

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on January 21, 2010, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

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

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

GUESTS: Huie Bray
Donna Lee and her son
Representative of Storage Xxtra

Welcome and Call to Order:

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

* * * * *

- 1. Discussion of proposed amendments to the Fayette County Zoning Ordinance, in its entirety. This is part of over a year long review of the Zoning Ordinance.**

Chairman Thoms advised the PUD-PSBC would be discussed first due to citizens being present who were interested in the new zoning district.

Pete Frisina advised the proposed zoning district provides flexibility for a business incubator center for small businesses (start-ups) to grow into larger businesses. He pointed out the applicant would provide a list of the proposed uses for the PUD-PSBC; however, only those uses approved through the rezoning process shall be allowed. He said the applicant may request additional uses through public hearings by the PC and BOC. He confirmed the "Purpose" statement would provide direction in regards to the uses. He commented each PUD-PSBC would have to stand on its own merit and the uses in each would vary. He presented the proposed new zoning district as follows:

PC Public Meeting/Workshop

6-25. Planned Unit Development

J. *Planned Small Business Center*

1. ***Purpose. The intent of the Planned Small Business Center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited commercial uses as appropriate for the area. A PUD-PSBC will allow innovative and creative design and promote high standards in the development layout.***

Jim Graw expressed concern that the proposed uses should be compatible with the “Purpose”.

A discussion was held about establishing square footage restrictions; however, it was decided that this would actually place further restrictions on the PUD-PSBC when it should be a flexible zoning district.

Pete Frisina suggested inserting “small scale” between “limited” and “commercial uses”.

Jim Graw stated this change would be helpful in making a determination.

2. ***Uses: Only those uses (Permitted and Conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed.***

Doug Powell stated the uses allowed in the four (4) zoning districts would provide for flexibility and also additional uses to the business owners who had requested additional uses several times in the past. He said the PUD-PSBC would provide a business owner to get small business off the ground without a lot of costs associated with the office space.

Chairman Thoms commented the PUD-PSBC uses would provide for mixed uses, industrial, and office complex; however, a shopping center would not meet the “Purpose” statement.

3. ***Minimum Dimensional and Other Requirements.***
 - a. ***Minimum Lot Size: Minimum of ten (10) acres.***

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

Pete Frisina suggested deleting “Such uses” and replacing it with “The proposed site”.

- c. Front, side, and rear yard setbacks, and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 Zoning District, as applicable to the use.**

- d. The Development Plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety.**

- e. Location: Property in the following areas shall be given consideration for PUD-PSBC:**

There was a discussion held regarding whether or not to open the PUD-PSBC up to other locations or only restrict the PUD-PSBC to certain areas.

Doug Powell suggested deleting “Property” and inserting “Only properties”.

The other PC members concurred and added the “locations” could be expanded, if needed, in the future.

- (1) Those properties fronting SR 85 North from the city limits of Fayetteville to the Clayton County Boundary;**
- (2) Those properties located in the area of SR 314 and Bethea Road indicated as Industrial on the Fayette County Future Land Use Plan; and**
- (3) Those properties fronting SR 54 East from the city limits of Fayetteville to Nash Creek.**

Pete Frisina indicated the three (3) proposed areas on the Land Use Plan Map which are currently land used as commercial or industrial.

Huie Bray stated he had reviewed the zoning map and there are approximately ten (10) tracts of land on SR85 North, SR 314, and SR 54 East so there should not be abundances of this type development.

f. Height limit: 35 feet

Jim Graw remarked when the intersection of SR 74 South and SR 85 South is upgraded there will be numerous rezoning requests which could include the PUD-PSBC.

Pete Frisina replied when the intersection is upgraded, which will include Padgett Town Road, the Land Use Plan Map for the area will have to be reviewed because there will be requests for commercial development and currently the area is designated as Rural Residential and Agricultural Residential. He said the property owners would not be requesting a PUD-PSBC at this intersection.

Huie Bray commented the PUD-PSBC would provide flexibility and uses compatible with the community. He said if his buildings were destroyed, he would petition to rezone to PUD-PSBC. He thanked the PC and Staff for their time and consideration.

Donna Lee said her property was zoned M-1; however, the BOC conditioned the property north of Bethea Road to a percentage of retail uses with brick façade buildings along the SR 314 corridor. She commented the same type buildings were required on the property south of Bethea Road; however, it was later discovered the retail uses only applied to the property north of Bethea Road. She pointed out these building do not have roll up doors, are not conducive for industrial businesses, and were more costly to construct. She added she would probably petition to rezone to the PUD-PSBC because she is basically already operating like a PUD-PSBC.

6-21. L-C Limited-Commercial District.

- A. Intent. The intent of the L-C Zoning District is to establish small scale business areas which do not generate large amounts of traffic, noise or light. The L-C Zoning District includes small retail and convenience commercial establishments, personal services and business and professional offices. The L-C Zoning District will control architectural character and scale. The adaptive use of existing structures is encouraged when possible. The L-C Zoning District would avoid the development of strip commercial businesses.
- B. Permitted Principal Uses. The following Permitted Principal Uses shall be allowed in the L-C Zoning District:

1. Antique shop;
2. Art and/or Crafts studio;
3. Bakery;
4. **Bank and/or Financial Institution;**
5. Barber and/or Beauty shop;
Beauty shop;
6. **Book, stationery, and/or card shop;**
7. **Clothing and accessories;**
8. Dance school and/or studio;
9. Dental office;
Financial institution;
10. Florist shop;
11. **Gift Shop;**
12. **Home furnishings and accessories;**
13. **Jewelry shop;**
14. Laundry and/or dry clean pickup station;
15. Medical office (human treatment);
16. Music teaching studio;
17. Office (business and/or professional);
18. Photography studio;
19. **Restaurant/Restaurant Takeout (no drive-thru or drive-in allowed.); and**

20. Shoe repair; and.

Watch repair.

C. Conditional Uses. The following Conditional Uses shall be allowed in the L-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. Convenience Commercial Establishment;

Pete Frisina advised the City of Fayetteville had a zoning district which did not allow a convenience store which he was in favor of; however, the PC had not agreed with him. He stated Staff had added the hours of operation and limited the number of gasoline pumps. This would make the convenience commercial establishment more compatible in a residential area.

Jim Graw expressed concern about limiting the hours of operation (6AM to 10 PM) because he felt the market place should determine the hours of operation.

Robyn Wilson pointed out there were several Conditional Uses with limited hours of operation and even some new proposed Conditional Uses with limited hours of operation.

