

BOARD MEMBERS

Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
John H. Culbreth, Sr.
Al Gilbert
Brian Haren

STAFF

Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

AGENDA FAYETTE COUNTY PLANNING COMMISSION MEETING 140 STONEWALL AVENUE WEST April 21, 2016 7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings***

1. Consideration of the Minutes of the Meeting held on April 7, 2016.
2. Pre-Application Meeting for a Planned Unit Development-Planned Residential Development consisting of 212.1 acres located in Land lots 5, 28, 29 & 30 of the 7th District fronting on Ebenezer Church Road and Davis Road.
3. Discussion of A-R Deer Processing and Wedding /Event Facility.
4. Discussion of Hens in Conjunction with Residential Use.
5. Discussion of Solar Farm in PUD-PRL.

THE FAYETTE COUNTY PLANNING COMMISSION met on April 7, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
Al Gilbert
Brian Haren
John H. Culbreth Sr.

STAFF PRESENT: Chanelle Blaine, Planning and Zoning Coordinator
Patrick Stough, County Attorney

STAFF ABSENT: Pete Frisina, Director Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

* * * * *

1. Consideration of the Minutes of the Meeting held on March 17, 2016.

Al Gilbert made a motion to approve the minutes. Arnold Martin seconded the motion. The motion passed 4-0-1. John Culbreth abstained.

2. Consideration of Petition No. 1253-16, Trademark Quality Homes, Inc., Owner, and Moore Bass Consulting, Agent, request to rezone 26.90 acres from A-R to R-50 to develop a Single-Family Residential Subdivision. This property is located in Land Lot 59 of the 7th District and fronts on Ebenezer Road.

Chanelle Blaine reads the petition.

Chairman Graw asked for the petitioner to come forward and present to the board.

Sean Shanks with Moore Bass consulting stated that the request is to rezone 26.90 acres from A-R to R-50. He said that the proposed layout would include 20 one (1) acre lots. He added that these lots would be served by a new public road. He stated that the layout brought to them previously had some lots gaining access off of Ebenezer Road. He said that R-50 is compatible with the surrounding zoning and is consistent with the County's Comprehensive Plan. He added that the R-50 would allow for slightly larger house size (2100 square feet) than the surrounding zonings. He stated that during their review all staff departments recommended approval. He asked the Planning Commission if they had any questions.

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Chairman Graw asked if anyone would like to speak in favor of this petition. Hearing none he asked if anyone would like to speak in opposition.

Mark Shames stated that he has been a resident of Fayette County for almost 29 years and that the petitioner wants to be his neighbor. He said that before Mr. Wingo was the Tax Commissioner Ms. Charlotte Griggs was the Tax Commissioner. He added that he is living on one (1) of her subdivisions. He stated that the first subdivision was Arlington Trace, the second was Hamilton Glen (his subdivision) and the last was Laura Ridge. He said that all of those subdivisions were two (2) acre lots. He asked if we were changing the plans. He stated that Turtle Cove became Longboat Subdivision it has now open Pandora's Box. He asked if we approve the rezoning for this petitioner, can Mr. Cavender come by tomorrow and ask for 50 houses on his 35 acre lot. He said that everything up and down Ebenezer has two (2) acre lots. He added that his neighbor has 50 acre horse farm and asked if he could turn that into a 66 lot subdivision. He asked if anyone would address his concerns.

Al Gilbert stated that the Petitioner will as soon as everybody has voiced their concerns.

Larry Dove said after looking at the overlay for the property it does allow for one (1) acre lots but it also allows for two (2) acre lots. He asked the Planning Commission to reject this application for the one (1) acre lot and instead look at the two (2) acre lot minimum zoning action for this property. He said that Fayette County prides itself on not settling for the least. He added that we demand the best from our schools and services. He said by accepting this one (1) acre minimum they are lowering their standards of the County. He added that once you open up the one (1) acre minimum on Ebenezer Road you won't be able to stop it. He said who's to stop someone else from coming to do lots smaller than one acre. He reiterated his request of asking the Planning Commission to reject the request for one (1) acre lots and instead allow for two (2) acre lots.

Chairman Graw asked if there was anyone else who wanted to speak in opposition. Hearing none the Petitioner came back up with a rebuttal.

Sean Shanks said that when the owner purchased the property he did so believing he could develop one acre lots and is his preference at this point.

Mark Shames said if we hypothetically approve this can I sell one (1) one of my two (2) acres of land.

Chairman Graw brings the decision back to the Planning Commission for discussion.

Arnold Martin asked if there had been any traffic studies done for that area, based on the amount of lots.

Sean Shanks replied that there had not been any traffic studies done by his firm or the owner.

Arnold Martin asked Sean Shanks if there were any thoughts about the traffic impact.

