

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on April 21, 2011, 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: Dennis Dutton, Zoning Administrator
Vanessa Birrell, Director of Stormwater Management Dept.
Bryan Keller, Environmental Programs Engineer
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

STAFF ABSENT: Pete Frisina, Director of Community Development

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. **Consideration of Floodplain Variance No. 001-11, Flat Rock AME Church, Owners, and Bobby Bullard of Bullard Land Planning, Inc., Agent, request to reduce the minimum finished floor elevation (MFFE) less than three (3) feet above base flood elevation (BFE) of the detention pond. This property is located in Land Lot 26 of the 7th District, fronts on Old Chapel Road, and is zoned R-40 as presented by the Stormwater Management Department.** *The petition was tabled at the PC Public Hearing on April 7, 2011, for clarification from the County Attorney regarding liability issues.*

Chairman Thoms explained the public hearing portion of this application was heard on April 7, 2011, at which time, the PC requested a ruling from the County Attorney regarding any pecuniary liability for the County in the event of a flood. He stated the County Attorney had advised the County could not be held liable in the event of a flood.

Jim Graw pointed out there are three (3) criteria to be considered when approving a Variance request and in his opinion, all three (3) criteria have been met.

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Doug Powell made the motion to approve the floodplain variance based on the County Attorney's ruling. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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2. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding Recreational Vehicle.

Chairman Thoms advised the PC had taken public input and discussed the proposed amendments at a previous Workshop.

Dennis Dutton explained the wording of the proposed amendment clarifies the requirements which should assist with enforcement. He presented the following proposed amendment:

5-29. Recreational Vehicle. One (1) recreational vehicle, when ~~utilized~~ used for temporary occupancy, shall be ~~allowed to be~~ parked on a lot which contains a single-family dwelling in any zoning district ~~on a lot which contains a single-family dwelling~~ or on a lot in any residential zoning district. The duration shall not exceed 14 days and said duration shall be allowed two (2) times per year. *Recreational vehicles, when used for temporary occupancy, shall not be parked on streets abutting such lots.*

Mrs. Alvin Russell asked if she could speak.

Chairman Thoms replied the PC had taken public input at the previous Workshop and now they would discuss the proposed amendments among themselves. He advised public input would be taken at both of the public hearings, one before the PC and one before the BOC.

Al Gilbert stated the PC did not want to prohibit the parking of an unoccupied recreational vehicle on the street because it would be taking a right away from the citizens which they had probably been doing for a long time. He added the proposed amendment captures the intent of the ordinance and addresses the complaint from Alvin Russell.

Chairman Thoms instructed staff to present the proposed amendments at the May 4, 2011, BOC Workshop to see how the BOC would like to proceed. He advised the audience to forward any written input to Robyn Wilson who would forward them to the PC and BOC. He asked Robyn Wilson to explain the process.

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Robyn Wilson advised the proposed amendment would be presented at the BOC Workshop on May 4, 2011, at which time they will instruct staff how to proceed. She remarked if the BOC instructed staff to advertise the proposed amendments, she could advertise them to be heard by the PC on June 2, 2011, and by the BOC on June 23, 2011. She said the PC will take public comments, including written comments, hold a vote, and send their recommendation to the BOC. She remarked the BOC will also take public comments, including written comments, and hold a vote which will be the final decision.

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3. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding Beekeeping.

Chairman Thoms advised the audience the PC had taken public comments at previous Workshops; however, the PC would discuss the proposed amendments tonight among themselves. He commented staff was to report back to the BOC on May 4, 2011, with the status of the proposed amendments. He remarked staff had done tremendous research on beekeeping. He pointed out the PC had reached a consensus on the proposed amendments except for the number of beehives and the setbacks.

Dennis Dutton presented the following proposed amendments:

ARTICLE III. DEFINITIONS

Apiary. A place where honeybees and beehives are kept.

Beehive. A structure intended for the housing of bees.

The PC concurred with the proposed definitions.

Dennis Dutton explained that Option 1 provided regulations while Option 2 did not provide any regulations, such as the number of bee hives allowed per lot, setback requirements for bee hives, location on the lot (rear yard), and screening.

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OPTION 1

ARTICLE V. GENERAL PROVISIONS

5-26.1. Beekeeping. Beekeeping shall be allowed on any lot for which single-family residential is a permitted use (C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD) under the following conditions:

The beekeepers presented 1) below:

A. The number of beehives shall be limited to:

1)

Number of Hives	Lot Size
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8	1 to 3 acres

Or

The PC presented 2) below:

2) a maximum of eight (8) hives per lot;

Or

Chairman Thoms, Jim Graw, Bill Beckwith, and Al Gilbert's recommendation (see 3 below):

3) eight (8) hives per acre with a maximum of 16 hives.