2. Single-Family Residence and accessory structures and uses (see Article V.);

3. Home Occupation; and

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

Jim Graw asked why Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities was added as a Conditional Use.

Pete Frisina explained public utility facilities are allowed to locate wherever because they have eminent domain; however, fencing and landscaping is required.

D. Regulations. The following regulations shall apply to the L-C Zoning District in addition to any other applicable regulations.

Page 7
January 21, 2010
PC Public Meeting/Workshop

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

1. The principal structure will maintain an architectural character which shall consist of a pitched roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a facade/siding of wood, brick, stone, stucco or sidings which simulate same. Large display windows and glass doors must be visually broken up by smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. An elevation drawing denoting compliance with these requirements must be submitted as part of the site plan.

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

b. *All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);*

c. *Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows;*

2.d. Accessory structures shall maintain the same architectural character of the principal structure including the pitched roof *peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot* and ~~must~~ *shall* be constructed of the same materials or

materials which simulate same. An elevation drawing denoting compliance with this requirement ~~must~~ *shall* be submitted as part of the site plan.

- ~~32.~~ No outside storage will be permitted.
- ~~43.~~ The lot ~~must~~ **shall** have direct access to an Arterial street.
- ~~5.~~ ~~The dumpster must be located to the side or rear of the principal structure and screened per the Development Regulations.~~

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

- 1. Lot area:
 - a. Where public water is available: 43,560 square feet (one [1] acre)
 - b. Where public water is not available: 65,340 square feet (one and one-half [1.5] acres)
- 2. Lot width: 125 feet
- 3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: ~~seventy-five (75)~~ **75** feet
 - (2) Collector: ~~sixty (60)~~ **60** feet
 - b. Minor thoroughfare: ~~fifty-five (55)~~ **55** feet
- 4. Rear yard setback: ~~fifteen (15)~~ **15** feet
- 5. Side yard setback: ~~fifteen (15)~~ **15** feet
- 6. Height limit: ~~thirty-five (35)~~ **35** feet

Page 9
January 21, 2010
PC Public Meeting/Workshop

- 7. Floor to Area Ratio: .1, (gross square footage of site x .1 = square footage of structure). The total maximum square footage for all structures combined on the site shall not exceed ~~10,000~~ **8,500** square feet. ~~However, to discourage the development of one linear building and to encourage the development of separate clustered buildings on the site, the square footage for the structures may be increased by fifteen (15) percent when more than one (1) building is~~

~~developed. The distance between structures shall be a minimum of twenty-six (26) feet. In addition to the area required to facilitate vehicular access, each building wall bordering the space between structures must **shall** have a five (5) foot landscaped area consisting of five (5) shrubs, two (2) feet tall at planting, per twenty-five (25) linear feet of building wall.~~

8. 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 such lot line shall be provided in addition to the required setback (the setback shall be measured from the buffer).
9. Lot coverage limit, including structure and parking area: ~~sixty percent (60%)~~ **60 percent** of total lot area (Adopted 06/28/01)

6-22. M-1 Light Industrial District.

- A. Description of District. This district is composed of certain lands and structures which are suitable for light industrial development but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land. (Amended 02/22/07)
- B. Permitted Uses. The following Permitted Uses shall be allowed in the M-1 Zoning District:
 1. Ambulance service, ***including Non-Emergency Medical Transport service;***
 2. Amusement ***and recreational*** facilities, indoor or outdoor (***Athletic/Sports instruction facilities and Recreation and Athletic fields and facilities***) (see ***County Code -Coin-Operated Machines;***
 3. Appliance sales ***and/or*** repair;

Page 10
January 21, 2010
PC Public Meeting/Workshop

4. Architectural ***and/or*** Design Firms; (Adopted 02/22/07)
5. Armories, for meeting and training of military organizations;
Athletic events (temporary in nature);
6. Automobile, ***truck, farm equipment, and heavy equipment*** ~~or truck sales~~ ***and repairs,*** ~~service station,~~ paint ***and/or body*** shop, parts store including

rebuilding of parts, parking lot or garage, upholstery shop, ~~automobile repair facilities not specifically permitted under the C-H Zoning District;~~
(Amended 06/24/04; Amended 02/22/07)

7. Blueprinting and/or graphics service; (Amended 02/22/07)
8. Bookbinding;
9. Building construction/contracting and related activities, ~~e.g. sale and storage of supplies and materials;~~ (Amended 02/22/07)
10. **Building supply sales;**
11. Bus passenger station;
12. Cabinet manufacturing, sales, repair, and/or installation;
(Adopted 02/22/07)

Carnivals (temporary in nature);
13. Car wash and/or detailing facility; (Amended 07/22/04)
14. **Charter and/or Motor Coach Bus Service.;**

Community fairs (temporary in nature);
15. Copy center shop; (Adopted 02/22/07)
16. Dental laboratory;
17. Delivery and/or courier service; (Adopted 02/22/07)

Page 11
January 21, 2010
PC Public Meeting/Workshop

~~Drive in theater;~~

18. ~~Electrical~~ **Electronic sales and/or** repair;
19. Engineering firms; (Adopted 02/22/07)
20. Engraving;
21. Farmer's market;

- ~~Farm equipment sales;~~
- 22. Feed and/or fertilizer sales;
- ~~Fertilizer sales;~~
- 23. *Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);*
- 24. Flooring sales and/or installation; (Adopted 02/22/07)
- 25. Freezer locker service;
- 26. Freight express office;
- 27. Furniture store;
- 28. Glass sales;
- 29. Grading service; (Adopted 02/22/07)
- 30. Greenhouse;
- ~~Gunsmith;~~
- ~~Hardware;~~
- 31. Home furnishings and accessories;

Page 12
January 21, 2010
PC Public Meeting/Workshop

- 32. Horse show and equine activity facilities; (Amended 07/22/04)
- ~~Hotel;~~
- 33. Ice storage;
- 34. Insecticide sales and/or storage;
- 35. Janitorial service and/or supply; (Adopted 02/22/07)
- 36. Land development firms; (Adopted 02/22/07)

- 37. Land surveying service; (Adopted 02/22/07)
- 38. Landscaping service, (Adopted 02/22/07)
- 39. Light manufacturing, including the following:
 - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
 - b. Assembly of products from previously prepared materials;
 - c. Bottling and/or canning plant;
 - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
 - e. Construction of signs, including painted signs;
 - f. Copperage;
 - g. Ice manufacturing;
 - h. Laundry, cleaning and/or dyeing plants;
 - i. Light sheet metal products such as ventilating ducts and eaves; ~~Musical instruments, toys, novelties, and similar products;~~

Page 13
January 21, 2010
PC Public Meeting/Workshop

- k. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
- k. Machine/welding shop and related activities; (Amended 02/22/07)
- l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
- m. **Production and/or sales of hardware, such as tools, fasteners, fittings, machine parts, etc.**

Al Gilbert suggested inserting “commercial/industrial” prior to “hardware”.

