

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on February 4, 2010, at 7:09 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, Director of Planning & Zoning
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 plus long review of the Zoning Ordinance.*

Pete Frisina advised he would like to discuss the PUD-PSBC Zoning District which was discussed at the last Public Meeting/Workshop regarding the locations which shall be given consideration for rezoning to PUD-PSBC. He stated this information should be inserted into the Comprehensive Plan Text and Map.

Jim Graw suggested inserting: Location – See Comprehensive Plan Text and Map

The PC concurred.

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Pete Frisina presented the proposed amendments as follows:

01/23/09 – BOC Retreat
10/15/09 – PC Workshop
11/19/09 – PC Wkshop
02/04/10 – PC Wkshop

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

- 7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.
- A. 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~~ applicable departments. This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than ~~fourteen (14)~~ 14 calendar days per year.
- B. Conditional Uses Allowed:
1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts and Church or Other Place of Worship (see Article VII). (Adopted 06/28/07)
 - a. The facility shall comply with all licensing requirements of the State of Georgia. (Adopted 06/28/07)
 - b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m. (Adopted 06/28/07)
 2. Aircraft Landing Area. (Allowed in the A-R, M-1, and M-2 Zoning Districts). The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.

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- a. F.A.A. *Air Space Clearance* approval ~~for~~ visual flying flight operations and landing areas is *shall be* required, where applicable.
- b. For any newly developed landing area for fixed wing aircraft, a 1,000 foot clear zone as defined by the F.A.A. extending from the end of all runways shall be maintained through ownership or easement, and in no case shall the end of a runway be closer than 200 feet from ~~adjoining properties~~ *the property line.*

Doug Powell questioned the 1,000 foot clear zone being defined by the F.A.A.

Chairman Thoms suggested changing “a 1,000 foot clear zone” to state “with a clear zone”.

Jim Graw stated he would rather see the requirements as defined by the F.A.A.

Al Gilbert asked if someone was constructing an aircraft landing area would the F.A.A. come to the site to check for compliance with their requirements.

Bill Beckwith replied the F.A.A. would not come to the site. He asked the PC to allow him to research the clear zone requirement in more detail.

- c. Any newly developed landing area *for fixed wing aircraft* shall be located at least 300 feet, as measured from the centerline of the runway, from ~~any contiguous~~ *all* property lines.
- d. Any roofed structure shall be setback at least 200 feet from the nearest point on the centerline of the runway.
- e. Heliport. (These regulations shall not apply to a hospital which maintains a heliport for medical purposes).*
 - (1) F.A.A. Air Space Clearance approval for visual flying flight operations and landing areas shall be required, where applicable.*
 - (2) A Site Plan, prepared by a Registered Surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.*

(3) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.

Doug Powell suggested deleting “300 feet” and inserting “250 feet”. He noted this is based on a helipad being located in the center of a 500’ X 500’ lot. He reported this equals 250,000 square feet or about 5.75 acres. He commented the 5.75 acres would be the smallest lot able to accommodate a helipad, if there was a suitable landing area in the exact center of the lot. Otherwise, he said the lot would have to be larger. He added a 300 foot dimension requires a minimum lot size of 8.25 acres.

Add in Its Entirety 11/14/02:

3. Aircraft Hangar. ~~Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.~~ (Allowed in the A-R, M-1 and M-2 Zoning Districts)
 1. An Aircraft Hangar ~~must~~ ***shall*** comply with all of the above criteria of ~~Section 7-1.B.1.~~ ***Article VII, Aircraft Landing Area.***
 2. Use of an Aircraft Hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An Aircraft Hangar shall not include any living quarters or be used for residential purposes.
 3. In the A-R zoning district, on lots of less than ten (10) acres in size, there shall be a maximum of one (1) detached hangar allowed.
 4. In the A-R zoning district, no trade or business of any kind shall be conducted from an Aircraft Hangar.
 5. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - a. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - b. A detached hangar shall not be constructed prior to construction of the single-family dwelling.

- c. A detached hangar shall be located to the side or rear of the principal dwelling.
 - d. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
4. **Amphitheater. (Allowed C-H and M-1 Zoning Districts).**
- a. **Hours of operation shall be limited to between the hours of 12:00 noon and 11:00 p.m.**

There was discussion regarding the hours of operation of an amphitheater relative to hours of operation for other activities and uses, as well as, discussion of how operation times coincide with the Noise Ordinance.