Or

4)

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Staff recommendation:

Hive Density	Lot Size
2	Up to ¼ acre
4	Between ¼ and ½ acre
6	Between ½ and 1 acre
8	1 acre or more

Chairman Thoms, Jim Graw, Bill Beckwith, and Al Gilbert's recommendation (see B. below):

- B. All beehives shall be set back a minimum of 10 feet, as measured from the nearest point of the hive to the property line.

Al Gilbert stated since screening is required he did not see the need for a larger setback.

Staff recommendation (see B. below):

- B. All beehives shall comply with the required setbacks of the applicable zoning district as measured from the nearest point of the hive to the property line.

Dennis Dutton explained staff was recommending compliance with the required setbacks since even a dog house is required to comply with the applicable setbacks.

Jim Graw asked the classification of a dog house and beehive.

Robyn Wilson stated since they are not a single-family dwelling, by default, they would be an accessory structure/use.

- C. A minimum six (6) foot evergreen vegetative screen, at the time of planting, or a solid wall/fence constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, or other architecturally engineered facades which match these materials, shall be provided on all sides to screen the beehives from view.
- D. All beehives shall only be located in the rear yard, or in the case of a corner lot the side yard.

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- E. Hive entrance shall be faced in the direction that will provide the least offensive flyway pattern to the surrounding neighbors.
- F. The beekeeper shall provide and maintain a convenient and adequate supply of water for the bees at all times.
- G. Proper storage of beekeeping equipment, honey supers, or hive debris shall comply with International Property Maintenance Code.
- H. The beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance.

Chairman Thoms stated the proposed amendments consider the benefits of a beekeeping operation and also protect the interest of the adjacent neighbors. He pointed out any use operated in a residential zoning district could have an effect on neighbors.

Jim Graw concurred.

OPTION 2

(This Option would not require any restrictions.)

ARTICLE VI. DISTRICT USE REQUIREMENTS

*Doug Powell supports Option 2.
Staff does not support Option 2.*

In lieu of **Sec. 5-26.1**. Beekeeping as indicated above, amend the EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, PUD-PRD, and C-S zoning districts by adding beekeeping to growing crops and gardens. Below is one (1) example.

Sec. 6-13. R-40 Single-Family Residential District.

- A. *Description of District.* This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- B. *Permitted Uses.* The following Permitted Uses shall be allowed in the R-40 Zoning District:
 - 1. Single-family dwelling;

2. Accessory structures and uses (see Article V.); and
3. Growing crops, gardens, **and beekeeping;**

Doug Powell stressed the importance of beekeeping and stated it should not be regulated. He referenced State Law which states the County shall not prohibit the establishment or maintenance of honeybees in hives. He remarked gardening is a use and there are no restrictions on the number of plants.

Bill Beckwith replied the State Law also states this law shall not be construed to restrict the zoning authority of the County. He said he was in favor of allowing beekeeping but thinks it should be regulated, including setbacks, number of hives, and screening.

Jim Graw concurred.

Dennis Dutton stated, per the County Attorney, beekeeping cannot be prohibited but can be regulated.

Al Gilbert pointed out a church is allowed in a residential zoning district but limitations are required to be met.

Doug Powell asked what would happen if a neighbor complained about a garden being too large.

Chairman Thoms replied gardening stays on the property and bees roam. He asked if the County Attorney had reviewed the proposed ordinance.

Dennis Dutton replied he would be given a copy of the proposed ordinance when it is forwarded to the BOC.

ARTICLE VI. DISTRICT USE REQUIREMENTS

All PC members support said proposed amendment.

Staff supports said proposed amendment.

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

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

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B. *Permitted Uses*. The following Permitted Uses shall be allowed in the A-R Zoning District:

1. Single-family dwelling;
2. Accessory structures and uses (see Article V.);
3. Growing of crops and the on-premise sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premise;
4. Plant nurseries and greenhouses (no sales of related garden supplies); and
5. Raising of livestock; aquaculture, including pay fishing; *apiary (all beehives shall comply with the required setbacks)*; and the sale thereof.

Robyn Wilson asked if the PC wanted to delete the setback requirements.

Al Gilbert stated the setbacks should remain as the A-R zoning district would allow commercial beekeeping.

Doug Powell asked if existing beekeeping location could be “grandfathered.”

Robyn Wilson replied you could not “grandfather” a use which is prohibited.

Chairman Thoms asked if existing beekeeping locations were “grandfathered” how you could clarify the locations.

Robyn Wilson replied she would forward the question to the County Attorney for his ruling.

Chairman Thoms advised the audience to forward any written input to Robyn Wilson who would forward them to the PC and the BOC.

Chairman Thoms thanked the beekeepers for their attendance and input.

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Chairman Thoms asked if there was any further business. Hearing none, Jim Graw made a motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 7:53 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

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

(Note: FTR Gold did not record the audio or log notes. These Workshop Minutes were prepared from input from staff and the PC.)