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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 VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural

Background/History/Details:

Standards.

On June 6, 2007, the B.O.C. instructed Staff to begin review of the architectural standards within the Transportation Corridor Overlay Zone. On September 6, 2007, the P.C. recommended approval (3-1) of the proposed amendments. On September 27, 2007, the motion by the B.O.C. failed 1-4. On November 7, 2007, the B.O.C. instructed Staff to revisit the proposed amendments, but wanted clarification, in particular in relation to the sunset provision. On December 5, 2007, the B.O.C. 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? Yes

If so, when? Thursday, September 27, 2007

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

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. S.R. 54 WEST OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS; B. S.R. 85 NORTH OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS; AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS AS PRESENTED BY THE PLANNING & ZONING DEPARTMENT:

Director of Community Development Pete Frisina asked for the Board's consideration for the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Standards; and C. General State Route Overlay Zone, 4. Architectural Standards. He said Staff recommended approval and the Planning Commission recommended approval (3-1).

Mr. Frisina further remarked that this was an issue that had been brought before the Board at its Workshop meeting held in June. He said staff was given permission to work on this issue and brought back its findings to the Board at its August Workshop meeting. He said the County currently had overlay zones on its highways that require certain architectural characteristics to the buildings that would be built there for non-residential development. He said there were also buildings in those corridors that were built prior to the overlays that were put into place so they did not meet the architectural requirements. He said the proposal would allow anyone to get a one time expansion of those buildings as long as the expansion plus the additional part of the building did not comprise more than 50% of the structure, it could maintain the same facade and design of the structure there that was non-conforming. He said if the addition comprises more than 50% of the total structure, then staff would require the entire structure to be brought into architectural compliance. He said this was for a one time expansion. He said each of the overlays would then allow that. He said the overlays included the S.R. 54 West overlay, S.R. 85 North overlay and the general State Route Overlay that covers all of the other highways.

Chairman Smith asked if the Board had any further questions. Hearing none, he asked if anyone wished to speak in favor of these changes. Hearing none, he asked if anyone wished to speak in opposition to these

changes. Hearing none, he declared the public comment section closed. He asked for the Board's pleasure in this matter.

Commissioner Frady felt this was a reasonable change for the overlay zones and a positive step for business owners.

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards, B. S.R. 85 North Overlay Zone, 4. Architectural Standards, and C. General State Route Overlay Zone, 4. Architectural Standards, discussion followed.

Commissioner Horgan asked Mr. Frisina when somebody makes this addition and it uses up more space than their parking lot would this be noted.

Mr. Frisina replied that any addition would have to go through a full site plan and staff review. He said staff would have to make sure than in lieu of the expansion that the site would still meet all of the minimum requirements.

Commissioner Horgan clarified that regardless of whether it was 50% or larger, they would still have to go to the Planning Department for approval even if it was for a 25% increase.

Mr. Frisina remarked that was correct. He said any improvements made to a non-residential site would require either an update or a site plan if there was not one.

Commissioner Horgan asked if this would apply to something as minimal as painting.

Mr. Frisina replied no, and remarked that it would not require a site plan unless there were enlargements being made.

Chairman Smith said he would like to make three comments. He said (1) he did not really like the language. He felt it was somewhat cumbersome. He asked if this item had been through legal review.

Interim County Attorney Don Comer indicated that it had not been through legal review.

Chairman Smith said (2) he wanted to be sure that everyone understood that where it stated that the addition comprised 50% that referred to 50% of the total square footage which was considered a 100% addition to the building. He said the building size could be doubled.

Mr. Frisina said staff meant that based on the plans of the expansion taking both the addition and the existing portion of the building together that the expansion could not comprise more than 50% of that total square footage.

Chairman Smith asked if that would be 100% addition to the original structure.

Mr. Frisina replied yes it would be doubling the size of the structure.

Chairman Smith clarified that was the intent that the size of the structure could be doubled.

Mr. Frisina responded yes without having to bring it into architectural compliance. He said if the structure more than doubled in size then the entire structure would have to be brought into compliance.