Bill Beckwith suggested deleting “12:00 noon” and inserting “8:00 a.m.”.

The PC requested Staff to review the Noise Ordinance and make sure the Zoning Ordinance does not conflict with the Noise Ordinance.

- b. **The out door amphitheater shall not be located closer than 300 feet from any A-R or residentially zoned property.**
5. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic. (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):
- All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.
6. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial kennel) (Allowed in O-I Zoning District):
- All structures shall not be located closer than 55 feet (30 foot buffer and 25 foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed. (Amended 10/22/98)
7. ~~Sales and/or Repairs of Automobile, Truck, Farm Equipment, or Motorcycle.~~ **Sales and Incidental Repairs.** (Allowed in C-H Zoning District). (Amended 04/28/05)

1. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions: (Adopted 04/28/05)
 - a. All activities except sales shall be conducted indoors.
 - b. No outside storage of equipment or parts shall be permitted.
 - c. No external loud-speakers allowed. (Adopted 04/28/05)

2. **A full range of repairs shall be allowed incidental to a sales use and those repairs that are not listed as a permitted use in the C-H Zoning District, shall comply with the following:** All repair facilities ~~either incidental to a sales use or as a principal use and are not listed as a permitted use in the C-H Zoning District, shall comply with the following conditions:~~ (Adopted 04/28/05)
 - a. All repair activities shall be conducted indoors. (Adopted 04/28/05)
 - b. No outside storage of equipment or parts shall be permitted. (Adopted 04/28/05)
 - c. All overhead doors ~~must~~ **shall** face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, ~~Section 5-19. Screening Standards~~ of the Fayette County Zoning Ordinance or utilizing vegetative materials. (Adopted 04/28/05)
 - d. All **wrecked** vehicles **stored** for repair ~~must~~ **shall** be screened ~~per~~ **in accordance with** Article V. General Provisions, ~~Section 5-30. Outside Storage~~ of the Fayette County Zoning Ordinance. (Adopted 04/28/05)

Chairman Thoms suggested deleting “wrecked” and inserting “damaged”.

The PC’s intention is to screen any unsightly vehicles from view, not just those which have been involved in wrecks.

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- e. Facilities located adjacent to a residentially zoned area shall

not operate between the hours of 7:00 pm and 7:00 am.
(Adopted 04/28/05)

f. No external loud-speakers allowed. (Adopted 04/28/05)

8. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. (Allowed in C-C and C-H Zoning Districts).

a. Service areas, facilities, and gasoline pump islands shall not be located closer than ~~seventy-five (75)~~ 75 feet from a residential or A-R Zoning District.

b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:

(1) Major thoroughfare:

(i) Arterial: ~~thirty-five (35)~~ 35 feet

(ii) Collector: ~~thirty (30)~~ 30 feet

(2) Minor thoroughfare: ~~twenty-five (25)~~ 25 feet

c. Canopies shall extend no closer than ~~fifteen (15)~~ 15 feet from any street right-of-way.

d. Underground storage tanks shall be set back no closer than ~~twenty (20)~~ 20 feet from all property lines.

9. Campground Facilities. (Allowed in the C-C C-H Zoning District).

a. Campsites shall be utilized by Recreational Vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).

b. ~~The campground~~ Each campsite shall be utilized for short-term occupancy of ~~fifteen (15)~~ not to exceed 15 calendar days or less,

provided; however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.

- c. ~~Said uses~~ **Campground facilities** shall be permitted only on a lot which ~~possesses at least sixty (60) feet of frontages~~ on a Major Thoroughfare (as defined by the Fayette County Thoroughfare Plan).
- d. The lot area shall be at least ten (10) acres.
- e. The maximum density shall not exceed four (4) campsites per gross acre.
- f. A minimum ~~fifty (50)~~ **50** foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (~~pursuant to the~~ **see** Sign Ordinance).
- g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (1) Front yard: ~~seventy-five (75)~~ **75** feet
 - (2) Side yard: ~~twenty-five (25)~~ **25** feet
 - (3) Rear yard: ~~twenty-five (25)~~ **25** feet
- h. At least ten (10) percent of the gross acreage shall be reserved for recreational areas.
- i. Accessory uses shall be allowed provided that the following requirements are met:
 - (1) Such uses and structures shall be restricted to the use of occupants of the park and their ~~eg~~guests;

- (2) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g.,

above.

