

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

Sec. 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 a Conditional Use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the Zoning Administrator and approved by the 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 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.)
 - a. The facility shall comply with all licensing requirements of the State of Georgia.
 - b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.

 - 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.
 - a. FAA Air Space Clearance approval for visual flying flight operations and landing areas 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 FAA 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 the property line.
 - 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 all property lines.
 - d. Any on-site 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.)
 - i. FAA Air Space Clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - ii. 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.

- iii. A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
- 3. *Aircraft Hangar.* (Allowed in the A-R, M-1 and M-2 Zoning Districts)
 - a. An aircraft hangar shall comply with all of the above criteria of Article VII, Aircraft Landing Area.
 - b. 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.
 - c. In the A-R zoning district, on lots of less than 10 acres in size, there shall be a maximum of one (1) detached hangar allowed.
 - d. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.
 - e. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - i. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - ii. A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - iii. A detached hangar shall be located to the side or rear of the principal dwelling.
 - iv. 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 9:00 p.m. weekdays and 10:00 p.m. weekends (see County Code.)
 - b. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.
- 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 except during the convalescent period.
- 7. *Automobile, Truck, Farm Equipment, or Motorcycle, Sales and Incidental Repairs.* (Allowed in C-H Zoning District)

- a. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions:
 - i. All activities except sales shall be conducted indoors.
 - ii. No outside storage of equipment or parts shall be permitted.
 - iii. No external loud-speakers allowed.
 - b. 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:
 - i. All repair activities shall be conducted indoors.
 - ii. No outside storage of equipment or parts shall be permitted.
 - iii. All overhead doors shall face the side and/or rear yard or be screened from view from the street per Article V. of the Fayette County Zoning Ordinance or utilizing vegetative materials.
 - iv. All wrecked vehicles stored for repair shall be screened in accordance with Article V.
 - v. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
 - vi. No external loud-speakers allowed.
8. *Automobile Service Station, including gasoline sales and/or inside or outside emission testing, 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 75 feet from a residential or A-R Zoning District.
 - b. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 - c. A dynamometer shall not be utilized in conjunction with outside emission testing.
9. *Campground Facilities.* (Allowed in the 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. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days, provided; however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.
 - c. Campground facilities shall be permitted only on a lot which fronts on a Major Thoroughfare (as defined by the Fayette County Thoroughfare Plan.)
 - d. The lot area shall be at least 10 acres.
 - e. The maximum density shall not exceed four (4) campsites per gross acre.
 - f. A minimum 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 (see Sign Ordinance.)
- g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - i. Front yard: 75 feet
 - ii. Side yard: 25 feet
 - iii. Rear yard: 25 feet
 - h. At least 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:
 - i. Such uses and structures shall be restricted to the use of occupants of the park and their guests;
 - ii. All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.
 - iii. 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.
 - iv. Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
 - v. 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 Major Thoroughfare unless such use is part of a planned development which has access to a Major Thoroughfare.
 - c. A minimum 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:
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 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.
 - g. 24 hour staff shall be required.

- h. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e. hallways, corridors, etc.)
11. *Cemetery. (Human or Pet) (Allowed in A-R and C-H Zoning Districts)* (a Human Cemetery is also allowed in conjunction with a Church or other Place of Worship (see Article VII.)
- a. *Human Cemetery*
 - i. Minimum lot area shall be 10 acres.
 - ii. A crematorium or mausoleum shall be allowed only in conjunction with a cemetery.
 - iii. Grave sites shall be set back at least 50 feet from all property lines.
 - iv. A crematorium shall be set back 300 feet from all property lines.
 - v. A 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*
 - i. Minimum lot area shall be five (5) acres.
 - ii. The remains of only one (1) pet shall be buried in a single gravesite and shall not be stacked one (1) above another.
 - iii. The remains shall be a minimum of three (3) feet below the grade.
 - iv. Cemetery plots shall be of sufficient size to provide for a minimum one (1) foot undisturbed area between graves.
 - v. The owner/operator shall maintain and post a copy of the Cemetery Rules and Regulations and a current burial plot diagram at all times.
 - vi. A pet cemetery shall be maintained in perpetuity via deed restrictions.
12. *Charter Motor Coach Service. (Allowed in C-H Zoning District)*
- a. All motor coaches shall be parked to the rear of the principal structure.
 - b. All motor coaches shall be screened in accordance with Article V.
 - 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 motor coaches.
 - e. On-site maintenance/repairs are prohibited.
13. *Church and/or other Place of Worship. (Allowed in O-I, A-R, 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 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.)
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 75 feet
- e. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, playground, tot lot, 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. General Provisions), 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. 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.)
- 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 (see County Code.)
- 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.
- k. The construction of one (1) open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - i. The pavilion shall be constructed following the construction of the main sanctuary building;
 - ii. The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and