- n. Tinsmith and/or roofing service.
- 40. Locksmith;
- 41. Magazine publication and/or distribution;
- 42. Medical laboratory;
- 43. Manufactured home and/or building assembly and/or sales, ~~salesroom, and sales lot~~;
- 44. Newspaper publication and/or distribution;
Nursery, ~~plant~~;
- 45. Office Equipment Service and Repair; (Adopted 02/22/07)
~~Office trailer~~;
- 46. Parking garage and/or lot, ~~automobile~~;
- 47. Pest control;
- 48. Petroleum bulk plant (storage);

Page 14
January 21, 2010
PC Public Meeting/Workshop

- 49. Photostating;
- 50. Planing and/or saw mill;
- 51. **Plant nursery, growing crops/garden and related sales;**
- 52. Printing ~~shop~~ plant;
~~Public utility facilities~~;
- 53. Radio studio;
- 54. Railroad freight station;
- 55. Railroad passenger station;

~~Recreational facilities, indoor or outdoor;~~

56. Rent-alls;

~~Rescue squad;~~

57. Restaurants (*drive-in/drive-thru prohibited*);

58. Restaurant supply; (Adopted 02/22/07)

59. Rodeo/rodeo facilities; (Amended 07/22/04)

60. Seed sales *and/or* storage;

61. Security system service; (Adopted 02/22/07)

62. Shell home display;

Solar Farm;

~~Shrubbery sales;~~

63. Taxidermist;

64. Taxi service/Limousine service/Shuttle service/Charter or Motor Coach Bus service;
65. Television studio/media productions; (Amended 02/22/07)
66. Tire sales;
67. Trade school;
68. Uniform services; (Adopted 02/22/07)
69. Utility trailer ~~rentals~~ sales and/or rentals ~~rent-alls~~;
70. Warehousing and/or Distribution; ~~and~~ (Amended 02/22/07)
71. Wholesaling; and
72. Wrecker, Towing, and/or Automotive Recovery/Transport.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-1 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;
2. Amphitheatre;
3. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic;
4. Experimental Labs;
5. Feed Lot and/or Commercial Barn;
6. Home Occupation; (Adopted 10/23/08)
7. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;

8. Recycling facility;
9. Self-Storage Facility; ~~and~~ (Adopted 06/24/04)

Shooting Range, Indoor and /or Outdoor

10. Single-Family Residence **and accessory structures and uses (see Article V.);**

11. **Stadium, Athletic;**

- 10. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities;**
and

- 11. Wind Farm.**

- D. **Dimensional Requirements.** The minimum dimensional requirements in the M-1 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: 100 feet
 - (2) Collector: ~~eighty (80)~~ **80** feet
 - b. Minor thoroughfare: ~~sixty-five (65)~~ **65** feet
4. Rear yard setback: ~~twenty-five (25)~~ **25** feet

5. Side yard setback: ~~twenty-five (25)~~ **25** feet
6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of ~~seventy-five (75)~~ **75** feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
7. Height limit: ~~thirty-five (35)~~ **35** feet
8. Lot coverage limit, including structure and parking area: ~~seventy (70)~~ **70** percent of total lot area
9. Screening dimensions for storage areas, loading docks and parking. ~~s~~See Section 5-18, Section 5-19, **Article V.** and the Development Regulations.

6-23. M-2 Manufacturing and Heavy Industrial District.

- A. Description of District. This district is composed of certain lands and structures providing for those industrial uses which cannot comply with the regulations of the M-1 Zoning District and located in such a manner as not to be injurious to lands and development in nearby districts.
- B. Permitted Uses. The following Permitted Uses shall be allowed in the M-2 Zoning District:
 1. Acid storage and manufacture;
 2. Railroad classification and repair yard;
 3. Truck terminal;
 4. Ambulance service, **including Non-Emergency Medical Transport service;**
~~Appliance sales and repair;~~
 5. Armories, for meeting and training of military organizations;
~~Athletic events (temporary in nature);~~

6. Automobile, truck, farm equipment, and heavy equipment or truck sales and repairs, ~~service station~~, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop;

~~Blueprinting;~~

7. Bookbinding;

8. Building construction/contracting and related activities, ~~e.g. sale and storage of supplies and materials~~; (Amended 02/22/07)

9. Building supply sales;

~~Carnivals (temporary in nature);~~

Doug Powell asked why Carnivals were deleted as a Permitted Use.

Pete Frisina replied that a Carnival is a Conditional Use under the C-H Zoning District.

~~Car wash;~~

~~Catering service;~~

~~Community fairs (temporary in nature);~~

Doug Powell asked why Community fairs were deleted as a Permitted Use.

Pete Frisina replied that a Community fair is a Conditional Use under the C-H Zoning District.

~~Drive-in theater;~~

Chairman Thoms asked why a Drive-in theater was deleted as a Permitted Use.

Pete Frisina replied a Drive-in theater is a Permitted Use under the C-H Zoning District.

~~Electrical repair;~~

10. Engraving;

Page 19

January 21, 2010

PC Public Meeting/Workshop

~~Farmer's market;~~

~~Farm equipment sales;~~

11. Feed and/or fertilizer sales;

Tim Thoms suggested inserting “pesticides” after “Feed” and inserting “and/or storage” after “sales.

~~Fertilizer sales;~~

12. Freezer locker service;

13. Freight express office;

~~Furniture store;~~

14. Glass sales manufacturing;

15. Grading service;

16. Greenhouse;

~~Hardware;~~

~~Home furnishings;~~

~~Horse show (temporary in nature);~~

17. Ice storage;

18. Insecticide sales and storage;

Doug Powell and Tim Thoms suggested to delete “Insecticide sales and storage”.