- (3) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
 - (4) Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
 - (5) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.
- j. The Site Plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County **Environmental** Health Department.
10. Care Home, Convalescent Center and/or Nursing Home. (Allowed in the C-C, C-H, and O-I Zoning Districts).
- a. Minimum lot size: three (3) acres
 - b. Such uses shall be permitted only on a lot which fronts on an ~~Arterial~~ **Major** Thoroughfare unless such use is part of a planned development which has access to an ~~Arterial~~ **Major** Thoroughfare.
 - c. A **minimum** ~~fifty (50)~~ **50** foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.
 - d. Minimum setbacks:
 - (1) Front yard: 100 feet
 - (2) Side yard: ~~fifty (50)~~ **50** feet

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- (3) Rear yard: ~~fifty (50)~~ **50** feet
- e. The facility shall comply with all licensing requirements of the State of Georgia.

- f. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one (1) seating, and central recreational facilities shall be provided. (Amended 12/15/05)
 - g. ~~Service areas and facilities shall not be located closer than 100 feet from a residential or A-R Zoning District (of which fifty [50] feet shall be a buffer).~~
 - h. ~~Twenty-four (24)~~ 24 hour staff shall be required. (Adopted 12/15/05)
 - i. All living facilities rooms and/or suites ~~must~~ shall be connected to the mentioned central facilities through internal passageways (i.e. hallways, corridors, etc.) (Adopted 12/15/05)
11. Cemetery and Mausoleum. (Human or Pet) (Allowed in A-R and C-H Zoning Districts and a Human Cemetery is allowed in conjunction with a Church or Other Place of Worship (see Article VII)).

a. Human Cemetery

- (1) Minimum lot area shall be ten (10) acres ~~for a human cemetery and five (5) acres for a pet cemetery.~~
- (2) A crematorium or mausoleum shall be allowed only in conjunction with a cemetery ~~or a mausoleum.~~
- (3) Grave sites shall be set back at least ~~fifty (50)~~ 50 feet from all property lines.

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- (4) ~~No structure~~ A crematorium ~~other than grave markers shall be located within~~ set back ~~350~~ 300 feet from all property lines of a residential or A-R Zoning District.
- (5) A ~~twenty (20)~~ 20 foot buffer shall be provided in addition to

required setbacks along all property lines which adjoin A-R or residential zoning districts. The setback shall be measured from the buffer.

b. Pet Cemetery

- (1) Minimum lot area shall be five (5) acres.**
- (2) The remains of only one (1) pet shall be buried in a single gravesite and shall not be stacked one (1) above another.**
- (3) The remains shall be a minimum of three (3) feet below the grade.**
- (4) Cemetery plots shall be of sufficient size to provide for a minimum one (1) foot undisturbed area between graves.**
- (5) The owner/operator shall maintain and post a copy of the Cemetery Rules and Regulations and a current burial plot diagram at all times.**
- (6) A pet cemetery shall be maintained in perpetuity via deed restrictions.**

Chairman Thoms suggested adding the following: Grave sites shall be set back at least 50 feet from all property lines.

Pete Frisina advised that a Pet Cemetery was for household pets and not livestock and “Household” should be added after “Pet Cemetery”.

Jim Graw suggested adding the following: Burial of livestock shall be prohibited.

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

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

d. The following uses shall be allowed: Administrative office, passenger pickup, and storage of buses.

e. On-site maintenance/repairs are prohibited.

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

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

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

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

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

(1) Front yard: 100 feet

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

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

e. Uses and/or structures incidental to a church ~~such as~~ **shall be limited to: a private school, parsonage, gymnasium, playground, tot lot, and/or athletic field, day care facility, adult day care facility, administration, human cemetery (provided that all requirements for a Cemetery herein are met), broadcast facility, including a tower**

(see Article V), and seasonal sales (see Article VII. Seasonal Sales as Outdoor Displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements ~~specified in subsections 8.c. and 8.d., above.~~ Outdoor lighting for recreation purposes shall be prohibited.

- f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met. (see Article VII. Day Care Facility /Nursery School).
- g. Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met. (see Article VII. Adult Day Care Facility). (Adopted 06/28/07)
- h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
- i. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
- j. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.