iii. 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 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)

- a. The lot area shall be at least 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. 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.
- d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 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 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 50 feet from any non-residential zoning district.
- 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 shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan.
 - c. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 - d. Underground storage tanks shall be set back at least 20 feet from all property lines.
 - e. The number of gasoline pumps shall be limited to no more than six (6) or a total of 12 pumping stations.
17. *Day Care Facility (Nursery School.)* (Allowed in C-C, C-H, O-I, A-R, and MHP Zoning Districts, and Church and/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 certification 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.
 - 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 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.
 - 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, 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 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 (see County Code.)
 - 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 (see County Code.)
 - f. No activity and lighting permitted after 10:00 p.m.
 - g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings.
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 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 40 according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall meet all requirements of the National Fire Safety Association Code;
 - 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. 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 shall comply with all applicable State and/or Federal licensing requirements.
21. *Farm Outbuildings, including Horse Stables, and Commercial Greenhouses.* (Allowed in the A-R Zoning District)
- a. *Farm Outbuilding.* All structures permitted in this category shall be structures related to 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.

- b. *Commercial Greenhouses.* All structures permitted in this category shall be structures related to a bonafide cultivation or production of landscape planting materials. Commercial greenhouses shall be exempt from architectural standards.
- 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 only shall be permitted; however, a site plan shall be required for these uses. Horse Stables are exempt from architectural standards (see Article V.)
- d. Farm size over 10 acres, no restriction of size of farm outbuildings, commercial greenhouses, and horse stables.
- e. Farm size five (5) to 10 acres, one (1) detached farm outbuilding, commercial greenhouse, or horse stable consisting of a maximum of 1,800 square feet in size.

Farm outbuildings, horse stables, and commercial greenhouses may have plumbing and electricity, but shall not be used for residential purposes. Farm outbuildings, horse stables, and commercial greenhouses shall not be located within 100 feet of the 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.

- 22. *Feed Lot and/or Commercial Barn.* Barns and feed lots shall be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District)
- 23. *Golf Course (minimum 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 Zoning Districts)
 - 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 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, 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 Zoning Districts) The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from non-residential areas and uses.

- a. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All non-resident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
- 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. The on-premise sale of products produced off the premises shall be prohibited.
- d. *Clients/Customers/Students.* The number of clients/customers/students on-premise shall not exceed more than two (2) at a time nor more than a total of eight (8) clients in any one (1) day and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
- e. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
- f. *Number.* No more than four (4) home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
- g. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- h. *Accessory Buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
- i. *Instructions and/or Tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
- j. *Daycare, Child/Adult.* Daycare shall be limited to no more than three (3) children or three (3) adults at any time.
- k. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, 10 feet in height, and/or 8,000 pounds (curb weight.) No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
- l. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premise; on-premise automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; beauty salon, barber shop, rescue squad; on-premise amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing;

fortune teller; palm reader; taxidermy, on-premise welding; on-premise pet grooming; on-premise medical/dental facilities; on-premise repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premise massage therapy.