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Sean Shanks said typically on a 20 lot subdivision there is not a massive traffic impact. He added that most municipalities don't require a traffic impact study.

Brian Haren asked if there was any allowance of right of way for that one (1) tract of land that is landlocked.

Sean Shanks replied that the land will have a dedicated easement.

Brian Haren asked if they were going to keep the detention/retention pond with the 20 lots.

Sean Shanks replied yes.

Al Gilbert asked Sean Shanks if they looked at the R-55 option.

Sean Shanks said that the owner mentioned it but would prefer to stay with the R-50 because of the one (1) acre minimum and the 2100 sq. ft. home. He said that the owner is very proud of the product he is going to put in there.

Chairman Graw stated that he is going to bring up the points he brought before the last meeting regarding this zoning. He said that he has look at the map and the different zoning categories on Ebenezer Road. He added that there was a preponderance of A-R and R-70 zoning. He stated that R-70 zoning is two (2) acre lots and that there was a small piece of R-40 which is one (1) acre lots near the southern part of Ebenezer Road. He said that he doesn't feel comfortable with the one (1) acre request whether it be R-50 or R-55. He added that the residents purchased their homes knowing that it was zoned R-70 two (2) acres and assumed that it was going to continue to be two (2) acre zoning. He stated that it is only fair to those people to continue the R-70 zoning. He said the other reason why he feels uncomfortable with the one (1) acre zoning is because it can start a precedent on Ebenezer.

Chairman Graw made a motion to the Board of Commissioners that Petitioner 1253-16 be R-70 with the two (2) conditions that staffs have placed on the property. Brian Haren seconds the motion.

Chairman Graw asked if there was any further discussion.

Al Gilbert replied yes. He said that he agreed with Chairman Graw and Brian Haren when he first received his package, but he noticed that staff recommended approval. He said that when we first did a land use plan that area was land use two (2) to five (5) acres, and strangely it became two (2) to three (3) acre later on. He added that in 2004 the Planning Commission and Board of Commissioners unanimously approved a change in the land use from one (1) to two (2) acres. He stated that if the intent was for it to be two (2) acres, it would have stayed two (2) to three (3) acres, but it's one (1) to two (2) acres. He said that the Planning Commission has honored the land use 98 % of the time. He said that he asked Pete Frisina what would be a reason to turn down a rezoning if it meets the land use. He said that Pete Frisina replied environmental, engineering, or public safety. He added that for this particular rezoning request

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none of these departments come into play, and that's why staff recommended approval for the rezoning. He asked the Planning Commission if they remember the rezoning on Highway 74 South for O-I. He said that behind the property was A-R and estate property on all those lots. He added that across the road was A-R zoning. He stated that it is non-conforming A-R but it's A-R. He said that we voted unanimously to have O-I zoning there because of the land use said that is what is acceptable there. He stated that he doesn't see any difference between the two (2) rezoning's. He said that if we don't agree with the land use then the land use needs to be changed. He reiterated that he doesn't feel comfortable voting against the land use.

Chairman Graw stated that he doesn't think an R-70 zoning violates the land use because it says one (1) to two (2) acres. He said that one (1) acres meets the land use and two (2) acres meet the land use. He added that we are not violating anything with the land use.

Al Gilbert asked why it was changed from two (2) to five (5), to one (1) to two (2) acres.

Chairman Graw stated that he doesn't know what the reason was.

Al Gilbert replied the reasoning being is because of what took place on Highway 54. He said that our opinion at the time was that those roads coming of Highway 54 were going to change, and that's why it was change to one (1) to two (2) acres. He reiterated that if the intent was to be two (2) acres it should have been left along.

Chairman Graw stated that the property that fronts Highway 54 and the property that fronts Ebenezer are two (2) different properties. He said the property that fronts Highway 54 is one (1) acre and the property that fronts Ebenezer Road is five (5) or two (2) acre. He reiterated that both the one (1) acre and the (2) acre meet the land use plan.

Al Gilbert stated that he wasn't talking about the R-40 and R-45 but what was happening on Highway 54. He stated that the roads changed that whole area and that was why they updated the land use plan.

Chairman Graw stated again that he didn't know why we changed the land use there.

Al Gilbert said that Chairman Graw was on the Planning Commission at the time of the update.

Chairman Graw stated that he can't remember back that far. He said that he was looking at what was fair and will not set a precedent for that area. He reiterated that he was very concerned about one (1) acre lots setting a precedent for the area. He added that if you were to do an R-50 one (1) acre what's to stop someone from doing a R-40 one (1) acre, because that meets the land use also.

