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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: Thursday, January 24, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions and Article V. General Provisions, Section 5-10. Accessory structures and Section 5-11. Guest House.

Background/History/Details:

VC Herb Frady presented discussion before the B.O.C. on April 4, 2007, to review accessory structures. Proposed amendments include: requirements for number/size of accessory structures; requirements for location/height of a detached garage in the front yard; clarification of orientation of house and primary/secondary front yards; additional accessory uses/structures; exempt recreational court from counting as accessory use; clarification how the upper level space is measured toward total square footage; pull-down stairs vs. permanent; establishment of architectural standards; add covered patio or covered deck, detached and pool screened enclosures as accessory structures; measure setbacks for pool/pool accessories.
Definitions: Amend definitions for cabana; add definition for covered patio or covered deck, detached and pool screened enclosures.
On 12/05/07, the BOC instructed Staff to advertise the proposed amendments for the January Public Hearings.

What action are you seeking from the Board of Commissioners?

The proposed ordinance has been reviewed by the County Attorney.
Final Vote by the Board of Commissioners.

P.C. recommended approval (5-0).

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

- ○ Finance Review Complete
- ○ Purchasing Review Complete
- ◉ Legal Review Complete
- ◉ Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Thursday, January 24, 2008

- ○ Recognition/ Presentation
- ◉ Public Hearing
- ○ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

8. <u>Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions and Article V. General Provisions, Section 5-10. Accessory structures and Section 5-11. Guest House as presented by the Planning & Zoning Department.</u>

Dennis Dutton advised that Staff had been working on the proposed amendments since April, 2007. He added that the proposed amendments had been reviewed by Attorney Don Comer and Attorney Scott Bennett.

Chairman Powell asked if there were any public comments. Hearing none, he closed the floor from public comments.

Jim Graw made a motion to approve the proposed amendments. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO. 2008 - _____

AN ORDINANCE TO AMEND THE FAYETTE COUNTY ZONING ORDINANCE (1980), AS AMENDED, SPECIFICALLY ARTICLE III (DEFINITIONS) SO AS TO AMEND AND ADD TO CERTAIN DEFINITIONS SET FORTH THEREIN; TO AMEND SECTIONS 5-10 AND 5-11 OF ARTICLE V (GENERAL PROVISIONS); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section I. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by deleting the definition of Cabana (Pool Cabana), and in lieu thereof, enacting a new definition of Cabana, adding the definitions of Covered Patio or Covered Deck, detached and Swimming Pool Screened Enclosure, amending the definition of Building Line, Front, and deleting the definition of Building Line, Minimum to read as follows:

Building Line, Front. A line running between the side property lines as parallel as possible to the street which touches the nearest point of the principal structure to the street.

Building Line, Minimum. Delete in its entirety.

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond commonly containing a changing area, and/or seating area, and/or a restroom.

Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

Section II. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by deleting Section 5-10 (Accessory uses and structures) in its entirety, and in lieu thereof, enacting a new Section 5-10 (Accessory structures) to read as follows:

5-10. Accessory structures and uses.

A. The following accessory structures and uses are permitted in A-R and all residential zoning districts. Farm outbuildings and greenhouses are regulated as Conditional Uses under Article VII. and shall be allowed in the A-R Zoning District only.

1. Well, well/pump house;
2. Guest house;
3. Greenhouse (for private use);
4. Swimming pool, pool deck, pool equipment enclosure, and pool screen enclosure;
5. Garage;
6. Recreational court;
7. Gazebo;
8. Cabana, covered patio, and covered deck;
9. Storage building; and
10. Carport.

B. Structure Limitations. Construction of an accessory structure shall occur concurrently with or after the construction of the principal structure. Accessory structures shall not be used as dwelling units or for lodging purposes, except a guest house.

C. Number and Size. The number and size of accessory structures shall conform to the requirements described herein.

1. Accessory structures shall be limited to one (1) of the following options:

a. Two (2) accessory structures, per individual lot, with each accessory structure not to exceed 900 square feet of floor area. One (1) of these accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or

b. One (1) accessory structure, per individual lot, not to exceed 1,800 square feet of floor area, or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or

c. Two (2) accessory structures per individual lot consisting of a freestanding guest house (not to exceed 700 square feet of heated and finished living space) and an accessory structure which may not exceed 1,100 square feet of floor area.

2. At least fifty (50) percent of the square footage of an accessory structure shall be fully enclosed, except as otherwise provided in Section 5-10. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.