26. *Horse Quarters in Residential Zoning Districts.* (Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD Zoning Districts)
 - a. Minimum lot size: 10 acres
 - b. Minimum side yard setback: 50 feet
 - c. Minimum rear yard setback: 75 feet
 - d. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.
 - e. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.
 - f. Only one (1) horse quarter structure shall be permitted and shall not be counted as an accessory structure.
 - g. Riding lessons and boarding are prohibited.
 - h. Number of horses (see Article V.)

27. *Horse Show, Rodeo, Carnival, and/or Community Fair.* (Allowed in the A-R and C-H Zoning Districts)
 - a. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year.
 - b. Tents shall require the approval of the Fayette County Fire Marshal.
 - c. Off-street parking shall be required.
 - d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.

28. *Hospital.* (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts)
 - a. Minimum lot size: 10 acres
 - b. Such use shall be permitted only on a lot which fronts on an Arterial Thoroughfare, as designated on the Fayette County Thoroughfare Plan, unless such use is part of a planned development which has access to an Arterial Thoroughfare.
 - c. A minimum 50 foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.
 - d. Minimum setbacks:
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 50 feet
 - e. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed 10 percent of the primary structure floor area. No outside

- advertising is allowed.
- f. Heliport.
29. *Hotel and/or Bed and Breakfast.* (Allowed in the O-I Zoning District)
A minimum 30 foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas may be located within the setback areas.
30. *Junk Yard and/or Auto Grave Yard.* (Allowed in the M-2 Zoning District)
- a. Minimum lot size: 10 acres
 - b. Maximum site area: 25 acres
 - c. A minimum 100 foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.
 - d. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R Zoning Districts.
- Kenel.* (See Animal Hospital, Kennel (Commercial or Non-Commercial) and/or Veterinary Clinic)
31. *Landfill.* (Allowed in the M-2 Zoning District)
- a. Minimum lot size: 20 acres
 - b. A minimum 100 foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 - c. Landfill operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - d. The landfill shall comply with all of the State of Georgia and Federal requirements.
32. *Laundromat, Self-Service or Otherwise.* (Allowed in the C-C and C-H Zoning Districts)
Central water and central sanitary sewage systems are required.
33. *Mining and/or Quarrying.* (Allowed in the M-2 Zoning District)
- a. Ingress and egress to and from the facility shall be via an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - b. A minimum 100 foot buffer shall be required adjacent to residential or A-R Zoning Districts.
 - c. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R Zoning District.
 - d. All activity involving blasting or the operating of machinery shall be limited to daylight hours.

- e. The operation shall comply fully with all of the State of Georgia and Federal requirements.
34. *Non-Emergency Medical Transport Service.* (Allowed in the O-I Zoning District)
- a. The service shall comply with all licensing requirements of the State of Georgia.
 - b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight (8) feet.
 - c. No on-site vehicle maintenance or fueling facilities are allowed.
35. *Outdoor Amusement Facilities, Rides, Structures over 35 feet in height, including, but not limited to Bungee and Parachute Jumping.* (Allowed in the C-H and M-1 Zoning Districts)
- a. Where applicable, all State of Georgia Codes, Rules, and Regulations shall apply. Verification that state requirements are met shall accompany the application for a Conditional Use Permit.
 - b. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 - c. Any structure, ride, etc. erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
 - d. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six (6) foot high fence with a locked gate when the facility is not in use. A four (4) inch sphere shall not be able to pass through any section of the fence or gate.
 - e. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
36. *Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium.* (Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, and C-H Zoning Districts)
- a. Minimum lot size: five (5) acres
 - b. 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. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer.
 - c. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.