Al Gilbert stated that the minimum square footage for a home in the R-70 district is 1500, but the R-50 is 2100. He said that he would much rather live next door to a one (1) acre 2100 square foot home as oppose to a two (2) acre 1500 square foot home. He added that he doesn't believe that someone is going to come in and build a 1500 square foot home. He asked the Planning

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Commission if they had looked at the areas where subdivisions had failed this time go around. He said that banks were selling these lots at whole sale prices. He added that there is a risk in developing, and that banks don't hold property they get rid of them. He said if they are sold cheaply the developer may build houses that are 1500 square feet on R-70.

Chairman Graw said that he doesn't recall the Planning Commission recommending rezoning based on house sizes, because if that were the case you would 2100 square foot homes over here and 1500 square foot homes over there and you would have nothing but chaos. He stated that you look at the zoning category whether it is a 40, 50, 55, or 70. He added that you don't consider house size it is a part of the zoning category, and that's what the developer has to meet if that property is zoned a particular category. He reiterated that we don't look at house sizes because if you did we would have a mishmash of zonings all over the place.

John Culbreth said he was of the opinion if the land use permits the classification on the petition here I'm more inclined to be in favor of it. He added if they didn't vote in favor of it they had no solid grounds to stand on should it be appeal to the court.

Brian Haren stated that he was not inclined to support this. He said that he understood that there is a land use plan there and that one (1) acre lots are permitted, but he is looking at the future of Ebenezer Road. He added that he doesn't want to set a precedent there. He stated that he has looked at this County for the past two (2) years and has noticed that the land rush is back on. He said that he is extremely concern about what the City is doing as far as high density housing. He added that he feels it is their responsibility on this to committee to defend the County and the traditional way the County has built its way out. He stated that the County is known for quality housing, good size lots, good quality of life, and good schools. He said that he really does not want to see high density development, which he considered to be one (1) acre or less unless there was no other option or the zoning ordinance says it has to be this way. He reiterated that it was there job to defend the County and did not see R-50 zoning as a good fit down Ebenezer Road. He added that it is better suited as R-70 or to keep it A-R.

Arnold Martin asked what was the thinking behind changing the land use in that area, beside the fact that Highway 54 was expanding.

Al Gilbert replied that the feelings were that Highway 54 was going to become O-I, and it was going to change those areas right of it. He added that it was a unanimous decision from the Planning Commission and the Board of Commissioners. He reiterated that the Planning Commission honors the land use 98% of the time. He added that if he was the Petitioner he would be looking at the land use and what it has historically done and one (1) acre has always been accepted where it has been one (1) to two (2) acres. He said that the only two (2) times they voted against land use was Pinewood Studios, which they quickly came back and change land use and the veterinarian clinic on Highway 54. He reiterated that he has never seen the Planning Commission vote down a zoning that has met the land use.

Chairman Graw said that there is nothing wrong with one (1) acre zoning, but when you have an area with a preponderance of two (2) acre and where you can see that one (1) acre is inconsistent

with that area you should go with the zoning that is a preponderance in that area in order to not set a precedent and that is the reason for my motion.

Al Gilbert calls a question.

Chairman Graw stated that there is a motion and a second on the table to recommend to the County Commission R-70 with the two conditions. He asked Mr. Shanks if he had seen the two (2) conditions.

Sean Shanks replied yes.

Chairman Graw called for the vote. Motion passed three 3-2. He stated that the County Commission has the final say and are the ones that make the final decision. He added that the public can voice their opinions to them at the meeting.

3. Consideration of Petition No. RP-059-16, Revision of the Recorded Plat of Jenkins Cove Phase Two to add two (2) acres to Lot 5. This property is located in Land Lot 42 & 55 of the 7th District and fronts on Adams Road.

Julia Yokum stated she has two (2) acres and has a house built on two (2) in a half acres. She said that bought the two (2) acres 21 years ago and has two (2) tax bills, and thinks it's time to put them together. She added that she would like her house to be on a combined four (4) in half acres.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none, he asked is there anyone who would like to speak in opposition. Hearing none, he brought it back before the Planning Commission.

Al Gilbert made a motion to recommend approval of Petition RP-059-16. Arnold Martin seconded the motion. The motion passed 5-0.

4. Consideration of amendments to the Fayette County Code of Ordinances, Chapter 110., Article VII. - Zoning Board of Appeals, Sec. 110-242. - Powers and Duties.

Chairman Graw stated that the Planning Commission discussed the amendment at the last meeting. He said that currently there is a paragraph that allows them to establish conditions on a vote, but where the paragraph is placed in the Procedures Section only allows for them apply conditions in a specific case. He said that the Planning Commission is planning to take the paragraph and make it a separate standalone paragraph. He added that by moving it, it will allow for the ZBA to place conditions generally and not in specific sections.

Patrick Stough stated that there was one (1) more change and that was to reinstate the limitation on reapplying after the denial of a variance or any other action by the ZBA.