19. Light manufacturing including the following:

- a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;

Page 20
January 21, 2010
PC Public Meeting/Workshop

- b. Assembly of products from previously prepared materials;

- c. Bottling and/or canning plant;

- d. Ceramic products provided that kilns shall only be by gas and/or electricity;
- e. Construction of signs, including painted signs;
- f. Copperage;
- g. Ice manufacturing;
- h. Laundry, cleaning and/or dyeing plants;
- i. Light sheet metal products such as ventilating ducts and eaves;
~~Musical instruments, toys, novelties, and similar products;~~
- j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
- k. Machine and/or welding shop and related activities;
- l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
- m. Production and/or sales of hardware, such as tools, fasteners, fittings, machine parts, etc.

Doug Powell reminded Staff to insert “commercial/industrial” prior to “hardware” as previously suggested by Al Gilbert.

Al Gilbert suggested inserting “/or” prior to “sales” and “commercial/industrial” prior to “hardware”.

- n. Tinsmith and/or roofing service;

Page 21
January 21, 2010
PC Public Meeting/Workshop

- 20. Magazine publication and/or distribution;
- 21. Manufactured home and/or building assembly and/or sales,
~~Mini-storage facilities with a unit floor space not to exceed 425 feet;~~

- 22. Newspaper publication and distribution;
 Nursery, plant;
 Office trailer;
 Paint shop, automobile;
- 23. Parking lot and/or garage, automobile;
 Parts store, automobile;
- 24. Pest control;
- 25. Petroleum bulk plant (storage and/or recycling);
- 26. Photostating;
- 27. Planing and/or saw mill;
- 28. Plant nursery, growing crops/garden and related sales;
- 29. Printing shop plant;
- 30. Public utility facilities;
- 31. Railroad freight station;
 Rent-alls;
 Rescue squad;
 Restaurants;
- 32. Rodeo (temporary in nature);
 Seed sales and/or storage;
 Solar Farm;
 Taxi service;

Tire recapping;

Tire sales;

Utilities, public facilities;

Utility trailer rentals and rent-alls;

33. Warehousing and/or distribution; and

34. Wholesaling; and

35. Wrecker, Towing, and/or Automotive Recovery/Transport.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-2 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. Aircraft Landing Area;

2. Experimental lab;

2. Heavy Manufacturing, packaging, processing or handling of materials;

4. Home Occupation; (Adopted 10/23/08)

5. Junk Yard and/or Auto Grave Yard;

6. Landfill;

Page 23

January 21, 2010

PC Public Meeting/Workshop

7. Mining and/or Quarrying;

8. Recycling facility;

9. Single-Family Residence and accessory structures and uses (see Article V.);

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

11. Transfer Station for Household and/or Commercial Garbage; and

12. Wind Farm.

D. Dimensional Requirements. The minimum dimensional requirements in the M-2 Zoning District shall be as follows:

1. Lot area: 87,120 square feet (two [2] acres)
2. Lot width: 125 feet
3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: ~~eighty (80)~~ **80** feet
 - b. Minor thoroughfare: ~~sixty-five (65)~~ **65** feet
4. Rear yard setback: ~~twenty-five (25)~~ **25** feet
5. Side yard setback: ~~twenty-five (25)~~ **25** feet
1. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of ~~seventy-five (75)~~ **75** feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
7. Height limit: ~~thirty-five (35)~~ **35** feet
8. Lot coverage limit, including structure and parking area: ~~seventy (70)~~ **70** percent of total lot area
9. Screening dimensions for storage areas, loading docks and parking see ~~Section 5-18, Section 5-19,~~ **Article V.** and the Development Regulations.

Page 24
January 21, 2010
PC Public Meeting/Workshop

6-24. BTP Business Technology Park District
(Adopted in its entirety 08/27/09)

A. Purpose. The purpose of the Business Technology Park District (BTP) is to provide a business/employment center in a planned campus setting with internal streets serving individual lots that contain a single business or multi-

tenant buildings housing uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. Additional requirements would include architectural standards. This district is to provide for high tech firms, light manufacturing/distribution firms, and professional firms with some support establishments (commercial and personal services) primarily for the employees.

B. Permitted Uses. The following Permitted Uses shall be allowed in the BTP Zoning District:

1. Business, professional, and/or government offices;
2. Scientific, medical, and/or research laboratories;
3. Business support centers and/or call centers;
4. Financial, credit, real estate, and/or insurance establishments;
5. Publishing and/or printing;
6. Computer services and/or information technology;
7. Television/radio broadcasting studio, media productions and/or telecommunication;
8. Training center, trade schools, and/or vocational centers;

Page 25
January 21, 2010
PC Public Meeting/Workshop

9. *Educational/Instructional/Tutoring Facilities, including, but not limited to: Art; Computer; Dance; Driving and/or DUI; Martial Arts; Music; Professional/Business/Trade; and similar facilities;*
10. Colleges and/or ~~u~~Universities, classrooms and/or administration only;
11. Warehousing, wholesaling and/or distribution of products and/or merchandise, but not including, retail sales of consumer goods such as are usually sold to the general public;
12. Shipping and/or courier service; and
13. Light manufacturing and/or fabricating and/or assembling of

products, including, but not limited to the following:

- a. Production of food, beverages, cosmetics, and/or pharmaceuticals, but not including, fish and meat products, sauerkraut, vinegar, yeast, and rendering plants;
- b. Fabrication and assembly of metal, wood, cloth, and/or plastic products; and
- c. Production of computer and/or electronic components and products.

Each BTP development will consist of two (2) basic sets of uses: the business uses consisting of Permitted Uses 1. through 9. and the light manufacturing/distribution uses consisting of Permitted Uses 10. through 12.

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

1. Single-Family Residence and accessory structures and uses (see Article V.); and
2. Home Occupation;
3. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium; and
4. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the BTP shall be as follows:

1. Minimum Site Area for a BTP Development: 20 acres
2. Lot Area: 87,120 square feet (two [2] acres)
3. Lot width: 500 feet

4. Front yard setback:
 - a. Major thoroughfare:
 - (1) Major Arterial: 100 feet
 - (2) Arterial: 100 feet
 - (3) Collector: 80 feet
 - b. Minor thoroughfare: 65 feet
5. Rear yard setback: 25 feet
6. Side yard setback: 25 feet
7. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 75 feet shall be provided adjacent to the lot line, in addition to the required setback. The setback shall be measured from the buffer.

The business use areas shall be separated from the light manufacturing/distribution use areas by a 30 foot buffer.

Page 27
January 21, 2010
PC Public Meeting/Workshop

8. Height limit: 40 feet
9. Lot coverage limit, including structure and parking area: 70 percent of total lot area.
10. Outside Storage and Refuse Area Requirements. The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.
 - a. Outside storage of merchandise, equipment, and parts shall be allowed in rear yards only, subject to screening, setback and buffer requirements.
 - b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.