Chairman Smith said his (3) comment was that this appeared to be somewhat open ended. He expressed concern that by not putting some kind of a sunset on this issue that once one of these corridors possibly the S.R. 54 West corridor was predominantly developed in O-I, then would the County really want to be able to double the size of a non-conforming structure. He questioned if staff should look at this issue from the standpoint of whether there was a date certain in the future that stated this could be done. He questioned if it would be possible to do that and put that type of restriction in this for sometime ten years from now when the development on the corridor was substantially completed. He asked staff if this type of restriction could be put in there.

Mr. Frisina replied that he had never done anything with sunset provisions in any previous ordinances. He said this would allow a one time doubling of the size of a building that would be non-conforming right now in any of the corridors.

Commissioner Frady said the only thing the County would get relief from was architectural design and Mr. Frisina replied yes that was correct.

Mr. Frisina remarked that any brand new structures that were not part of an addition would have to meet the architectural requirements.

Commissioner Frady remarked that most of the buildings on S.R. 54 West come under the new architectural design requirement.

Mr. Frisina commented that S.R. 54 West did not have a predominance of non-residential development between here and Peachtree City other than the area just before entering Peachtree City. He said some of the County's other corridors such as S.R. 85 North and S.R. 54 East were developed well before any kind of architectural standards were put in place in the County. He said there were some areas especially on S.R. 54 East where there were some older buildings. He said what had prompted this issue was someone wanting to expand a building which was an auto repair facility. He said the way the current ordinance read the owner

would have to make the new part of the building look like a house and the old part would still be a metal structure that looked totally different. He said this was the only option that staff had at that point.

Commissioner Maxwell said he just could not vote for this. He said he supported this in concept but if it had not been reviewed by Attorney Comer then he just could not vote for it right now. He said he would rather have Attorney Comer review this before the Board voted.

Chairman Smith asked Commissioner Frady if he wanted to withdraw his motion.

Commissioner Frady asked Attorney Comer if he had reviewed this ordinance and Attorney Comer replied no.

Commissioner Maxwell said the Attorney could address the three issues that Chairman Smith had when he does his review.

Chairman Smith called for the vote on the motion before the Board.

The motion failed 1-4 with Commissioner Horgan, Commissioner Maxwell, Commissioner Pfeifer and Chairman Smith voting in opposition.

7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning & Zoning Department.**

Dennis Dutton advised that the B.O.C. had concerns about the size of an addition which did not require compliance with the architectural standards. He stated that they had also requested the sunset provision be applied. He added that the proposed amendments had been reviewed by County Attorney Scott Bennett.

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

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

Planning Commission – 01/03/08
Board of Commissioners – 01/24/08

PROPOSED AMENDMENTS TO THE
FAYETTE COUNTY ZONING ORDINANCE

Staff's enlargements to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone,

A. S.R. 54 West Overlay Zone, 4. Architectural Standards

e. ***When an existing nonconforming structure is enlarged by fifty percent (50%) 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 this amendment. Only one (1) structure per parcel shall be entitled to the exemption.***

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

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

B. S.R. 85 North Overlay Zone, 4. Architectural Standards

c. ***When an existing nonconforming structure is enlarged by fifty percent (50%) 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 this amendment. Only one (1) structure per parcel shall be entitled to the exemption.***

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

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

C. General State Route Overlay Zone, 4. Architectural Standards

e. ***When an existing nonconforming structure is enlarged by fifty percent (50%) 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 this amendment. Only one (1) structure per parcel shall be entitled to the exemption.***

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

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO. 2008 - _____

AN ORDINANCE TO AMEND THE FAYETTE COUNTY ZONING ORDINANCE (1980), AS AMENDED, SPECIFICALLY ARTICLE VII (CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS) SO AS TO AMEND THE ARCHITECTURAL STANDARDS OF SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE TO ADD CERTAIN ARCHITECTURAL STANDARDS SET FORTH THEREIN; 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 adding provisions for enlargement to a nonconforming structure.

