

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on August 19, 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: Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw

MEMBERS ABSENT: Tim Thoms, Chairman
Douglas Powell

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:

Vice-Chairman Gilbert called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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Pete Frisina advised there are still some issues within the Zoning Ordinance which need to be addressed. He presented the following proposed amendments:

1. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Article V. General Provisions, and Article VII. Conditional Uses, Exceptions, and Modifications.**

ARTICLE V. GENERAL PROVISIONS

5-12. Accessory Structures and Uses. (Adopted in its entirety 01/24/08)

- A. The following accessory structures and uses are permitted in A-R and all residential zoning districts. Farm outbuildings and commercial greenhouses are regulated as Conditional Uses under Article VII. and shall be allowed in the A-R Zoning District only. **~~One (1) semi-trailer may be utilized as a farm outbuilding provided the property is zoned A-R and the semi-trailer is being used to store agricultural items. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.~~**

Pete Frisina advised the requirements, for a semi-trailer being utilized as a farm outbuilding, are a departmental policy which is being incorporated into the Zoning Ordinance. He stated a semi-trailer utilized as a farm outbuilding should be incorporated under Article VII with farm outbuildings and not listed as an Accessory Structure/Use under Article V. He explained the following scenario: A semi-trailer filled with hay, straw, or feed is parked on the farm and when emptied, it is driven off to be refilled and then returned to the property. He further explained this should only be allowed in the A-R zoning district on farm sizes over ten (10) acres similar to the requirements for farm outbuildings and commercial greenhouses. He added this type use should not be allowed within an A-R subdivision on a five (5) acre lot.

Jim Graw clarified this would not be discriminatory since the PC was advised several years ago by previous counsel that giving preference to someone based on the number of acres they owned in the A-R zoning district may cause a problem. He added if this is not a problem then he would not have a problem allowing semi-trailers on ten (1) acres in the A-R zoning district.

Vice-Chairman Gilbert explained a five (5) acre subdivision lot is not a true farming operation.

Jim Graw asked what the setbacks are for the A-R zoning district.

Pete Frisina replied 50 feet from the side and 75 feet from the rear.

ARTICLE VII. ~~CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS,~~
NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY
ZONE, AND
COMMERCIAL DEVELOPMENT STANDARDS

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.

B. Conditional Uses Allowed:

21. Farm Outbuildings, ~~including Horse Stables, and Commercial Greenhouses, and Semi-Trailer~~ (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)
- b. **Horse Stables. All structures permitted in this category shall be related to the bonafide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a Site Plan shall be required for these uses. Horse Stables are exempt from architectural standards (see Article V.)**
- ~~b.c.~~ **Commercial** 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. **Commercial Greenhouses shall be exempt from architectural standards.** (Added 04/09/98)
- e. **One (1) semi-trailer may be utilized as a farm outbuilding, provided: the semi-trailer is being used to store agricultural items only; shall comply with the applicable setback requirements; and shall be located on a farm size over ten (10) acres.**
- ~~e.f.~~ Farm size over ten (10) acres, no restriction of size of Farm Outbuildings, ~~and~~ **Commercial** Greenhouses, **and Horse Stables.** (Amended 06/25/98)
- ~~d.g.~~ Farm size five (5) to ten (10) acres, one (1) detached Farm Outbuilding, ~~or~~ **Commercial** Greenhouse, **or Horse Stable consisting of** a maximum of 1,800 square feet in size. (Added 06/25/98)

Farm Outbuildings, **Horse Stables**, and **Commercial** 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 Commercial 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 Commercial Greenhouses may be constructed prior to the principal residential structure. (Added 06/25/98)

The PC concurred with the proposed amendments.

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Pete Frisina presented the following proposed amendments:

ARTICLE III. DEFINITIONS

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

Pete Frisina explained, as presently defined in the Zoning Ordinance, a kennel is any location where more than three (3) animals are kept and animals are defined as dogs and cats. He stated that the kennel regulations have mainly been used to regulate the number of dogs and that is why the recommended amendments to the Zoning Ordinance, presently before the BOC, exclude cats. He said a kennel is normally associated with the breeding, boarding, and/or training of dogs. He further stated that basically, this definition in conjunction with the Conditional Use requirements for a kennel, has been used to control the number of dogs and cats kept on residentially zoned property and until the first round of ordinance amendments gets through the BOC, staff will know if they want to continue this course of regulation or go in a new direction.

Dog Pen /Run. For the purposes of Article V., Accessory Structures and Uses, a dog/pen run is an outside open air enclosure, consisting of 400 square feet or less, used for the purpose of containing dogs.

Animal Hospital/Veterinary Clinic. A facility generally providing medical treatment of domestic dogs, cats, and common household pets, that may include boarding of such, only for the purpose of observation or convalescence and for the purposes of this ordinance shall not be deemed to be a Kennel, as long as, there is no outside activity or open air runs, pens, or enclosures.

Aviary. Any place licensed by the State of Georgia where exotic birds are kept confined for breeding, boarding, or similar purposes. (Commentary: intended as an A-R use)

Pet Store. A retail establishment engaged in the sale of domestic dogs, cats, and common household pets and associated accessories and supplies.

**ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS,
NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY
ZONE, AND
COMMERCIAL DEVELOPMENT STANDARDS**

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.

B. Conditional Uses Allowed:

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.

Pete Frisina explained the intent is to better define and regulate kennels, animal hospitals, veterinary clinics and pet stores which technically could all be considered kennels and have to meet the 300 foot setback. He stated that the purpose of the 300 foot setback is to diminish the noise impact on surrounding A-R and residential properties based on the assumption that all of these uses will keep dogs outside in open air enclosures. He also remarked there is not a distinction between a commercial kennel and a non-commercial kennel. He explained technically, a non-commercial kennel could be a single-family dwelling containing more than three (3) dogs and the way staff had interpreted the 300 foot setback is that it would apply to the single-family dwelling if that is where the dogs were kept.

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 **except during an observation/convalescence period.** (Amended 10/22/98)

5. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic. (excludes commercial and non-commercial kennel) (Allowed in ~~A-R~~, C-C, **and** C-H, and ~~M-1~~ Zoning Districts):

No outside activity (runs, pens, or enclosures) or boarding is allowed except during an observation/convalescence period.

Pete Frisina proposed that Animal Hospitals and Veterinary Clinics, with no outside open air runs, pens or enclosures or commercial boarding, would not have to meet the 300 foot setback which would be more conducive to a commercially zoned property. He stated boarding only, in association with an observation/convalescence period, would be allowed. He added it was proposed that Animal Hospitals and Veterinary Clinics not be allowed in the A-R zoning district, as this was a use in the past that was associated with farming and large animal veterinary and this relationship is not as prevalent as it was in the past.

Vice-Chairman Gilbert asked how a Veterinary Clinic which boards be handled.

Pete Frisina replied as a kennel and the veterinary use would be auxiliary to the kennel. He pointed out sound proofing would not be required since the use would be required to comply with the 300 foot setback requirements from residential or A-R zoning districts.

5. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic. (Allowed in A-R, C-C, **and** 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 (open air runs and/or pen, or enclosures) or boarding is allowed, except during an observation/ convalescence period. (Amended 10/22/98)

#. *Pet Store (Allowed in C-C and C-H Zoning Districts.)*

a. *The sale of wild animals shall be prohibited (see Article III.)*

Jim Graw suggested adding endangered animals.

Bill Beckwith stated endangered animals are regulated by the Federal Government.

b. *A Pet Store engaged in the sale of domestic dogs shall meet the following:*

(1) *Domestic dogs shall be housed in a room constructed with sound proofing and outside open air pens, runs or enclosures shall be prohibited;*

Pete Frisina explained sound proofing shall be required; however, he would like to set a standard that is easily understandable by staff and the property owner.

Bill Beckwith suggested using a 30 decimal reduction between the inside and outside noise. He also stated that he would try to provide information on soundproofing in relation to soundproofing standards for houses affected by the airport.

(2) *Boarding shall be prohibited; and*

(3) *Grooming and obedience training may be provided.*

c. *An Animal Hospital/Veterinary Clinic may be utilized as a auxiliary use to the Pet Store and boarding in association with an observation/convalescence period shall be allowed.*

Page 8
August 19, 2010
PC Workshop/Public Meeting

Pete Frisina asked if boarding, in association with an observation/convalescence period, should require sound proofing. The PC felt sound proofing may not be necessary due to the small number of animals that would be kept in that regard, in comparison to a pet store or commercial boarding. It was further stated that if a pet store used the whole store to house the dogs, as opposed to a specific room, the whole store should be sound proofed, especially if there are tenants on either side of the pet store, as would be in the case in a strip center.

Pete Frisina stated that staff is still working on regulations for a pet rescue facility and the proposed aviary definition is also associated with this issue. He stated this was based on an inquiry from a property owner who wanted to rescue exotic birds.

Dennis Dutton explained that aviaries are licensed by the state and include any location where exotic birds are kept, bred, and/or sold and, theoretically a pet store that sells exotic birds is an aviary. He stated it is the intent of staff to allow an aviary engaged in breeding and boarding in the A-R zoning district.

Pete Frisina further stated there was some discussion of allowing more than three (3) dogs in association with a state registered pet rescue operation in conjunction with a single-family lot.

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Vice-Chairman Gilbert asked if there was any further business.

Vice-Chairman Gilbert asked if there would be a Workshop held on September 2, 2010.

Pete Frisina replied he was awaiting direction from the BOC regarding the Zoning Ordinance amendments. He explained he had advised the BOC that he would meet with them individually to answer any questions regarding the proposed amendments to the Zoning Ordinance. He reported he was to appear before the BOC at the September 1, 2010, Workshop.

Hearing none, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 3-0. Chairman Tim Thoms and Doug Powell were absent. The Public Meeting/Workshop adjourned at 8:07 P.M.

Page 9
August 19, 2010
PC Workshop/Public Meeting

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

AL GILBERT
VICE-CHAIRMAN

ROBYN S. WILSON
P.C. SECRETARY