Brian Haren reiterated Patrick Stough saying that it reinstates a limitation on reapplying.

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Al Gilbert stated that it was the same as the Planning Commission.

Chairman Graw said that they didn't have it before.

Al Gilbert said that makes for consistency.

Chairman Graw asked if there was any discussion.

Arnold Martin asked if this was going to be an enhancement to allow you to put such conditions. He added it would be a little bit more specific instead of a yes or no.

Al Gilbert said that Mr. Beckwith could answer this. He said that that sometimes the ZBA has to turn down a variance, but if they could put conditions on it they could approve it.

Bill Beckwith asked Mr. Stough asked if the minimum time was six (6) months.

Patrick Stough replied that it is six (6) months.

Bill Beckwith asked if they could have a longer time limit.

Patrick Stough replied he doesn't think it would allow for that.

Bill Beckwith reiterated that six (6) months is the time.

Patrick Stough said that it is six (6) months and yes it is the minimum.

Chairman Graw asked Bill Beckwith if he had a problem with what has been composed.

Bill Beckwith replied no, and said that the ZBA had an issue at their last meeting and if they would have had the opportunity to establish a condition it would have helped the proponents and opponents to the property. He said that this was definitely an enhancement to the ZBA procedures.

Chairman Graw stated that it gives the ZBA a lot more flexibility. He said that on their last ZBA meeting they wanted to apply conditions but you were not able to.

Bill Beckwith stated that their hands. He said this is an enhancement and allows them to do a better job. He said that the ZBA is in favor of this recommendation.

Chairman Graw asked is there anyone who would like to speak in opposition. Hearing none, he brought it back before the Planning Commission.

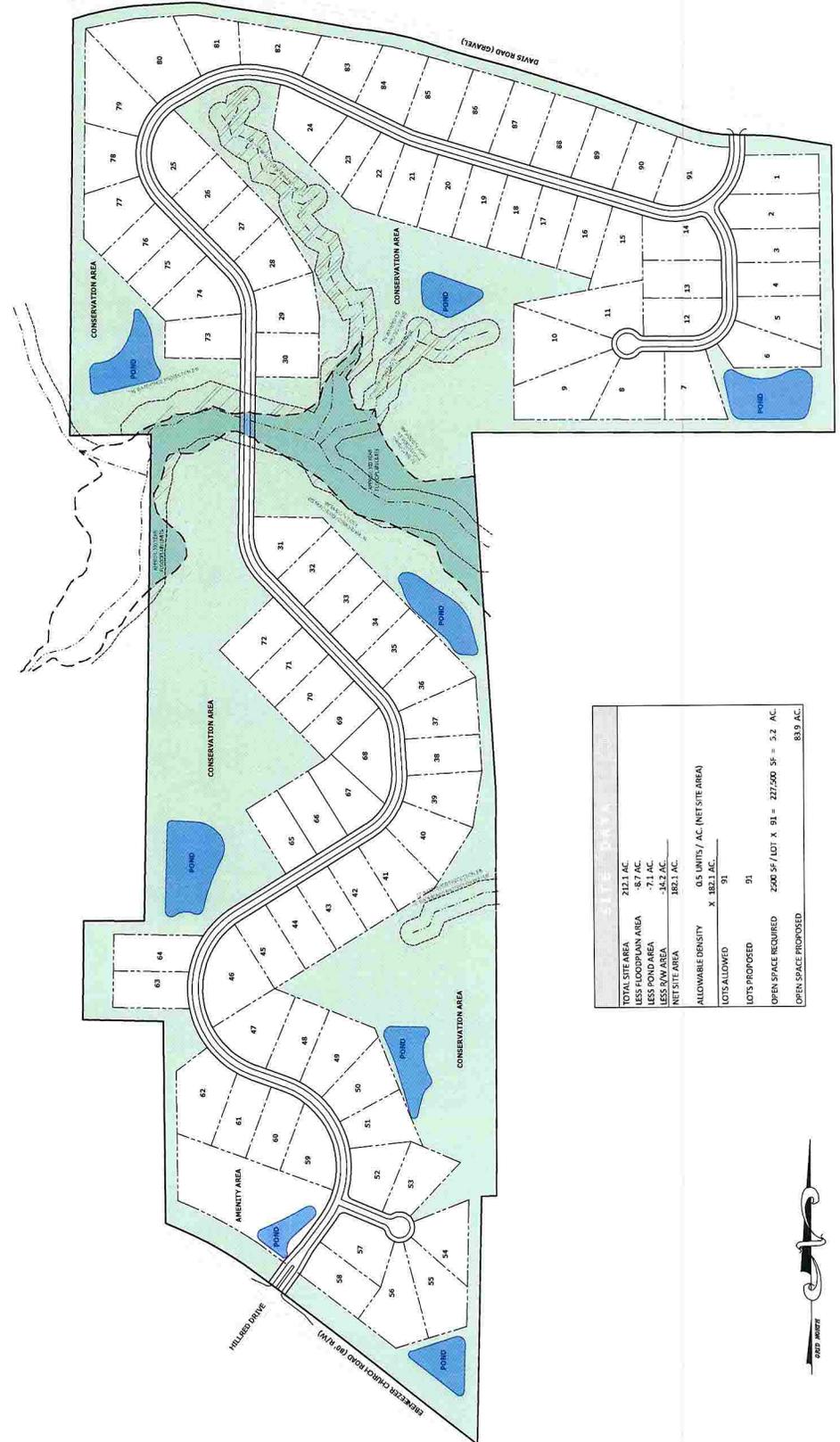
Brian Haren made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 5-0.

