdoor recreation, parsonage, and cemetery or mausoleum;**

Doug Powell suggested adding “and/or other Place of Worship” after “Church”.

18. Clothing store and/or variety store;

19. College, and/or University, including ~~Dormitory and Fraternity or Sorority house when located on main campus~~ classrooms and/or administration only;
Community fair;
20. Copy shop;
21. Cultural facility, including Performing Arts Center;
~~Dance school or Studio;~~
Day Spa
22. Dental office;
23. Department store;
~~Drive in Restaurant;~~
~~Drive in theater;~~
24. Drug store;
~~Dry goods store;~~
25. *Educational/Instructional/Tutoring Facilities, including, but not limited to: Academic; Art; Computer; Dance; Driving and/or DUI; Music; Professional/Business/Trade; Martial Arts; and similar facilities;*

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26. ~~Electric~~ Electronic sales and/or repair;
27. Engraving;
~~Financial institution;~~
28. Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);

- 29. Flea Market, indoor (see County Code - Pawnbrokers, Dealers in Precious Metals and Gems, and Flea Market Operators);**
30. Florist shop;
31. Freezer locker service, ice storage;
32. Freight express office;
33. Funeral home;
34. Gift shop;
35. Glass sales;
36. Grocery store;
- ~~Growing crops, garden, shrubbery, flowers, etc., and related sales;~~
- ~~Gunsmith;~~
37. **Hardware Store;**
- ~~Horse show (temporary in nature); (Amended 07/22/04)~~
38. **Health Club and/or Fitness Center;**
39. Hotel **and/or Bed and Breakfast;**

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40. Jewelry shop;
41. Laboratory serving professional requirements, (e.g. medical, dental, etc.);
- ~~Laundry pickup station;~~
42. Library;
- ~~Locksmith;~~

- 43. Magazine publication and/or distribution;
- 44. Manufactured home and/or building sales room and sales lot;
- 45. Medical office (Human Treatment);
- 46. Messenger service;

Doug Powell suggested adding “/courier” after “Messenger”.

- 47. Movie Theatre and/or Drive-In;
- 48. Museum;
- 49. Music teaching studio;
- 50. Newspaper publication and/or distribution;
Novelty shop;
- 51. Office;
- 52. Office equipment sales and/or service;
- 53. Parking Garage;
- 54. Pawn Shops (see County Code – Pawnbrokers, Dealers in Precious Metals and Gems, and Flea Market Operators);

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- 55. Personal Services, including but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Counseling Services; Electrolysis and/or Hair Removal; Fitness Center; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon;
- 56. Pest control;

Photography studio;

Photostating;

- 57. *Plant nursery, growing crops/garden, and/or related sales;*
- 58. Printing, *graphics, and/or reproductions;*
- 59. Private clubs *and/or* Lodges;
- 60. *Private School, including classrooms and/or administration only;*
- 61. *Recording Studio (Audio and Video);*
- 62. Radio studio;
- 63. Railroad station;
- 64. Rent-alls;
- 65. Restaurant, *including drive-in and/or drive thru);*
- 66. Retail establishment;
- Rodeo (temporary in nature); (Amended 07/22/04)
- School;
- Shoe repair;

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- 67. Tattoo Parlor *(see County Code – Occupational Licenses);*
- 68. Taxidermist;
- 69. Taxi service/*Limousine service/Shuttle service (no on-site maintenance and/or repair);*
 Telegraph service;
- 70. Television studio;
- Trade schools;

71. Upholstery shop; and
72. Utility trailers sales and/or rental ~~rent-alls;~~ and.
 ~~Watch repair.~~

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in ~~Section 7-1~~ Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval herein are met:

1. Adult Day Care Facility; (Adopted 06/28/07)
2. Amphitheater, Outdoor;

Pete Frisina suggested deleting “Outdoor” since it was indicated in the definition of “Amphitheater”.

3. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic;
4. Automobile, Truck, Farm Equipment, or Motorcycle Sales and ~~Accessory~~ Incidental Repairs; (Amended 06/24/04)
5. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;

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6. Campground Facilities;
7. Care Home, Convalescent Center, and/or Nursing Home;
8. Cemetery;
9. Charter and/or Motor Coach Bus Service;
10. Church, Temple, and/or Place of Worship;
11. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;

12. Commercial Driving Range;
13. Day Care Facility (Nursery School ~~or Kindergarten~~);
14. Dry Cleaning Plant;
15. Experimental Laboratory;
16. Golf Course;
17. Home Occupation; (Adopted 10/23/08)
18. **Horse show and/or Rodeo and/or Carnival;**
19. Hospital;
20. Laundromat, Self-Service or Otherwise;
21. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;
22. **Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;**
23. ~~Church~~ or Religious Tent Meeting;

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24. **Seasonal Sales as Outdoor Displays;**
25. Self-Storage Facility; (Adopted 06/28/07)
26. Single-Family Residence **and accessory structures and/or uses (see Article V.); and**
Shooting Range, Indoor
27. **Stadium, Outdoor Athletic;**

Pete Frisina suggested deleting “Outdoor” since it was indicated in the definition of “Stadium, Athletic”.

- 28. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities; **and**
- 29. **Temporary Tent Sales.**

D. **Dimensional Requirements.** The minimum dimensional requirements in the C-H Zoning District shall be as follows:

- 1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
- 2. Lot width: 125 feet
- 3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ **75** feet
 - (2) Collector: ~~seventy (70)~~ **70** feet
 - b. Minor thoroughfare: ~~sixty-five (65)~~ **65** feet
- 4. Rear yard setback: ~~fifteen (15)~~ **15** feet
- 5. Side yard setback: ~~fifteen (15)~~ **15** feet
- 6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of ~~fifty (50)~~ **50** feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- 7. Height limit: ~~thirty-five (35)~~ **35** feet
- 8. Screening dimensions for parking and service areas as provided in ~~Section 5-18, 5-19,~~ **Article V. herein** and the Development Regulations.

9. Lot coverage limit, including structure and parking area: ~~sixty~~ 60 percent (~~60%~~) of total lot area (Adopted 06/28/01)

Pete Frisina advised the discussion would begin with the L-C zoning district at the Workshop/Public Meeting scheduled for January 21, 2010, at 7:00 pm in the Board of Commissioners Conference Room.

* * * * *

Chairman Thoms asked if there was any further business. Hearing none, Doug Powell made a motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:42 P.M.

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PC Workshop/Public Meeting
January 7, 2010

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

TIM THOMS

CHAIRMAN

ROBYN S. WILSON
P.C. SECRETARY