- d. Student drop-off and vehicular turn-around facilities shall be provided on the site.
 - e. 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.
 - f. 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.
 - g. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
 - i. The pavilion shall be constructed following the construction of the main school building;
 - ii. The floor area cannot exceed 40 percent of the square footage of the main school building; and
 - iii. 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 40 percent of the main school building square footage.
37. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables.) (Allowed in the A-R Zoning District)*
- a. Minimum lot area: five (5) acres
 - b. All structures shall be set back at least 100 feet from any property line.
 - c. No structure shall exceed 5,000 square feet of floor area (interior measurements.)
 - d. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
38. *Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office. (Allowed in the A-R Zoning District)*
- 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 50 foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.
 - d. Minimum setbacks for structures and use areas.
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 75 feet

- e. 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.
 - f. 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.
 - g. The construction of one (1) open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
39. *Religious Tent Meeting.* (Allowed in A-R, C-C, C-H, and O-I Zoning Districts)
- a. Said meetings shall not exceed 14 days per year at the same site.
 - b. Tents shall require the approval of the Fayette County Fire Marshal.
 - c. Off-street parking areas shall be required.
 - d. All activities shall cease by 10:00 p.m.
40. *Recycling Facility.* (Allowed in the M-1 Zoning District)
- a. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.
 - b. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.
 - c. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 - d. All outside storage areas shall be totally screened according to the Development Regulations. Storage bins can not be a greater height than the screening (see County Code.)
41. *Seasonal Sales, Outdoor.* (Allowed in C-C and C-H Zoning Districts and Church and/or other Place of Worship, see Article VII.)
- a. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R Zoning District, which has a bona fide farming operation, is exempt from seasonal sales requirements;
 - b. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from Article V. Screening Standards, except as provided herein;
 - c. Location of seasonal sales as outdoor display, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;
 - d. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;

- e. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 - f. Off-street parking shall be required;
 - g. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by the Sign Ordinance shall be submitted to the Planning and Zoning Department; and
 - h. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the Conditional Use Permit.
43. *Self-Storage Facility.* (Allowed in M-1 and C-H Zoning Districts)
- a. The maximum size of a storage bay shall be 550 square feet.
 - b. All 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, or similar building materials compatible with the area. The Transportation Corridor Overlay Zone shall apply when applicable.
 - c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 25 feet as measured from the closest part of the structure including any overhang.
 - d. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage shall have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and shall be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angled parking.
 - e. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two (2) foot berm with double the minimum planting requirements.
 - f. All outdoor lighting shall be shielded away from adjacent residential uses.
 - g. No exterior loudspeakers or paging equipment shall be permitted on the site.
44. *Shooting Range, Indoor.* (Allowed in C-H and M-1 Zoning Districts)
- a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation

- indicating compliance with the aforementioned standards shall be submitted with the site plan.
- b. The indoor shooting range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 - c. The indoor shooting range shall meet Section 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.
45. *Shooting Range, Outdoor.* (Allowed in A-R and M-1 Zoning Districts)
- a. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.
 - b. The outdoor shooting range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 - c. The outdoor shooting range shall meet Sections 12-5 (Discharging Firearms) and 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.
46. *Single-Family Residence and accessory structures and/or uses (see Article V.)* (Allowed in the C-C, C-H, L-C, M-1, M-2, O-I, and BTP Zoning Districts)
- a. Said residence shall be a single-family detached residence.
 - b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.
47. *Stadium, Athletic.* (Allowed in the C-H and M-1 Zoning Districts)
The outdoor athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.
48. *Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.* (Allowed in all residential and nonresidential Zoning Districts)
- a. Minimum lot size: five (5) acres
 - b. All structural parts of the facility shall be contained within the boundaries of the lot.
 - c. Telephone, electric, or gas sub-station facilities shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with slat inserts for screening. Access to the facility shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the facility.

- d. If electrical current is present in the telephone, electric, or gas sub-station facility, signs stating "High Voltage" shall be attached to the fence every 20 linear feet.
 - e. A 100 foot undisturbed buffer is required adjacent to all property lines except an administrative office with no outside storage shall be exempt from the buffer requirement.
 - f. A landscaped strip 10 feet in width surrounding the perimeter of the telephone, electric, or gas sub-station facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every 10 feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as telephone, electric, or gas sub-station facilities sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan.
49. *Temporary Tent Sales.* (Allowed in the C-C and C-H Zoning Districts)
- a. Said tent sales shall not be operated longer than 28 calendar days per year;
 - b. Tents shall require the approval of the Fayette County Fire Marshal;
 - c. Off-street parking shall be required;
 - d. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 - e. Location of outdoor sales, as well as, a temporary tent:
 - i. Shall comply with zoning requirements for setbacks.
 - ii. Shall be exempt from screening (see Article V.), except where provided herein.
 - iii. Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.
50. *Transfer Station for Household/Commercial Garbage and/or Recyclable Materials (including processing and handling.)* (Allowed in the M-2 Zoning District)
- a. Minimum lot size: 10 acres
 - b. Transfer station operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - c. The transfer station shall comply with all licensing requirements of the State of Georgia.
51. *Wind Farm.* (Allowed in the M-1 and M-2 Zoning Districts) The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.