3. A well/pump house consisting of seventy (70) square feet or less, swimming pool, recreational court, aircraft hangar (see Article VII.), farm outbuilding (see Article VII.), greenhouse (see Article VII.), and accessory structures incidental to commercial and industrial uses shall not be included in determining the number of accessory structures provided herein.

4. Total Square Footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure: a) the upper level space is accessed by permanent stairs and b) that portion of the upper level space where the ceiling width, measured at least seven (7) feet in height, is more than fifty percent (50%) of the ceiling width measured at least five (5) feet in height.

D. Location on Lot. Accessory structures shall conform to the dimensional requirements within each zoning district. No structure shall be located in the front yard except: a detached garage (see 1. and 2. below for requirements); well/pump house consisting of seventy (70) square feet or less; or farm outbuildings and greenhouses located in an A-R Zoning District, where the lot consists of five (5) acres or more. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory

structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.

1. Detached Garage located in the Front Yard of a Single Frontage Lot and a Through Lot. A detached garage located in the front yard shall meet the following requirements:

   a. Shall not exceed 900 square feet of floor area;

   b. Located no more than thirty-five (35) feet from the principal structure;

   c. Not exceed twenty-three (23) feet in height;

   d. No more than fifty percent (50%) of the footprint of the garage may be located beyond the front building line of the principal structure;

   e. The width of the portion of the garage facing the street shall not exceed sixty percent (60%) of the width of the principal structure; and

   f. No portion of the garage may be located directly between the principal structure and the street.

2. Detached Garage Located in the Front Yard of a Corner Lot.

   a. Primary front yard. The location of the front door of the principal structure shall establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a Single Frontage Lot; and

b. Secondary front yard. Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:

(1) Shall not exceed 900 square feet of floor area;

(2) Located no more than thirty-five (35) feet from the principal structure; and

(3) Not exceed twenty-three (23) feet in height.

3. Architectural Standards for a Detached Garage located in all front yards. The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the building permit application:

a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to, roof pitch, roof facade, facade, residential windows, and residential doors.

b. The garage shall have at least one (1) opening for vehicular access.

c. A separate electrical meter is not permitted, unless otherwise required by the power company providing service to the property.

d. The garage shall be connected to the principal structure by at least one (1) of the following:

(1) An attached or detached breezeway. Said breezeway shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached breezeway shall be constructed within six (6) inches of the principal structure and the garage; or

(2) An attached raised deck. Said attached raised deck shall be a minimum height of fifteen (15) inches. The deck shall have a minimum width of six (6) feet. Said deck shall have guard rails measuring a minimum of three (3) feet in height; or

(3) An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached pergola shall be constructed within six (6) inches of the principal structure and the garage.

E. Guest Houses. Only one (1) guest house is allowed per individual lot. Any living area included in an accessory structure is a guest house. A guest house shall not be used as tenant space.

1. Size. A guest house shall not exceed 700 square feet of heated and finished living space.

F. Architectural Standards. All accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a gable, hip, or gambrel roof only, with a minimum pitch of 4 1/2" in 12", and a façade of fiber-cement siding, wood siding, wood textured vinyl siding,

brick/brick veneer, rock, stone, cast-stone, stucco, synthetic stucco, or finished/baked enamel aluminum siding. Elevation drawing denoting compliance must be submitted as part of the building permit application.

G. Temporary Accessory Storage. Portable on demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one year. Portable on demand storage units are defined as any container, storage unit or other portable structure, other than an accessory building or shed complying with all building codes used to store household items. Only two (2) portable on demand storage units are allowed per lot.

H. Carport. The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.

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

J. Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure. The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material.

K. Nonconformance. All accessory structures or uses which had a building permit issued prior to January 24, 2008 (the adoption date) are legally non-conforming and shall be

allowed to be maintained and rebuilt to current size and in the existing location. All accessory structures or uses permitted after January 24, 2008 (the adoption date) must comply with the current requirements.

Section III. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by deleting Section 5-11. (Guest House) in its entirety, and in lieu thereof, enacting a new Section 5-11. (Reserved).

Section IV. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder of this enactment shall remain in full force and effect.

Section V. All laws, ordinances, and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section VI. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this 24th day of January, 2008.

FAYETTE COUNTY BOARD
OF COMMISSIONERS

_____
Jack Smith, Chairman

ATTEST:

_____
Carol Chandler, Clerk