Chairman Thoms questioned accessory structures located to the side/rear of the main building.

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Pete Frisina suggested adding “not” after “shall” and deleting “to the side/rear” and inserting “in the front yard”.

- k. The construction of one (1) open air pavilion ~~over 900 square feet~~ utilized for picnics/social gatherings only is allowed under the following conditions:

~~The property must be zoned A-R with a minimum of 15~~

acres;

The pavilion must be at least 150 feet from any property line;

- (1) The pavilion ~~must~~ ***shall*** be constructed following the construction of the main sanctuary building;
- (2) The floor area ~~cannot~~ ***shall not*** exceed ~~twenty (20)~~ ***40*** percent of the square footage of the main sanctuary building; and
- (3) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed ~~twenty (20)~~ ***40*** percent of the main sanctuary building square footage.

14. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium. (Allowed in the A-R, BTP, ***O-I, C-C, and C-H*** Zoning Districts). (Amended 08/27/09)

- a. The lot area shall be at least ten (10) acres.
- b. Such use shall be permitted only on a lot which fronts on a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
- c. ~~A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.~~ ***If the side or rear yard abuts a residential or A-R Zoning District, a minimum 50 foot buffer shall be provided adjacent to the lot line.***

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- d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows ***and shall be measured from the buffer, if applicable.***
 - (1) Front yard: 100 feet
 - (2) Side yard: ~~fifty (50)~~ ***50*** feet
 - (3) Rear yard: ~~100~~ ***75*** feet

- e. Uses and/or structures incidental to colleges and universities such as a gymnasium, dormitory, ***fraternity, sorority,*** and/or athletic field shall be allowed, provided; all buildings and use areas meet the minimum setback and buffer requirements specified ~~in subsections 10.e. and 10.d.,~~ above.
 - f. ***All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.***
 - g. ***Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.***
15. Commercial Driving Range and Related Accessories. Related Accessories limited to: Putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. (Allowed in C-C, C-H, and A-R Zoning Districts).
- a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 - b. All greens, fairways, and driving areas shall be set back at least ~~fifty~~ **50** feet from any non-residential zoning district.

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- c. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence, provided that lighting is not directly visible from said residence(s).
 - d. No outside loudspeaker system shall be utilized.
16. Convenience Commercial Establishment. Facility is limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches and other freshly-prepared foods for off-site

consumption. (Allowed in the L-C Zoning District.)

- a. Maximum floor area: 3,500 square feet
- b. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and ~~must~~ **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.
- c. Gasoline pumps, air hoses, and water hoses shall be setback as follows:
 - (1) Major thoroughfare:
 - (i) Arterial: ~~fifty (50)~~ **50** feet
 - (ii) Collector: ~~forty-five (45)~~ **45** feet
 - (2) Minor thoroughfare: ~~forty (40)~~ **40** feet
- d. Canopies used in conjunction with the sale of gasoline shall extend no closer than ~~thirty-five (35)~~ **35** feet from any street right-of-way.
- e. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.

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- f. Underground storage tanks shall be set back at least ~~twenty (20)~~ **20** feet from all property lines.
- g. *The number of gasoline pumps shall be limited to no more than four (4) or a total of eight (8) pumping stations.***

Pete Frisina suggested deleting “pumping” and inserting “fueling”.

- h. *The hours of operation shall be from 6:00 a.m. to 10:00 p.m.***

Jim Graw reiterated his concern about limiting the hours of operation. He commented the County

did not know where the L-C zoning district will be located in the future. He stated the County should not be telling small business owners who have invested money in their commercial business and are trying to make a living what hours they can operation. He said the market place should dictate what the hours of operation should be. He added the commercial business owner should make the decision based on economics of his/her business.

Jim Graw said if the L-C zoning district were to be placed in a residential zoning area or abutting a residential zoning area there could be justification for some control but he did not feel that will be the case. He stated to place operational restrictions on this commercial zoning now is premature. He added if this zoning district is ever utilized it will probably be in a highway area.

The other PC members reiterated their view regarding current business hours of similar operations such as the convenience stores on Hwy. 92 South and stressed the need for compatibility of L-C operations with the usually lower density land uses surround these types of conditional uses. The other PC members stated that hours of operation are limited in some other conditional uses as well.