11. Each BTP development shall have a minimum of 500 feet of frontage, and access, on an Arterial street as specified by the Fayette County Thoroughfare Plan.

E. Other Requirements.

1. Utilities. All utilities shall be underground.
2. Multi-tenant Buildings.
 - a. Location – Developable frontage on a major arterial road to a minimum depth of 300 feet shall be reserved for Multi-tenant Buildings.
 - b. Multi-tenant building in this area will be limited to the aforementioned light business uses.
 - c. Support Uses – In addition to the Permitted Uses in section B, no more than 20 percent of the floor area of an individual multi-tenant building may consist of business operations providing support services for the larger development.

Page 28
January 21, 2010
PC Public Meeting/Workshop

Permitted support service uses include:

- (i) Restaurant/restaurant take-out (No drive-through, drive-in, or free standing facilities shall be allowed);
- (ii) Personal Services **(i.e.: 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.**
- (iii) Convenience store (no gasoline sales);
- (iv) Blueprinting, graphic, **and/or** copying service;
- (v) Office **and/or** computer supplies; and
- (vi) Cellular phone/communication device supplies

and/or service.

F. Rezoning Requirements. The following is required for a rezoning request for the BTP Zoning District in addition to what is normally required for a rezoning request:

1. A Development Plan is required for the rezoning petition and will take the place of the required Concept Plan. The Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved Development Plan, which affects the intent and character of the development, the 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 Development Plan shall be supported by a written statement as to why the revisions are necessary.

The Development Plan ~~must~~ **shall** include what is normally required on the Concept Plan as well as the following;

Page 29
January 21, 2010
PC Public Meeting/Workshop

- a. A delineation of the business use area and the light manufacturing/distribution use area including the acreage within each area and the 30 foot separation buffer;
- b. A delineation of the internal transportation network including roads, multi-use paths, and inter-parcel access/roads as applicable.
- c. Requirements of any overlay zone which is applicable to the property; and
- d. Indicate and label existing structures to remain.

6-25. Planned Unit Development.

A. Purpose. The intent of this section is to:

1. Encourage the development of large lots of land as: Planned Residential Developments (PRD), Planned Industrial Parks (PIP), Planned Retreats or Lodges (PRL), Planned Entertainment Farming (PEF), ~~and~~ Planned Outdoor Recreation (POR), **and Planned Small Business Center (PSBC);**

2. Encourage flexible and creative concepts in site planning;
3. Preserve the natural amenities of the land by encouraging scenic and functional open spaces;
4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this Ordinance;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and
6. Provide an environment of stable character compatible with surrounding areas.

~~B. Ownership control. At the time a final plat of the Planned Unit Development has been approved by the Planning Commission, as required by this Ordinance, the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity. Individual~~

Page 30
January 21, 2010
PC Public Meeting/Workshop

~~lots may be sold only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed. (moved to other section)~~

- B. Development standards. Each Planned Unit Development shall meet the following standards in addition to any other as hereinafter set forth:
1. The development shall utilize creative ~~or~~ and flexible design including, but not limited to, varied lot sizes, amenities, mixed uses, etc.;
 2. The development shall be compatible with surrounding uses and with the Land Use Plan of Fayette County;
 3. Paving of roads. Developers of approved Planned Unit Developments shall be required to pave all new subdivision streets contained within said development in conformance with the rules and regulations of the Development Regulations of Fayette County. Improvements to existing County-maintained roads or planned County roads which pass through a Planned Unit Development will be handled conditionally at the time of rezoning or at the time of a revision to a development plan. However, in any Planned Retreat or Lodge (PRL), the developer shall be required to provide for all-weather roads, as approved by Public Works, suitable for the passage of emergency vehicles.

- C. Relation to zoning districts. An approved Planned Unit Development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the uses, restrictions and regulations according to which development shall occur. Upon approval, the zoning map shall be changed to indicate the area as a Planned Unit Development.

Review and Approval Procedures. The following procedures shall be followed in the establishment of each and every Planned Unit Development:

1. Pre-Application Conference. Prior to filing a ~~formal application~~ rezoning petition for a Planned Unit Development, the applicant shall meet with the Zoning Administrator in order to review the general character of the proposed development, ~~i.e.,~~ including, but not limited to: its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which

Page 31
January 21, 2010
PC Public Meeting/Workshop

the applicant may need in order to continue with the said procedures.

2. Pre-Recommendation Meeting(s). Prior to filing a rezoning petition for a Planned Unit Development and subsequent to the Pre-Application Conference with the Zoning Administrator ~~meeting the Planning Commission for a final approval,~~ the applicant shall meet with the Planning Commission in a plan review session(s). At this meeting, the applicant shall be required to review any plan with the Planning Commission and provide preliminary data concerning said plan as required by the Planning Commission. The Planning Commission may require additional Pre-Recommendation Meetings to review said preliminary data prior to their pre-recommendation.
3. Recommendation-Rezoning Petition. ~~An applicant shall submit a petition to the Planning Commission for its recommendation of the Planned Unit Development.~~ A rezoning petition for a Planned Unit Development shall only be submitted subsequent to the Pre-Application Conference with the Zoning Administrator and the Pre-Recommendation Meeting(s) with the Planning Commission. This petition shall contain a Development Plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. A rezoning petition for a Planned Unit Development shall follow the procedures in Article XI. of this Ordinance.

~~The Planning Commission shall make its determination on the basis of the~~

~~information contained in the Development Plan, any other information, and the purposes and standards of a Planned Unit Development, as contained herein.~~

4. Development Plan. The following information shall be submitted as the Development Plan:

- a. General location map;
- b. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than ~~twenty (20)~~ 20 feet based on field survey or photogrammetric methods;

Page 32
January 21, 2010
PC Public Meeting/Workshop

- c. Map showing the existing flood plains and flood soil as indicated by FEMA;
- d. Existing and proposed land uses in the development site and in surrounding areas for a distance of one (1) mile, including the approximate location of all streets;
- e. Legal description of the subject property;
- f. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;
- g. Perspective drawings of representative building types for all non-residential structures which indicate the proposed general architectural style and appearance; and
- h. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
 - (1) Off-street parking and loading plan;
 - (2) Economic feasibility report or market analysis;
 - (3) Area traffic study and circulation plan within the development

and to and from existing thoroughfares;

- (4) Hydraulic, hydrologic; and drainage engineering studies; and
- (5) **Environmentally sensitive areas, including but not limited to: watershed protection, wetlands, or groundwater recharge impact study.**
- (6) **Based on the Pre-Application Meeting with the Zoning Administrator and/or the Pre-Recommendation Meeting(s) with the Planning Commission,** Other information as **is deemed necessary** may be requested, in addition any of the

Page 33
January 21, 2010
PC Public Meeting/Workshop

aforementioned required information (items a. thru h.) may be excluded if deemed not applicable.