Sec. 7-2. Nonconformances.

A. *Nonconforming Lots.*

A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the Zoning Board of Appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.

Creation of a Legal Nonconforming Lot for Enhancements to a Development. Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, tot lots, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs and the preservation of historic and agricultural structures for ornamentation (see Nonconforming Structures.) A tot lot shall only be equipped with playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children. A minimum 15 foot setback shall be maintained for any playground equipment or any historic or agricultural structures utilized for ornamentation. The lot must be labeled: "Not a Building Lot" on the Preliminary Plat and/or the Final Plat, as applicable. The lot shall be under the ownership of the Home Owner's Association, Property Owner's Association, or Developer/Property Management entity, as applicable.

Creation of a Legal Nonconforming Lot for a Legal Nonconforming Cemetery or Burial Ground. The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five (5) feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision plat, and/or site plan, as applicable. A minimum 20 foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the Board of Commissioners of Fayette County, shall meet the minimum lot size, lot width, and road frontage requirements of this Ordinance, except as otherwise provided herein. Combination or division of lots to achieve compliance with said requirements, shall be accomplished as a condition of rezoning approval.

Consideration for the Rezoning of Legal Nonconforming Lots. Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:

1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the Zoning Board of Appeals shall be required.

B. *Nonconforming Uses.*

Nonconforming Open Uses of Land. Any legally existing open uses of land which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a County initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses consist of storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.

1. When a legal nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
2. Legal nonconforming open uses of land shall not be changed to any use but conforming uses.
3. A legal nonconforming open use of land shall not be enlarged to cover more land.
4. When any legal nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Nonconforming Use of a Structure. Any legally existing use of a structure which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a County initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure. Said uses shall be governed by the following restrictions:

1. A legal nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
2. A legal nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
3. A legal nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
4. When any legal nonconforming use of a structure is discontinued for a period in excess of six (6) months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Request for Change of the Legal Nonconforming Use of a Structure. The Zoning Board of Appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

Request for Extension or Enlargement of the Legal Nonconforming Use of a Structure. The Zoning Board of Appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the Board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the Board that:

1. The use is a legal nonconforming use as defined in these regulations;
2. The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
3. The extension of said legal nonconforming use will not further injure a permitted use on adjacent property in the same zoning district.

Continuance of a Legal Nonconforming Use. The Zoning Board of Appeals may allow a legal nonconforming use to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Zoning Board of Appeals that:

1. The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and
2. Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
3. Adjacent property would not be unduly damaged by such continuance; and
4. The use is to be identical to the prior legal nonconforming use.

C. *Nonconforming Structures.*

Nonconforming Structures. Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a Request for a Variance (Article IX.) shall be considered.

Restoration and Re-Use of Nonconforming Historic Structures. Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:

1. The structure and previous use shall be identified in the Architectural Survey of Fayette County. The re-use of the historic structure will be subject to the regulations of the Nonconforming Use of a Structure (Article VII.)
2. The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this ordinance is subject to approval of the Zoning Board of Appeals.
3. Areas of consideration for approval of such a request include, but are not limited to:
 - a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.

Use of Historic Residential Structures and Agricultural Structures in Residential Subdivisions. The preservation of historic residential structures listed in the Architectural Survey of Fayette County and agricultural structures are allowed in residential subdivisions to preserve the character of Fayette County as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The use of these structures will be subject to the approval of the Zoning Board of Appeals in terms of any nonconformance with the applicable zoning district.