17. Day Care Facility (Nursery School or Kindergarten). (Allowed in C-C, C-H, O-I, and A-R, **and MHP** Zoning Districts ***and Church or Other Place of Worship (see Article VII)***).

- a. A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the State certifications lapse or be revoked, the Conditional Use permit shall be null and void.
- b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.

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- c. Outdoor play areas shall be located to the side or rear of the principal building.
- d. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
- e. A fence measuring at least four (4) feet in height shall enclose the entire play area.
- f. If the side or rear yard abuts a residential or A-R Zoning District, a minimum ~~ifty (50)~~ **50** foot buffer shall be provided adjacent to the lot line. ***The side yard setback shall be 50 feet. The rear yard***

setback shall be 75 feet. The setback shall be measured from the buffer.

~~Service areas, facilities, and playgrounds areas shall not be located closer than 150 feet from a residential or A-R Zoning District.~~

- g. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 - h. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.
18. Developed Residential Recreational/Amenity Areas. (Allowed in subdivisions in the A-R and residential **EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, and C-S** zoning districts, with Final Plat approval).
- a. Lot area: Per zoning district
 - b. Said area ~~must~~ **shall** be shown on the Preliminary and Final Plats and labeled as follows: "Not a residential building lot, for recreational purposes only."
 - c. Landscape and buffer areas shall be planted in accordance with the Development Regulations.

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

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

- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above ~~forty (40)~~ **40** by the Underwriter's Laboratories, Inc. Standard of Classification known as Class I Systems shall be prohibited;
- b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but not less than ~~forty (40)~~ **40** according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy.
- c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building.
- d. Fuel for operation of the equipment shall be smokeless fuel; and
- e. Central water and central sanitary sewage systems are required.

Dennis Dutton explained the dry cleaning systems have changed. He said he had done some research and also discussed the systems with Mike Pollard of the Fire Department. He reported the class designations deal with combustibility. He confirmed a Class I, below 100 degrees and becomes flammable, is now prohibited. He pointed out a Class II is above 100 degrees and below 140 degrees

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and Class III is above 140 degrees and below 200 degrees. He said the Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy. He reported the big push is now for recyclable hydrocarbons and by 2018, the State is moving away from PERC which is a less affordable flammable compound which is more dangerous and can cause birth defects. He pointed out the recyclable hydrocarbon or silicone dry cleaning machinery (Class IIIA) does not discharge water into the central sanitary sewer system. He noted the left over recyclable hydrocarbon canister is dispensed by a truck. He added the Environmental Health Department has no objection to this type machinery.

Dennis Dutton explained the National Fire Safety Code term a Class IIIA or Class IIIB located in building with other occupancy shall be separated from other occupancy via a fire barrier having a minimum two (2) hour resistant grading and automatic sprinklers.

Doug Powell expressed concern about possibly discharging the water into the central sanitary sewer system.

Chairman Thoms advised if this is a regulated chemical, the user is required to account for the certified disposal amount to the EPD. He commented a regulated chemical is documented from the time of purchase to removal from the site.

Pete Frisina explained usage under 10,000 gallons per day is regulated by the DHR and usage over 10,000 gallons per day is regulated by the DNR.

In order to be consistent, Dennis Dutton suggested deleting “shall not be established in a building with other occupancy” and inserting “shall meet all requirement of the National Fire Safety Association Code”. He also suggested adding “This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.”

20. Experimental Labs. (Allowed in the C-H, M-1 and M-2 Zoning Districts).
 - a. Minimum lot area: three (3) acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 - b. Said use ~~must~~ ***shall*** comply with all applicable State and/or Federal licensing requirements.

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21. Farm Outbuildings, ***including horse stables*** and Greenhouses. (Allowed in the A-R Zoning District). (Amended 04/09/98)
 - a. Farm Outbuilding. All structures permitted in this category ~~must~~ ***shall*** be ~~bonafide~~ structures related to the ***a bonafide*** farming operation ***and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes. Farm outbuildings shall be exempt from architectural standards.*** (Amended 04/09/98)
(DISCUSSION IS NEEDED AS TO THE CONCEPT OF BONAFIDE FARMING OPERATION)

Chairman Thoms asked if discussion regarding bonafide farming operation was still necessary.

Pete Frisina replied Staff has researched “bonafide” and have concluded that the “use” of the farm outbuilding is the driving factor in making a determination.