- 5. Summary of Intent. The written statement submitted with the Development Plan shall include the following information:
 - a. Statement of the present ownership of all land within the proposed development;
 - b. Explanation of the character of the proposed development, including, **but not limited to:** a summary of **uses** acres, **number and type of** dwelling units, ~~gross~~ **a net residential** density **calculation** by type of ~~land use,~~ and minimum standards for floor area, lot size, yard and spacing requirements;
 - c. General statement of the proposed development schedule and progression of unit development or staging; and
 - d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the Property Owners Association, where applicable.
- 6. Approval.
 - a. ~~An application for approval of a Planned Unit Development shall be considered administratively as a petition for rezoning and will be subject to the procedures established in this Ordinance.~~

- a. After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the Zoning Administrator and Planning Commission.
- b. If the proposed development is approved as submitted, the Zoning Administrator shall cause the official zoning map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised Development Plan with the

Zoning Administrator prior to changing the map. The Development Plan and all other accompanying information shall be properly identified and permanently filed with the Zoning Administrator.

7. Subdivision Approval.

- a. At the option of the applicant, a preliminary subdivision plat may be filed along with the Development Plan in order that tentative approval of the subdivision by the Planning Commission may be granted, pending the approval by the Board of Commissioners of the Development Plan.
- b. In no case shall final subdivision approval precede the approval of the Development Plan.
- c. Site development regulations, specifications, and procedures governing the platting of a Planned Unit Development and plat approval shall be in accordance with the Fayette County Subdivision Regulations and Development Regulations.

8. Ownership control. At the time a Final Plat ***is approved and recorded for a*** ~~of the Planned Unit Development, ***as applicable,*** has been approved by the Planning Commission, as required by this Ordinance,~~ the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity.

Individual lots may be sold only after the Final Plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed.

9. Building and Occupancy Permits. The Zoning Administrator shall approve

of the issuance of building permits for buildings and structures in the Planned Unit Development if they are in substantial conformity with the approved Development Plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved Development Plan and all other applicable regulations.

Page 35
January 21, 2010
PC Public Meeting/Workshop

10. Revision of Development Plan. Any change in the approved Development Plan, which affects the intent and character of the development, the density or land use pattern, ***the approved uses***, 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 ***Zoning Administrator and*** Planning Commission. A request for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary or desirable.

E. Planned Residential Development.

1. Purpose. The intent of a Planned Residential Development (***PRD***) is to encourage creativity and resourcefulness in ***residential*** ~~land planning and~~ development and to provide ***open space***, parks and recreational facilities for the residents of the development ***and/or the general public***.
2. Permitted ***Residential*** Uses. Planned Residential Developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. ~~Customary home occupations and residential accessory buildings and uses shall also be allowed~~ ***per Article V***.
3. ***Permitted Recreational Uses. A list of proposed recreational uses shall be submitted with the Summary of Intent. Only those uses approved through the rezoning process shall be allowed in the PRD.***
4. ***Permitted Incidental Uses. The following incidental uses shall be allowed in a PRD:***
 - a. ***Day Care Facility (including an outdoor play area only);***
 - b. ***Church and/or other Place of Worship (including a parsonage and outdoor play area only); and***

- c. School, Private (including an outdoor play area but excluding housing or a stadium).

The buffers and setbacks for these uses along the exterior boundary of the PRD shall be consistent with the applicable Conditional Use Requirements listed in Article VII.

Page 36
January 21, 2010
PC Public Meeting/Workshop

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

- a. Home Occupation;
- b. Horse Shelter (see article V. Raising and Keeping Horses in Residential Districts) ; and
- c. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

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

- a. Development size: 100 contiguous acres located within the A-R and/or residential zoning districts
- b. Each single-family dwelling shall be placed on a separate lot.
- c. Side yard setback: ~~fifteen (15)~~ 15 feet
- d. Rear yard setback: ~~thirty (30)~~ 30 feet
- e. Maximum density: four (4) units per acre (single-family attached); and one (1) unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.

- 7. Common Open Space Requirements. Planned Residential Developments shall meet the following common open space requirements:

- a. A minimum of 2,500 square feet per lot shall be reserved for open

space. The open space shall not be located in the following areas: street rights-of-way (public or private); all land located within the 100-year flood plain; water impoundments; and all lands proposed to be dedicated to a governing authority.

Page 37
January 21, 2010
PC Public Meeting/Workshop

- b. The open space shall may publicly owned, privately owned or be deeded to and maintained by the Property Owners Association, comprised of the residents of the development. When the open space is to be deeded to the Property Owners Association the initial owner of the development shall be responsible for the organization of said association. The organization, responsibilities and financing of the Property Owners Association shall be established in appropriate deed covenants, which shall run with the land and which shall appear in each and every deed of property given by the initial owner.

Doug Powell suggested inserting “be” prior to “publicly”.

- c. Approved recreational uses may be located in the open space.

8. General Deed Covenants. Appropriate deed covenants, which shall run with the land, shall be made a part of each deed of property given by the initial owner of the development in order to ensure the continuance of the Planned Residential Development in accordance with all approved plans and this section. A copy of the covenants ~~must~~ shall be given to the Zoning Administrator as a part of the record of the Planned Residential Development.
6. ~~Stage Development. The entire development may be divided into logical geographical sections for the purposes of construction, landscaping, etc., subject to the approval of the Planning Commission.~~
7. ~~Performance Bond. The initial owner shall furnish such bond or bonds as may be deemed by the County Engineer, in a form acceptable to the County Attorney, reasonably required to assure performance of the Planned Residential Development plan and to protect the public interest in the event of abandonment of said development prior to completion.~~

F. Planned Industrial Park.

1. Purpose. The intent of a Planned Industrial Park (PIP) is to encourage the

development of a localized industrial park designed to meet light and heavy industrial purposes.