Reconstruction of Legal Nonconforming Structures. When a legal nonconforming structure is damaged by fire, flood, wind or act of God, such structure may be reconstructed as a legal nonconforming structure only if the cost of reconstruction totals less than 75 percent of the current fair market value of the structure for tax purposes. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a Certificate of Occupancy (per applicable International Residential Code and International Building Code.) The "value of the structure" shall not include the value of any accessory building, well, septic tank, or utility in determining the extent of the damage.

Maintenance or Repair of Legal Nonconforming Structures. The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes, the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a Certificate of Occupancy (per applicable International Residential Code and International Building Code.)

A property that is improved with an existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure and allowed to remain within the setback. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

A property that is improved with an existing structure, which would become nonconforming in terms of the architectural requirements within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a Transportation Corridor Overlay Zone regarding enlargement of an existing nonconforming structure.

A property that is improved with an existing structure, which would become nonconforming in terms of the maximum height limits within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.

A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

A property that is improved with accessory structures, which would become nonconforming in terms of the accessory structure requirements within the Zoning Ordinance, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

Illegal Nonconforming Uses. Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of this ordinance, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the Official Zoning Map of Fayette County.

Sec. 7-3. Changes in Zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the County or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of Article VII.

Sec. 7-4. Illegal Nonconforming Uses.

Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the date of November 13, 1980, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the Official Zoning Map of Fayette County.

Sec. 7-5. Transportation Corridor Overlay Zone

For the purposes of Section 7-5., a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

A. *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.

1. *The purpose of the SR 54 West Overlay Zone is to achieve the following:*
 - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and

- c. To protect the aesthetics for existing and future residential areas in this Highway Corridor.
- 2. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations (see County Code.)
- 3. *Dimensional Requirements.*
 - a. All impervious surfaces, other than approved access drives, shall be located at least 50 feet from the State Route right-of-way.
 - b. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
 - d. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of 10 feet from the side property line.
- 4. *Architectural Standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the Site Plan:
 - a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
 - b. *Gasoline Canopy.* Gasoline canopies shall also comply with the following requirements:
 - i. Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3” to 12” to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.
 - ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - iii. The support columns for the gasoline canopies shall match the façade of the convenience store.
 - iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 - c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);

- d. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco); and
- e. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
- f. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption. When an existing nonconforming structure is enlarged by more than 50 percent the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards. This exemption shall expire January 24, 2015, seven years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

Note: (These architectural standards shall exclude the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road)

5. *Architectural Option.*

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

6. *Landscape Requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
 - a. *Street Frontage.* Landscape area: 50 feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) may be located anywhere within the landscape area.
 - b. *Side Yard Landscape Area:* 10 feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
 7. *Use of Existing Structure:* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
 8. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 9. *Special Locational and Spatial Requirements.*
 - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site.
 - b. No outside storage allowed.
 - c. All heating, ventilation and air conditioning (HVAC) equipment and satellite/communications equipment shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR54.
- B. *SR 85 North Overlay Zone.* All property and/or development within 1,000 feet of the right-of-way of SR 85 North with nonresidential use or zoning shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.
1. *The purpose of the SR 85 North Overlay Zone is to achieve the following:*
 - a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle.

- b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 - c. To protect the aesthetics for existing and future development in this highway corridor.
2. Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations.
3. *Dimensional Requirements*
- a. All impervious surfaces, other than approved access, shall be located at least 50 feet from the right-of-way of SR 85 North and a minimum of 10 feet from the side property lines
 - b. *Setbacks will be as follows:*
 - i. *Front yard setback on State Route 85 North:* 100 feet
 - ii. *Gasoline Canopy:* Front yard setback on State Route 85 North: 85 feet
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height and shall be placed to the inside of the applicable buffer.
4. *Architectural Standards*
- a. All buildings of which any portion of said building is constructed within 1,000 feet of the right-of-way of S.R. 85 North shall be constructed of brick/brick veneer, fiber-cement siding (ie: Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), and/or wood siding. (Amended 03/22/07)
 - b. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - c. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption. When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards. This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.
5. *Landscape Requirements:*
In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. *Street Frontage. Landscape area:* 50 feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The

remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) may be located anywhere within the landscape area.