- b. Greenhouses. All structures permitted in this category ~~must~~ ***shall*** be ~~bonafide~~ structures related to the ***a bonafide*** cultivation or ~~protection~~ ***production*** of landscape planting materials. ***Greenhouses shall be exempt from architectural standards.*** (Added 04/09/98)

Chairman Thoms suggested deleting “landscape planting materials” and inserting “plants”.

- ~~c.~~ ***Horse Stables. All structures permitted in this category shall be related to the bonafide shelter and/or boarding of horses. Riding lessons and boarding shall be permitted; however, a Site Plan shall be required for these uses. Horse stables are exempt from architectural standards (see Article V.).***

- ~~e.d.~~ Farm size over ten (10) acres, no restriction of size of farm outbuildings, ~~and~~ greenhouses, ***and horse stables.*** (Amended 06/25/98)

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

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

- 22. ***Feed Lot and/or Commercial Barn.*** Barns and feed lots ~~must~~ ***shall*** be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District).

~~Fraternities and/or Sororities.~~ All facilities shall be located on a Major

~~Thoroughfare as designated by the Fayette County Thoroughfare Plan. (Allowed in the C-C and C-H Zoning Districts).~~

23. Golf Course (minimum eighteen [18]-hole regulation) and Related Accessories. Related accessories are limited to: putting green, chipping green, sandtrap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. (Allowed in the C-C, C-H, and A-R, ~~and~~ EST Zoning Districts). (Amended 04/09/98)

Doug Powell suggested deleting “eighteen [18]-hole” and inserting “nine [9] hole”.

- a. Said facilities shall be for daytime use only.
 - b. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 - c. No outside loudspeaker systems shall be utilized.
24. Heavy manufacturing, packaging, processing or handling of materials. (Allowed in the M-2 Zoning District).

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

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

25. Home Occupation. (Allowed in A-R, residential EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, M-1, M-2, and BTP zoning districts) ~~and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.)~~ (See Single-Family Residence under Section 7-1, ~~B~~) (Amended 10/23/08)
- a. Residents. Only residents of the dwelling may be engaged in the home occupation. **Outside business owners and employees are prohibited.**

Pete Frisina explained you are considered an employee if you receive a W-2 Form.

- b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.
- d. Number. No more than four (4) home occupations may be issued per residence.**
- ~~d.e.~~ Area. Use of the building for this purpose shall not exceed **a total of thirty five (35) 35** percent of the principal building.
- f. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- g. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.

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- h. ~~Music, etc.~~ **Lessons and/or Tutoring**. ~~Instructions in music and similar subjects~~ **Lessons and/or Tutoring** shall be limited to two (2) students at a time.
- i. Vehicles. Only **customary passenger vehicles, vans and pick-up trucks** shall be permitted to remain on the premises **in conjunction with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, ?? feet in height, and/or 8,000 pounds (empty vehicle weight).**

Pete Frisina asked the PC if they had decided on a height for a vehicle utilized with a home occupation.

Al Gilbert asked Staff to check on the height of a panel van and to use that height limitation.

- j. Uses. The following and similar uses shall not be considered home

occupations: automobile service station; automobile and related machine sales; automobile/motorcycle/farm equipment repair or maintenance; ambulance service; beauty salon, barber shop, rescue squad; amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic ~~or~~ with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; and massage therapy.

Dennis Dutton advised he had received at least two (2) requests for mobile automobile repairs.

Jim Graw stated he did not object to permitting mobile automobile repairs.

Al Gilbert stated only “minor repairs” should be permitted for mobile automobile repairs.

Chairman Thoms suggested inserting “on-site” prior to “automobile/motorcycle/farm equipment repair or maintenance”. He stated that many people do not understand the home occupation ordinance, and that especially due to technology advances, people may be working out of their homes in violation of the current ordinance, and that we should investigate means to accommodate these types of home businesses that are in keeping with the intent of the home occupation portion of our ordinance, especially since many of them operate without any knowledge of neighbors of the County.

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Chairman Thoms instructed Staff to review the uses further especially due to the current economy and maybe allow an office use only with no on-site products or services.

* * * * *

Chairman Thoms asked if there was any further business.

Pete Frisina advised a Public Meeting/Workshop would be held on February 18, 2010, and the discussion would begin with 26. Horse Shelter in Residential Zoning Districts.

Hearing no further business, Doug Powell made a motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:55 P.M.

**OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

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