Page 38
January 21, 2010
PC Public Meeting/Workshop

2. Permitted Uses. All ***Only*** those uses ~~permitted~~ ***(Permitted and Conditional)*** in the M-1 and M-2 Zoning Districts shall be allowed ***proposed for*** in the PIP. ***Only those uses approved through the rezoning process will be allowed in the PIP.***
3. Minimum Dimensional and Other Requirements. The minimum requirements for a PIP shall be as follows:
 - a. Location: M-1 or M-2 Zoning District
 - b. The development shall have access and egress only to an Arterial Thoroughfare.
 - c. Development size: ten (10) acres
 - d. Front, side, and rear yard setbacks along the exterior boundaries of the development shall be consistent with either the M-1 or M-2 Zoning District, whichever is applicable.
 - e. Height limit: thirty-five (35) **35** feet

G. Planned Retreat or Lodge.

1. Purpose. The intent of a Planned Retreat or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of a group or organization whereby food and lodging may be furnished for a definite and temporary period.
2. Permitted Uses. All ***Only*** those uses ***(Permitted and Conditional)*** allowed in the A-R Zoning District shall be allowed ***proposed for*** in a PRL. ***Only those uses approved through the rezoning process will be allowed in the PRL.***
3. Conditional Uses. ***The following Conditional Uses shall be allowed in the PUD-PRL Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:***

Home Occupation; and

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

4. Minimum Dimensional and Other Requirements. The minimum requirements for a PRL shall be as follows:
 - a. Location: A-R Zoning District
 - b. Development size: ~~fifty (50)~~ **50 contiguous** acres
 - c. Maximum density: one (1) unit for each ten (10) acres of the development
 - d. Each structure whose principal purpose is to provide housing shall have access to a street maintained by the County. Said access shall have a minimum width of ~~sixty (60)~~ **60** feet.
 - e. No structure shall be permitted within 150 feet of the right-of-way of any abutting street maintained by the County.
 - f. A buffer zone of 150 feet shall be provided around the periphery of the development.
 - g. Height limit: ~~thirty-five (35)~~ **35** feet

H. Planned Entertainment Farming.

1. Purpose. To allow certain incidental uses to an active farming operation to preserve agricultural areas. An active farming operation is defined as any area of 100 or more **contiguous** acres from which \$10,000 or more of agricultural products are grown and sold on an annual basis. Income verification may be required. Agricultural products are defined here as the growing of annual crops, the raising of livestock and/or horses, and dairy farming.

2. Permitted Uses. The following Permitted Uses shall be allowed in a PEF:
 - a. Single-family dwelling and accessory uses and structures associated with the single-family dwelling exclusively as per ~~Section 5-10~~ Article V;
 - b. Farm buildings (~~must~~ shall be bonafide structures related to the farming operation);
 - c. Growing of crops;
 - d. Raising and selling livestock;
 - e. Dairy farm and production;
 - f. Greenhouses and Shrubbery sales;
 - g. Farmer's market (limited to sales of crops grown on premises by owner of property);
 - h. Pick-your-own produce;
 - i. Processing of agricultural products (~~must~~ shall meet Conditional Use requirements per the A-R Zoning District);
 - j. Horse stables and Horseback riding;
 - k. Horse show (by permit, temporary, fourteen [14] days per year);
 - l. Rodeo (by permit, temporary, fourteen [14] days per year);
 - m. Petting zoo;
 - n. Educational tours;
 - o. ~~Picnicking~~ Picnic Area;

- p. Sit down restaurant, Banquet facility, Bakery and Catering (no drive-thru, and ~~no~~ selling of alcoholic beverages, shall be ~~permitted~~ **prohibited**) (minimum seating capacity of ~~fifty [50]~~ **50** persons);
- q. Gift shop in association with Restaurant only; and
- r. Pay fishing and bait sales in association with Pay fishing.

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

Home Occupation; and

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

- 4. Minimum Dimensional and Other Requirements. The minimum requirements for PEF shall be as follows:
 - a. Location: A-R Zoning District
 - b. Development size: 100 **contiguous** acres
 - c. Single-family dwellings and those accessory uses and structures associated with the single-family dwelling shall meet those requirements established within the A-R Zoning District.
 - d. All other non-residential structures shall meet the following setbacks:
 - (1) Front yard: 200 feet
 - (2) Rear yard: 100 feet
 - (3) Side yard: 100 feet
 - e. A Site Plan is required indicating the location of all structures/activities.

- f. All parking and access areas ~~must~~ ***shall*** be paved and landscaped per the Development Regulations.
- g. All service areas shall be screened per Sections 5-18 and 5-19 ***Article V.*** herein.
- h. All parking and service areas ~~must~~ ***shall*** be to the rear of any restaurant building.
- i. Only structures whose principal purpose is for the storage of farm equipment and/or animals shall have a metal facade. All other structures shall have a non-metallic facade.

Doug Powell suggested deleting “shall” and inserting “may” in the first sentence.

- j. ~~Must~~ ***Shall*** comply with all County, (including Fire Marshal), State and Federal requirements.

I. Planned Outdoor Recreation.

- 1. Purpose. The intent of a Planned Outdoor Recreation Development (POR) is to provide the residents of Fayette County adequate recreational opportunities outside of existing public facilities, parks, private recreation and amenity areas.
- 2. Permitted Uses. The following Permitted Uses shall be allowed in a POR:
 - a. Outdoor Athletic Fields;
 - b. Outdoor Athletic Courts;
 - c. Accessory Uses:
 - (1) Picnic and Playground Areas;
 - (2) Concession Facilities;
 - (3) Press Box Facilities;

- (4) Restroom Facilities;
- (5) Maintenance and/or Equipment Facilities;
- (6) Ticket Sales Facilities;
- (7) Bleachers;
- (8) Dugouts;
- (9) Lights; and
- (10) Scoreboards.

3. Prohibited Uses. The following uses shall be prohibited in a POR:

- a. Motorized or other Wheeled Vehicle Sports;
- b. Swimming Pools and Water related activities;
- c. Archery;
- d. Firearms and Target Range;
- e. Explosives and Fireworks;
- f. Paintball and similar activities; and
- g. Amusement Park activities and rides.