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:43 pm.

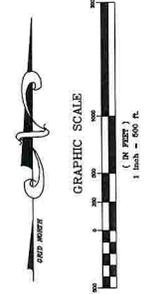
**PLANNING COMMISSION OF
FAYETTE COUNTY**

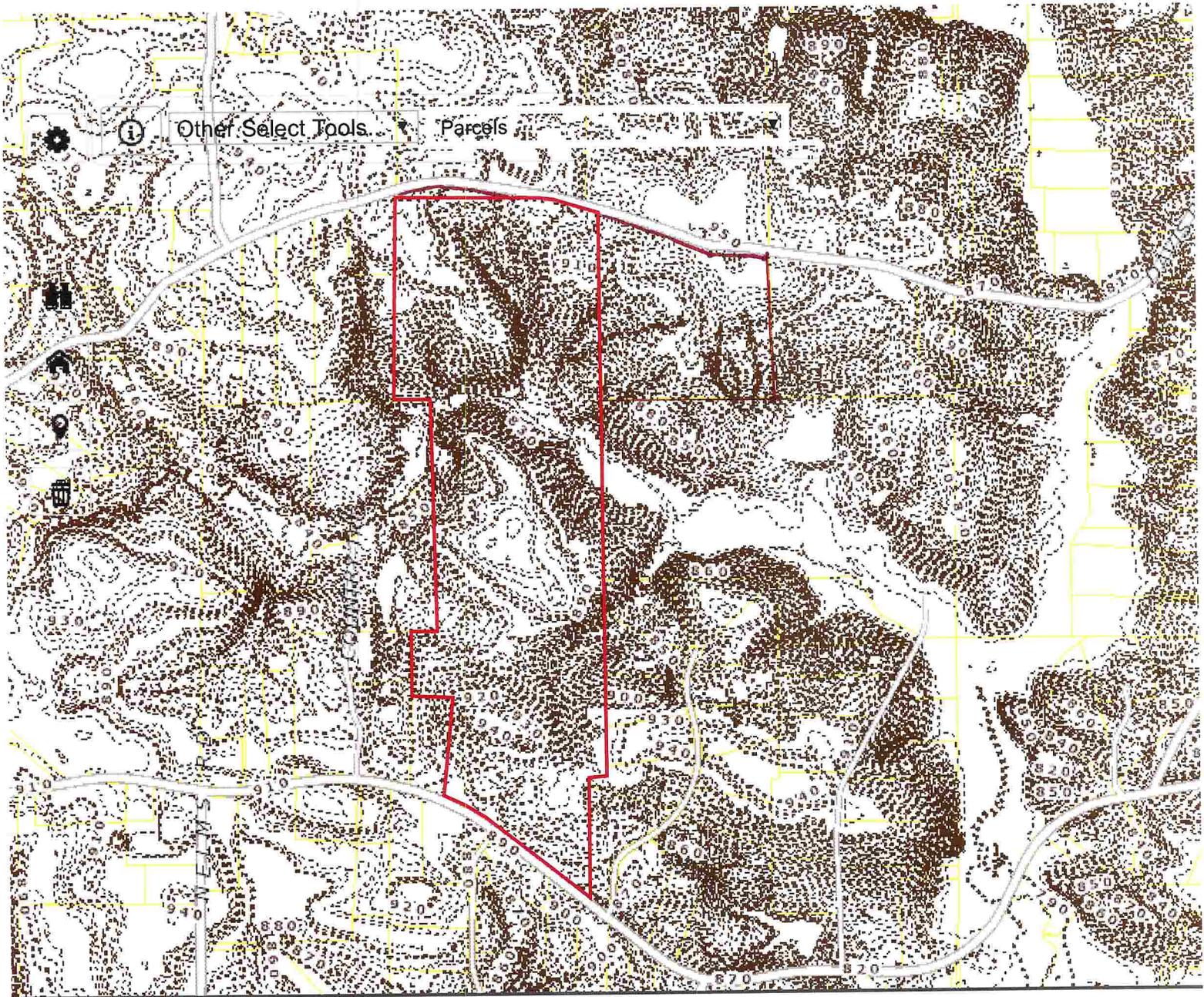
ATTEST:

JIM GRAW, CHAIRMAN

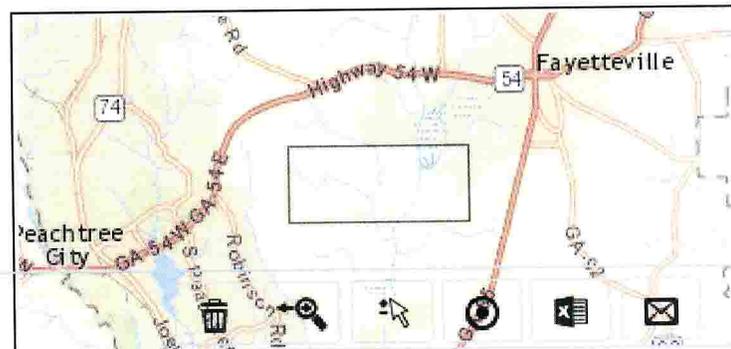


TOTAL SITE AREA	212.1 AC.
LESS FLOODPLAIN AREA	-8.7 AC.
LESS POND AREA	-7.1 AC.
LESS ROW AREA	-25.2 AC.
NET SITE AREA	181.1 AC.
ALLOWABLE DENSITY	0.5 UNITS / AC. (NET SITE AREA)
LOTS ALLOWED	X 91
LOTS PROPOSED	91
OPEN SPACE REQUIRED	2500 SF / LOT X 91 = 227,500 SF = 5.2 AC.
OPEN SPACE PROPOSED	83.9 AC.





1 Results
0.4km
0.3mi



RETURN RECORDED DOCUMENT TO:
DON F. DEFOOR, P.C.
3144 GOLF RIDGE BLVD, SUITE 201
DOUGLASVILLE, GA. 30135

LIMITED
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DOUGLAS

This Indenture made this 22 day of NOVEMBER, 2010 between TMTT INVESTMENTS, LLC of the County of Cobb, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and TSTT INVESTMENTS, LLC, as parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S(\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee,

All that tract or parcel of land lying and being in Land Lot Nos. 5, 28, 29, & 30 of the 7th District of Fayette County, Georgia and being more fully shown as Tract 1, containing 165.19 acres, Tract 2 containing 42.80 acres and Tract 3 containing 4.82 acres per survey prepared for United Community Bank by Landmarx, Inc. certified by Brett Sisson, RLS No. 3158, dated October 8, 2009, and being recorded in Plat Book 46, page 91, records of the Clerk of the Superior Court of Fayette County, Georgia. Said plat and the record thereof being incorporated herein by this reference thereto.

Tract 1 being Tax Parcel No. 0702005; Tract 2 being Tax Parcel No. 0703016 and Tract 3 being tax parcel no. 0703023.

This Deed is given subject to all easements and restriction of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever, claiming by, through or under the Grantor hereon.

IN WITNESS WHEREOF, Grantor has hereunder set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Susan Brad
WITNESS

TMTT INVESTMENTS, LLC
B. Toukan

BY: BASSEM TOUKAN, MEMBER

Don F. Defoor
NOTARY PUBLIC
DON F. DEFOOR
NOTARY
EXPIRES
GEORGIA
FEB. 22, 2014
PUBLIC
DOUGLAS COUNTY

Summary of Intent

Planned Residential Development for Ebenezer Church Rd – 212 acres

1. Owner: TSTT Investments LLC, 1950 Spectrum Circle, Ste 360, Marietta, GA 30067
2. The subject property is proposed for a low density Planned Residential neighborhood with 91 single-family residential lots. Over 80 acres of open space will surrounding the lots and interlace throughout the neighborhood. Stream buffers and floodplain are located well within the undisturbed open space. 95% of lots will have direct access to open space or park/amenity.

Site Date Calculations:

Total Site Area:	212. Acres
Less Flood Plain Area:	-8.7 acres
Less pond areas:	-7.1 acres
Less r.o.w areas:	<u>-14.2 acres</u>
NET SITE AREA:	182.1 acres

Allowable Density in PUD: 1 lot/net acre. 182 lots.

Proposed Density: .5 units/net acre. 91 lots

Open Space Required: 2500 sf/lot x 91 lots – 227,500 sf = 5.2 ac

Open Space proposed: +80 acres.

