

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on July 15, 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 Community Development  
Dennis Dutton, Zoning Administrator  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

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

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

Chairman Thoms explained there are some amendments which have been completed and need to be moved forward to the BOC on August 4, 2010, to keep people from being held up any longer, specifically telecommunication towers, architectural standards for accessory structures, horse quarters, and PUD-PSBC. He added a summary of amendments was going to be prepared for the BOC. He said the PC should have their objections to any items in an article ready at the time of the public hearing to become a part of the Minutes.

***Article I***

No changes.

***Article II***

No changes.

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*Article III*

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) ~~or domestic cat (felis catus)~~. It shall not include livestock (see Sec. 3-62. The number of animals kept shall be limited to three (3). (Adopted 08/25/05)

Pete Frisina suggested deleting “Animal” in its entirety.

Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include not more than one (1) litter of dogs ~~or cats~~ of not more than six (6) months of age. (Amended 08/25/05)

Pete Frisina suggested deleting “any combination of animals” and inserting “domestic dogs (canis familiaris).”

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, process, equipment, goods or property of any kind.

Doug Powell suggested adding “livestock” after “animal.”

Garage, Parking. A structure, lot or any portion thereof which is open to the public in which one (1) or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Doug Powell suggested renaming “Garage, Parking” to “Parking Garage/Lot.”

Thoroughfare, Major Arterial. ~~A street designated to carry traffic into and out of a city.~~ **A street designated on the Thoroughfare Plan as a Georgia State Route which provides traffic movement through the region, as well as, traffic movement within and through the County.**

**Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic movement within and through the County.**

Thoroughfare, Collector. ~~A street designated to carry traffic between minor thoroughfares and major thoroughfares.~~ **A street designated on the Thoroughfare Plan which collects/carries traffic from local and other collector streets and provides a connection to arterial streets.**

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either arterial or collector.

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Thoroughfare, Minor. A street designated to carry primarily local or neighborhood traffic. **on the Thoroughfare Plan as a County Local or Internal Local primarily for access to abutting properties, providing for minimum speeds, and traffic volumes.**

Doug Powell pointed out the different thoroughfare classifications were confusing.

Pete Frisina explained these were designations used within the Thoroughfare Plan; however, he would research the Zoning Ordinance and the definition could be deleted if they were not used.

***Article IV***

Doug Powell questioned the adoption dates and suggested they be indicated in Article VI. and deleted in Article IV.

***Article V***

5-19. Structures Permitted above the Height Limit. The height limits shall not apply to a church spire, belfry, cupola, dome or ornamental tower not intended for human occupancy, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances. A freestanding flagpole is also permitted above the height limit, provided the total height is under 70 feet. Total height shall be measured from the finished grade at the location of the flagpole to the highest point. **The height limit shall not apply to structures and architectural features not intended for human occupancy, including, but not limited to: a spire, belfry, cupola, dome, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, heating ventilation and air conditioning (HVAC) equipment, elevator equipment, roofed solar panels, satellite/communications equipment, and parapet wall not extending more than four (4) feet above the roof line of the building.** (Amended 09/26/02).

Doug Powell suggested inserting “telecommunication tower” after “observation tower.”

5-20. Permitted Encroachments of Yards and Setbacks. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways. In the case of automobile service stations, hotels, and similar uses which service the motoring public, canopies shall be allowed over a driveway or walkway within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the right-of-way.

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One (1) flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is not located ~~not less~~ within ~~than fifteen (15)~~ 15 feet ~~from~~ of the right-of-way. Flagpoles which encroach the front yard setback shall be required to have a signed and sealed affidavit from an architect or engineer registered in the State of Georgia with the actual location and setback of the flagpole and inspection approval of the footing to be submitted to the Planning and Zoning Department prior to placement of the flagpole. (Amended 09/26/02)

Pete Frisina suggested inserting “connected to a structure” after “Architectural features.”

Doug Powell suggested deleting “One (1) flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is not located within 15 feet of the right-of-way” and inserting “One (1) flagpole per lot shall be allowed to encroach the front yard setback provided it is not located within 15 feet of the right-of-way.”