4. ***Conditional Uses. The following Conditional Use shall be allowed in the PUD-POR Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:***

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

Page 44
January 21, 2010
PC Public Meeting/Workshop

5. Minimum Dimensional and Other Requirements. The minimum requirements for a POR shall be as follows:

- a. Development size: ~~fifty (50)~~ **50 contiguous** acres
- b. The development shall have ingress and egress only to an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
- c. Maximum number of outdoor athletic fields and/or courts: eight (8)
- d. Setbacks:
 - (1) No Permitted Uses shall be allowed within 100 feet of the right-of-way.
 - (2) No Permitted Uses shall be allowed within 500 feet from any A-R or residential zoning district.
 - (3) No Permitted Uses shall be allowed within ~~fifty (50)~~ **50** feet from any non-residential zoning district.
- e. A buffer of 100 feet plus the required setbacks shall separate all Permitted Uses from any A-R or residential zoning district. Off-street parking areas may be located within the setback areas.
- f. Landscaping and buffer areas shall be planted in accordance with the Development Regulations.
- g. Paved access and paved parking shall be provided as follows:
 - (1) ~~Forty (40)~~ **40** spaces per outdoor athletic field; and
 - (2) Ten (10) spaces per outdoor athletic court.
- h. Hours of operation are to be determined at the time of development plan approval. No play permitted after 10:00 P.M.

Page 45
January 21, 2010
PC Public Meeting/Workshop

- i. Lights ~~must~~ **shall** be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents. No lighting permitted after 10:30 P.M.

- j. Adequate trash receptacles and grounds maintenance ~~must~~ ***shall*** be provided to maintain a litter free recreation area. Dumpsters ~~must~~ ***shall*** be screened on all sides.
- k. Outside loudspeaker system use permitted until 10:00 P.M.
- l. Height limit: ~~thirty five (35)~~ ***35*** feet, with the exception of lights.

(ALL of the following has been moved to the beginning of this section)

~~K.~~ Review and Approval Procedures. The following procedures shall be followed in the establishment of each and every Planned Unit Development:

- ~~3.~~ Pre Application Conference. Prior to filing a formal application for a Planned Unit Development, the applicant shall meet with the Zoning Administrator in order to review the general character of the proposed development, i.e., ***including, but not limited to:*** its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.
- ~~4.~~ Pre Recommendation Meeting(s). Prior to meeting the Planning Commission for a final approval, the applicant shall meet with the Planning Commission in a plan review session(s). At this meeting, the applicant shall be required to review any plan with the Planning Commission and provide preliminary data concerning said plan as required by the Planning Commission.
- ~~5.~~ Recommendation. An applicant shall submit a petition to the Planning Commission for its recommendation of the Planned Unit Development. This petition shall contain a Development Plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing.

Page 46
January 21, 2010
PC Public Meeting/Workshop

The Planning Commission shall make its determination on the basis of the information contained in the Development Plan, any other information, and the purposes and standards of a Planned Unit Development, as contained herein.

6. ~~Development Plan.~~ The following information shall be submitted as the Development Plan:
- a. ~~General location map;~~
 - a. ~~Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than twenty (20) 20 feet based on field survey or photogrammetric methods;~~
 - b. ~~Map showing the existing flood plains and flood soil as indicated by FEMA;~~
 - c. ~~Existing and proposed land uses in the development site and in surrounding areas for a distance of one (1) mile, including the approximate location of all streets;~~
 - e. ~~Legal description of the subject property;~~
 - g. ~~Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;~~
 - h. ~~Perspective drawings of representative building types for all non-residential structures which indicate the proposed general architectural style and appearance; and~~
 - i. ~~If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:~~
 - (1) ~~Off street parking and loading plan;~~
 - (2) ~~Economic feasibility report or market analysis;~~

- (3) ~~Area traffic study and circulation plan within the development and to and from existing thoroughfares;~~
 - (4) ~~Hydraulic, hydrologic; and drainage engineering studies; and~~
 - (5) ~~Other information as may be requested.~~
6. ~~Summary of Intent.~~ The written statement submitted with the Development Plan shall include the following information:
- a. ~~Statement of the present ownership of all land within the proposed development;~~
 - b. ~~Explanation of the character of the proposed development, including, **but not limited to:** a summary of acres, dwelling units, gross density by type of land use, and minimum standards for floor area, lot size, yard and spacing requirements;~~
 - c. ~~General statement of the proposed development schedule and progression of unit development or staging; and~~
 - d. ~~Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the Property Owners Association, where applicable.~~
6. ~~Approval.~~
- a. ~~An application for approval of a Planned Unit Development shall be considered administratively as a petition for rezoning and will be subject to the procedures established in this Ordinance.~~
 - b. ~~After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the Planning Commission.~~

PC Public Meeting/Workshop

~~d. — If the proposed development is approved as submitted, the Zoning Administrator shall cause the official zoning map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised Development Plan with the Zoning Administrator prior to changing the map. The Development Plan and all other accompanying information shall be properly identified and permanently filed with the Zoning Administrator.~~

~~7. — Subdivision Approval.~~

~~a. — At the option of the applicant, a preliminary subdivision plat may be filed along with the Development Plan in order that tentative approval of the subdivision by the Planning Commission may be granted, pending the approval by the Board of Commissioners of the Development Plan.~~

~~b. — In no case shall final subdivision approval precede the approval of the Development Plan.~~

~~c. — Site development regulations, specifications, and procedures governing the platting of a Planned Unit Development and plat approval shall be in accordance with the Fayette County Subdivision Regulations and Development Regulations.~~

~~? — Ownership control. At the time a final plat *is approved and recorded for a* of the Planned Unit Development, *as applicable,* has been approved by the Planning Commission, as required by this Ordinance, the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity. Individual lots may be sold only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed.~~

~~8. — Building and Occupancy Permits. The Zoning Administrator shall approve of the issuance of building permits for buildings and structures in the Planned Unit Development if they are in substantial conformity with the approved-~~

~~Development Plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved Development Plan and all other applicable regulations.~~

- ~~9. Revision of Development Plan. Any change in the approved 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 Development Plan shall be supported by a written statement as to why the revisions are necessary or desirable.~~

* * * * *

Chairman Thoms asked if there was any further business.

Robyn Wilson advised that the February Public Hearing would be held in the Board of Commissioners Conference Room since the agenda only contains the Minutes and Public Meeting/Workshop Minutes. She added the Public Meeting/Workshop would be held immediately after the Public Hearing. She advised discussion would begin with Article VII of the Zoning Ordinance.

Jim Graw asked when there would be discussion regarding Telecommunication Towers.

Pete Frisina replied Article VII is the last article to be reviewed and once it is complete, review of the Zoning Ordinance in its entirety will begin. He added there are some telecommunication companies waiting to see what happens with the proposed amendments.

Hearing no further business, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:58 P.M.

**OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

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