Front setback: 30'

Side setback: 15'

Rear setback: 30'

Minimum lot size: 1 ac

Minimum house size: 2300 sf

3. The schedule of development will begin with about 30 lots in the first phase. As sales of lots proceed, we will begin the following phase approximately a year before the sale of the last lot in the previous phase. The ultimate schedule will be determined by market forces as they affect lot absorption.
4. The neighborhood will be governed by a mandatory Home Owners Association with recorded covenants which will own and maintain all common area; establish, review, and enforce architectural standards; establish building and property use and maintenance regulations; collect dues for property maintenance, insurance, and property taxes.
5. See attached for legal description, land plan, topography

ZONING ORDINANCE- SECTION 110-3 DEFINITIONS (the following to be added in its entirety to the list of definitions)

Deer processing facility means a facility where deer is processed into various cuts of venison.

ZONING ORDINANCE- Sec. 110-169. - Conditional use approval. (the following to be added in its entirety to the list of Conditional Uses in A-R)

#. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.

1. Minimum lot size: five acres;
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer;
3. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the Department of Natural Resources' "Hunters for the Hungry" program;
4. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see Sec, 110-169, u.);
5. The deer processing facility shall have a current Wildlife Storage Permit from the Georgia Department of Natural Resources, Wildlife Resources Division;
6. The deer processing facility shall have a NPDES Permit, as applicable, from the Environmental Protection Division of the Georgia Department of Natural Resources and said permit shall be filed with the Department of Environmental Management;
7. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the Guidance Document Disposal of Deer Processing Waste from the Georgia Department of Natural Resources, Environmental Protection Division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in Municipal Solid Waste Landfills (MSWL). The burial of any deer processing waste is prohibited;
8. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations. Graveled parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

9. A site plan meeting the full requirements of the Fayette County Development Regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the Fayette County Development Regulations shall be required. The site will be exempt from the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. A site located on a State Route shall comply with the applicable Transportation corridor overlay zone (Sec. 110-173) with the exception of the Architectural standards.

ZONING ORDINANCE- Sec. 110-169. - Conditional use approval. (the following to be amended as follows)

- f. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. Allowed in the A-R zoning district.
 1. Minimum lot size: fifteen acres.
 2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
 3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
 4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
 5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. **A prepared surface is not required for the parking areas. However, any**

parking area with a prepared surface shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized for weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the environmental health department.
9. Food service shall meet all state and local requirements.
10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility.
11. Tents shall require ~~the county fire marshal~~ approval, as applicable ~~of the county fire marshal~~.
12. ~~A site plan meeting the full requirements of the Fayette County Development Regulations is not required.~~ A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. ~~The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable.~~ In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with ~~stormwater requirements~~ of the Fayette County Development Regulations shall be required. ~~The site will be exempt from the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.~~ A site located on a State Route shall comply with the applicable Transportation corridor overlay zone (Sec. 110-173) with the exception of the Architectural standards.

- **Sec. 110-??.** - **Keeping of hens in conjunction with residential use.**

The number of hens allowed per principal dwelling unit is limited to three (3) in the following zoning districts: 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, L-C, M-1, M-2, and BTP. No roosters are allowed. No on-site slaughter is allowed. Hen houses/coops are allowed in side and rear yards only and shall be set back from all property lines a minimum of 50 feet.

EXISTING REGULATIONS

- **Sec. 110-86.** - **Raising and keeping of horses in residential districts.**

The raising and keeping of no more than one horse on a lot consisting of a minimum of three acres and one additional horse for each additional acre shall be allowed on any lot for which single-family residential is a permitted use (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). An accessory structure related to the shelter of horses shall be allowed, as long as, such accessory structure complies with this article. The boarding of horses and commercial riding lessons shall be prohibited.

- **Sec. 110-87.** - **Keeping of animals in residential and agricultural-residential districts.**

The number of animals allowed per principal dwelling unit is limited to three in the following zoning districts: 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, L-C, M-1, M-2, and BTP. One litter of animals of not more than six months of age shall not count toward this limit. The number of animals allowed in the A-R zoning district kept for personal use or hobby breeding is unlimited. A dog house and dog pen/run as regulated in this article and similar open air animal enclosures are allowed in side and rear yards only and shall meet the setbacks of the applicable zoning district.

- **Sec. 110-88.** - **Beekeeping.**

Beekeeping shall be allowed on any lot for which single-family residence 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:

- (1) All beehives shall meet the setbacks for the applicable zoning district.
- (2) The beekeeper shall have 30 days from the time of a complaint to bring the beehives into compliance.
- (3) The on-premises sale of honey produced on the premises shall be allowed. Approval of a home occupation shall not be required.