- b. *Side Yard Landscape Area.* 10 feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
7. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
8. *Special Locational and Spatial Requirements.*
 - a. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - b. All heating, ventilation and air conditioning (HVAC) equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - c. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- C. *General State Route Overlay Zone.* All property and/or development which have road frontage and/or access on State routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This Overlay Zone specifically excludes SR 54 West, SR 85 North, and SR 74 North for which other Overlay Zones have been established herein. The Architectural Standards of this Overlay Zone Specifically excludes the L-C zoning district, for which other architectural standards have been established.
 1. *The purpose of the General State Route Overlay Zone is to achieve the following:*
 - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - b. To protect existing and future residential areas near highway corridors; and

- c. To protect the aesthetics for existing and future residential areas in this highway corridor.
- 2. Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations
- 3. *Dimensional Requirements.*
 - a. All impervious surfaces, other than approved access drives, shall be located at least 50 feet from the State Route right-of-way.
 - b. Front yard setbacks on all other State Routes for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
- 4. *Architectural Standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the Site Plan.
 - a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
 - b. *Gasoline Canopy.* Gasoline canopies shall also comply with the following requirements:
 - i. Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3” to 12” to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.
 - ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - iii. The support columns for the gasoline canopies shall match the façade of the convenience store.
 - iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 - c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.
 - d. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing

consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (i.e.: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco.)

e. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.

f. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

5. *Architectural Option.*

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

6. *Landscape Requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:

a. *Street Frontage.* Landscape area: 50 feet in depth along State Route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance

with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) may be located anywhere within the landscape area.

- b. *Side Yard Landscape Area.* 10 feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
7. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
8. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
9. *Special Locational and Spatial Requirements.*
 - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site.
 - b. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - c. All heating, ventilation, and air conditioning (HVAC) equipment and satellite/communications equipment shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a State Route.
- D. *S.R. 74 North Overlay Zone.* All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton County line to achieve the goals of the SR 74 North Overlay District contained in the Fayette County Comprehensive Plan.
 1. *Purpose.* The purpose of the SR 74 North Overlay Zone is to achieve the following:
 - a. To maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.

2. *Access.*

- a. *West Side of SR 74 North Access and Internal Roadways.* An internal collector road connecting all three of the large tracts identified in the Fayette County Comprehensive Plan, in the SR 74 North Overlay District properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated County will be limited to one (1) right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road.

The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the County Engineer.

- b. *East Side of SR 74 North Access and Internal Roadways.* To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive shall be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the Fayette County line. Within Fayette County this service drive will extend from the Fulton County line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially zoned properties along SR 74 shall be accessed via a public road built to County standards and dedicated to the County. Those affected properties are identified and addressed in the Fayette County Comprehensive Plan.

- c. *West Side of SR 74 North Multi-use Path System.* In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three (3) of the large tracts identified in the Fayette County Comprehensive Plan, in the SR 74 North Overlay District, and will be constructed in conjunction with the roads. Said multi-use path system shall connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line.

On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a 10 foot wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in

the right-of-way will be made by the Division of Public Works.

3. *Dimensional Requirements.*
 - a. All impervious surfaces, other than approved access, shall be located 50 feet from the State Route right-of-way.
 - b. *Front yard setback on S.R. 74 North:* 100 feet
 - c. *Berms for nonresidential zoning districts:* Berms, when required as a condition of zoning, shall be a minimum of four (4) feet in height.
4. *Architectural Standards.*
 - a. *West Side of SR 74 North Architectural Standards:*
 - i. All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or any architecturally engineered facades which simulate these materials.
 - ii. The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - iii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.
 - iv. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
 - b. *East Side of SR 74 North Architectural Standards:*
 - i. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta:
 - ii. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - iii. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or

place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);

- iv. The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the primary structure on the property including the roof pitch.