5-12.C.3. A well/pump house, dog house, or playhouse consisting of ~~seventy (70)~~ 70 square feet or less, dog pen/run consisting of 200 square feet or less, swimming pool, recreational court, aircraft hangar (see Article VII.), farm outbuilding (see Article VII.), commercial greenhouse (see Article VII.), ground/pole mounted solar panel consisting of less than 200 square feet, and ground-mounted wind turbine/windmill, ~~and accessory structures incidental to commercial and industrial uses~~ shall not be included in determining the number of accessory structures provided herein.

Pete Frisina suggested inserting “uncovered outdoor kitchen and/or fireplace” after “turbine/windmill.”

5-12.,I. Cabana, covered patio, and covered deck. The cabana, covered patio, and covered deck shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one (1) story, and comply with the Architectural Standards for an accessory structure 200 square feet or greater.

Pete Frisina suggested inserting “may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom /changing room, and/or pool pump/filter but” after “covered deck.”

5-29. Outside Storage. Outside storage of merchandise, equipment, and parts shall be allowed in the side and rear yards subject to such requirements to the extent indicated below as long as such storage is screened in accordance with ~~Section 5-19~~ Article V. Storage contained in a structure which is not enclosed by walls shall be deemed outside storage. Outside storage is allowed only within the M-1, M-2, C-C, and C-H Zoning Districts. Within the C-C and C-H Zoning Districts outside storage is limited to no more than twenty-five (25) percent of the floor area of all buildings.

Pete Frisina suggested deleting the last sentence in its entirety.

5-47. **Buffer.** A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (See Development Regulations, Article V. for planting requirements.) Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer.

Pete Frisina suggested inserting the following at the end of the section: **Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet as measured from the property line shall be for the aforementioned required natural vegetation, landscape plantings and other visual screening elements or noise attenuation devices only. Multi-use path access and utilities (including underground stormwater piping) may be located anywhere within the buffer.**

5-9. ~~Open Space~~ Yard not to be Encroached Upon. No open space yard shall be encroached upon or reduced in any manner except in conformity with the ~~yard~~, setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. ~~Shrubby~~ Landscaping, driveways, vehicle parking areas, walkways, retaining walls, walls and fences, curbs, and planted buffer strips shall not be construed to be encroachments. ~~Open space areas shall be permanently maintained as open space and appropriately landscaped. These areas may not be used for vehicular access, parking or similar uses except as otherwise provided herein.~~

Pete Frisina suggested inserting “and associated steps” after “walkways.”

B. Walls and Fences not exceeding four (4) feet in height shall comply with the following:

1. A wall or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, chain link or other similar wire materials, or other architecturally engineered facades which match these materials.

Pete Frisina suggested adding the following sentence at the end of the section: “Barbed wire and electric fences are prohibited, except as otherwise provided herein (see Exemptions).”

Doug Powell stated he was opposed to alternative towers; however, he understood the other members were in favor of alternative towers.

### *Article VI*

Pete Frisina instructed renaming “Parking Garage” to “Parking Garage/Lot” under the nonresidential zoning districts based on amendments made to Article III.

Pete Frisina suggested deleting “Household Pet Rescue” under the residential zoning districts.

Pete Frisina suggested inserting “Commercial” before “Greenhouses.”

### *Article VII*

Pete Frisina suggested inserting “Commercial” before “Greenhouses.”

Pete Frisina stated he had amended the Overlay Zones to state: “Utilities (including underground stormwater piping) may be located anywhere within the landscape area.”

Jim Graw read the following statement regarding a Convenience Commercial Establishment allowed in the L-C Zoning District:

“As I did several months ago, I would like to ask the Planning Commission to reconsider recommending to the BOC, hours of operation for convenience stores/gas stations located in the Limited Commercial Zoning District.”

“Fayette County does not impose hours of operation on convenience stores/gas stations in the C-C or C-H Zoning Districts. Neither does the City of Fayetteville. Their code contains information about building square footage size limits, number of gas pumps, and distance requirements from other uses.”