From: Joel Benton
Sent: Tuesday, April 12, 2016 2:42 PM
To: Steve Rapson
Cc: Pete Frisina
Subject: Concerning CUVA/Zoning Laws for Livestock
Attachments: SKM_C554e16041211020.pdf; SKM_C554e16041211010.pdf

Good afternoon, Steve,

Conservation use property is assessed at 40% of current use value which gives a reduced assessment to the owner of this type property when compared to other property assessed at 40% of fair market value. In return for the favorable tax treatment, the property owner must keep the land undeveloped in a qualifying use for a period of ten years or incur stiff penalties. Eligible Uses shall be used for, but not limited to: Raising, harvesting, or storing crops: Feeding, breeding, or managing livestock or poultry: Producing plants, trees, fowl, or animals: or Production of aquaculture, horticulture, floriculture, forestry, dairy, livestock poultry, and apiarian products. The only Zoning Ordinance that allows livestock/poultry is in AR zoning. All other R zonings will only allow crops.

I have attached the requirements for AR zoning and have also attached the back of the CUVA application asking if the zoning allows for the use you are qualifying for. Any property that is less than 10 acres in size, a taxpayer must submit additional relevant records providing proof of bona fide agricultural use and or the Federal filed Schedule F.

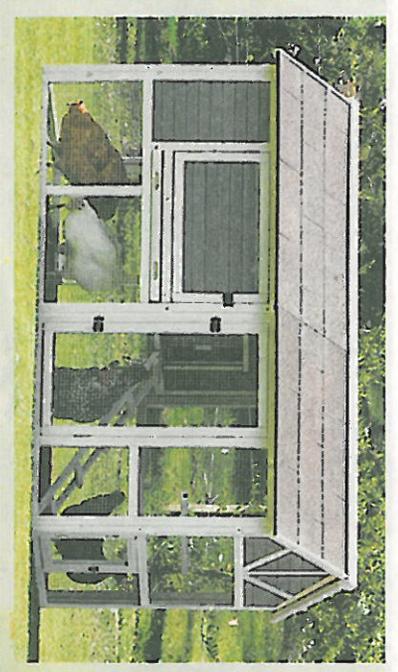
Currently, if you had a 1 - 5 acre tract zoned R-70 you could not be in the CUVA program unless you provided proof that over ½ of the property was used for some type of crop or horticulture/floriculture. If chickens were allowed in any of the R zonings, then the above scenario would qualify them for the reduced assessment if the chickens were allowed to roam over ½ of the property. Just as an example, if you had a house on a 5 acre tract valued at \$300,000 the tax bill would be approximately \$3,900. If they were allowed in the program because they now have chickens, their bill would be approximately \$2,900.

We currently have 588 CUVA parcels receiving the reduced assessment. By allowing any Residential zoning to have chickens, this could possibly open up hundreds (if not thousands – depending on how many obtained chickens) of Residential properties to apply for the reduction as well.

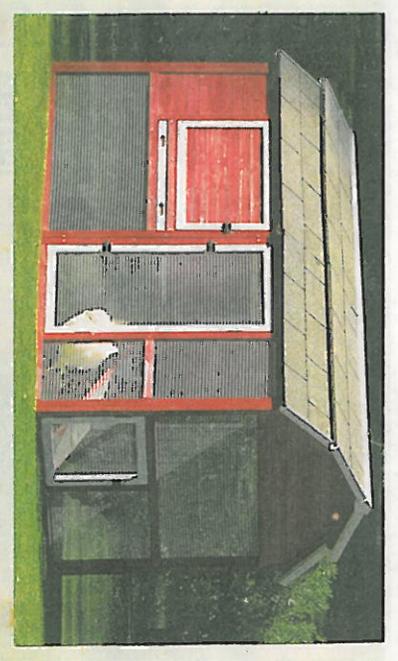
Please let me know if you need any additional information.

Sincerely,

Joel T. Benton
Fayette County Board of Assessors
Chief Appraiser / Director
Phone: 770.305.5272
Fax: 770.305.5405
jbenton@fayettecountyga.gov



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EXPANSION PEN SOLD SEPARATELY

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(f) *Planned retreat and/or lodge.*

(1) *Purpose.* The intent of a planned retreat and/or lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of groups or organizations for the purpose of association, education, therapy, or instruction through conferences, seminars, and/or camps. Food and lodging may be furnished for a definite and temporary period.

(2) *Permitted uses.* The following uses may be proposed in a PRL:

- a. Assembly/meeting facilities (indoor and outdoor);
- b. Dining facilities;
- c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;
- d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools;
- e. Caretaker and/or staff housing: and
- f. **Solar farm.**

In addition, only those uses (permitted and conditional) allowed in the A-R zoning district may be proposed for a PRL. Only those uses approved through the rezoning procedure will be allowed in the PRL.