5. *Landscape Requirements:* In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

- a. *Street Frontage.* SR 74 (Major Arterial) - Landscape area: 50 feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) may be located anywhere within the landscape area.
- b. *Side Yard Landscape Area.* 10 feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

6. *Lighting.*

- a. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
- b. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of 10 feet in height within non-vehicular pedestrian areas.

7. *Additional Requirements.*

- a. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
- b. All roof top HVAC equipment and satellite dish antennas shall be visually screened from adjacent roads and property zoned A-R or residential. The screen shall extend to the full height of the objects being screened.
- c. Bay doors shall not be allowed to directly face SR 74 North.
- d. All utilities shall be underground.

8. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional

requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

Sec 7-7. Commercial Development Standards.

- A. Architectural and site design standards and guidelines for structures 5,000 square feet or greater (this applies to a single structure) that are located in the area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District.)
1. *Lighting:*
 - a. *Consistency.* Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
 - b. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways or nearby residential areas.
 - c. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of 10 feet in height within non-vehicular pedestrian areas.
 - d. *Design standards.* Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent and neon, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.
 2. Service Function Areas (SFA's) including, but not limited to loading, storage, mechanical equipment, and solid waste disposal.
 - a. *Buffering and screening standards.* Loading areas or docks, trash collection/compaction/ recycling, mechanical equipment, vehicular storage (excluding new and used cars), roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level.
 - b. *Materials and design standards.* Screening material and design shall be consistent with design treatment of the primary facades of the structure on site.
 3. *Drive-through lane standards:*

Drive-through windows shall not be placed between the building and a public road right-of-way.
 4. *Pedestrian access standards:*
 - a. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to all parking areas and out lots. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within required landscape

areas, provided the landscape area is not less than 10 feet in width on average. Shared pedestrian walkways are required between adjacent projects.

- b. *Pedestrian crosswalks at building perimeter.* Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
 - c. *Minimum dimensions.* Pedestrian walkways shall be a minimum of five (5) feet wide.
 - d. *Materials.* Pedestrian walkways and crosswalks shall be consistent with the provisions of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.
5. *Building design:*
- a. *Building orientation standards.* Facades/elevations that are visible from an arterial or collector street constitute an affected facade. Any facade that fronts on a right-of-way shall have two (2) of the following design features;
 - i. Windows at a minimum of 25 percent of the affected facade. All doors and windows shall be divided or made to appear as if divided into more than two (2) smaller panes either through framing or the use of mullions.
 - ii. Projected covered public entry with a minimum of 25 percent of each projected wall space devoted to windows. (This figure is non-cumulative.)
 - iii. Covered walkway (excluding canvas type) provided with six (6) inch columns or better, attached to the building at a minimum extension of eight (8) feet wide. The walkway shall be a minimum of eight (8) feet in height with a maximum of 10 feet in height and shall extend the full length of the affected facade.
 - iv. Canopies/awnings of a fixed nature.
 - b. *Facade/wall height transition.* New developments that are located within 300 feet of an existing building and are more than twice the height of, or are half of the height of, or less than any existing building shall provide transitional massing elements to transition between the existing buildings of lower height within 300 feet, and the proposed development. Any building that is more than two (2) stories shall have massing for any possible future neighboring development.
 - c. *Facade standard.* All buildings shall be designed with consistent architectural style. In the case of out lot buildings, all exterior facades shall adhere to the requirements of this section with respect to architectural design treatments for all facades. All exterior facades shall be designed to employ the following design treatments:
 - i. All buildings shall maintain a facade of brick, stone, or stucco.
 - ii. Windows shall not appear to be false or applied.

- iii. No horizontal length and/or uninterrupted curve of a building facade or roofline shall exceed 25 linear feet and shall have architectural elements along a minimum of 50 percent of their horizontal length per affected side. These features include, but are not limited to: display windows; projected entry areas; and/or other such design elements as proposed by the architect.