“The L-C district may be utilized on or near major thoroughfares in the unincorporated county, as well as, near some residential areas. If they were to be utilized in an area abutting a residential district, I could understand some type of restrictions on hours of operation. To make a blanket 6:00 AM to 10:00 PM restriction is not only unfair to the businesses but also creates inconsistency.”

“I don’t feel government should generally be involved in dictating how businesses operate in these circumstances. The market should dictate the hours of operation.”

“If a convenience store/gas station were to fail, governmental actions should not be the excuse.”

**The hours of operation shall be from 6:00 a.m. to 11:00 p.m.**

The PC concluded to delete this requirement for now to allow further discussion in the near future and to possibly make the hours of operation a recommendation of zoning based on individual circumstances.

***Article VIII***

No changes.

***Article IX***

No changes.

***Article X***

No changes.

***Article XI***

**B.C.** If the Planning Commission fails to submit a report within ~~thirty (30)~~ **75 calendar** days from the **date of the** acceptance of the completed amendment application, the application shall be deemed to have been approved.

Pete Frisina suggested deleting “75 calendar days” and inserting “90 calendar days.”

Pete Frisina suggested deleting “deemed to have been approved” and inserting “forwarded to the Board of Commissioners with no recommendation.”

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Pete Frisina suggested adding “Actions of the Planning Commission which contribute to the delay,

such as the lack of a full board or tabling the petition, shall count toward the 90 calendar days.”  
“Actions by the petitioner, such as a request to table, shall not count toward the 90 calendar days.”

***Article XII***

No changes.

***Article XIII***

E. Attendance. It shall be deemed cause for removal should any member of the Planning Commission fail, without proper reason, to attend three (3) consecutive meetings.

Suggest deleting “shall” and inserting “may.”

***Conclusion***

Chairman Thoms instructed Staff to proceed with the Zoning Ordinance, in its entirety with the exceptions discussed tonight, to the BOC.

Pete Frisina advised the PC that once the Zoning Ordinance is adopted, it will become a part of the County Code Book instead of a stand-alone ordinance which will bring the ordinance into compliance with State Law.

\* \* \* \* \*

***Gas Pumps***

Pete Frisina stated he had been asked to review the number of gasoline pumps adjacent to the city limits of Fayetteville. He presented the PC with copies of three (3) maps indicating: 1) County zoning; 2) unincorporated properties adjacent to the city limits of Fayetteville; and 3) unincorporated properties within 500 feet of the city limits of Fayetteville. He advised the PC that the best approach may be to look individually at State Route Corridors where commercial development is likely to take place and pin point the area where these regulations would apply.

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The proposed areas are described below:

SR 85 South: Those properties in the unincorporated County within 500 feet of the intersection of SR 85, SR 92, and Ramah Road.

SR 92 South: Those properties in the unincorporated County fronting SR 92 to a point 500 feet from the Fayetteville city limits in the area of Keaton Drive.

SR 54 East: Those properties in the unincorporated County fronting SR 54 between Williams Road east to a point 500 feet from the Fayetteville city limits in the area of Robinson Drive.

SR 85 North: No proposal.

SR 314: Those properties in the unincorporated County fronting SR 314 between Biltmore Drive and White Oak Way.

SR 92 North: Those properties in the unincorporated County fronting SR 92 within 500 feet of the intersection of SR 92 and Timberland Drive.

SR 54 West: Those properties in the unincorporated County fronting SR 54 between Brandywine Blvd. and Old Mill Court.

Al Gilbert objected dictating the number of gasoline pumps.

Pete Frisina reiterated he was asked to review the number of gasoline pumps adjacent to the city limits of Fayetteville and it was going to have to be addressed.

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Chairman Thoms asked if there was any further business.

Robyn Wilson advised that no public hearing applications were submitted for August. She asked if a Workshop would be held after the Public Hearing.

Pete Frisina stated to post the door and notify Fayette Daily News about a Workshop after the Public Hearing and if Staff is able to get anything prepared, a Workshop could be held.

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Hearing no further business, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:21 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**TIM THOMS  
CHAIRMAN**

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