Section II. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by deleting Section 7-6. (Transportation Corridor Overlay Zone) in its entirety, and in lieu thereof, enacting a new Section 7-6. (Transportation Corridor Overlay Zone) to read as follows:

7-6. Transportation Corridor Overlay Zone

For the purposes of Section 7-6., 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 and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

A. S.R. 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. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the SR 54 West Overlay Zone is to achieve the following: (Amended 06/07/06) (Amended 03/22/07)

   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. (Amended 03/22/07)

2. Access The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

   a. 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. (Amended 06/07/06) (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

   a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.

   b. Setbacks will be as follows:

      (1) Front yard setback on SR 54 West: 100 feet (Amended 06/07/06) (Amended 03/22/07)

   c. The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)

d. 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. (Amended 03/22/07)

e. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten (10) feet from the side property line.

4. Architectural Standards. These standards shall apply to all nonresidential development within this Overlay Zone*

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must 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 façade or 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. Any mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

b. All buildings shall be constructed in a residential character of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco; (Amended 03/22/07)

c. 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; and (Amended 03/22/07)

d. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)

* *(excluding 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)* (Amended 06/07/06)

e. When an existing nonconforming structure is enlarged by fifty percent (50%) 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 this amendment. Only one (1) structure per parcel shall be entitled to the exemption.

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

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

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: fifty (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. (Amended 02/23/06) (Amended 06/07/07)

b. Side Yard Landscape Area: ten (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 a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

   a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by existing structures. Any new construction shall comply with the setback requirements herein. (Amended 03/22/07)

   b. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. (Amended 03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:

   a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)

8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

   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. (Adopted 03/22/07)

   b. No outside storage allowed.

   c. All roof top mechanical equipment and satellite dish antennas 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. (Amended 03/22/07)

   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. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North 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. (Amended 03/22/07)

1. The purpose of the SR 85 North Overlay Zone is to achieve the following: (Amended 03/22/07)

   a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle. (Amended 03/22/07)

   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. (Adopted 03/22/07)

2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

   a. 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. (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

   a. All impervious surfaces, other than approved access, shall be located at least fifty (50) feet from the right-of-way of SR 85 North and a minimum of ten (10) feet from the side property lines

   b. Setbacks will be as follows:

      (1) Front yard setback on State Route 85 North: 100 feet (Amended 03/22/07)

      (2) Gasoline Canopy: Front yard setback on State Route 85 North: 85 feet (Amended 03/22/07)

   c. Impervious surface: Per zoning district (Amended 03/22/07)

d. 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. (Amended 03/22/07)

4. Architectural Standards: These standards shall apply to all nonresidential development within this Overlay Zone.

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, rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco, synthetic stucco, and/or wood siding. (Amended 03/22/07)

b. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)

c. When an existing nonconforming structure is enlarged by fifty percent (50%) 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 apply only to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption.

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

This exemption shall expire seven (7) years from the effective date of this amendment. After this date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

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: fifty (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. (Amended 02/23/06)

b. Side Yard Landscape Area: ten (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 a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by the existing structures. Any new construction or improvements, shall comply with the setback requirements herein. (Amended 03/22/07)

b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements: (Amended 03/22/07)

a. Shielding standards. Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)

8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

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 parcel.

b. All roof top mechanical equipment and satellite dish antennas 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. (Amended 03/22/07)

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 and SR 85 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. (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the General State Route Overlay Zone is to achieve the following: (Amended 03/22/07

   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. (Adopted 03/22/07)

2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

   a. 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. (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

   a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.

   b. Setbacks will be as follows:

      (1) Front yard setbacks on all other State Routes: 100 feet (Amended 03/22/07)

c. Impervious surface: The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)

d. 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. (Amended 03/22/07)

4. Architectural Standards. These standards shall apply to all nonresidential property and/or development within this Overlay Zone. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following must be submitted as part of the Site Plan. (Amended 03/22/07)

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 façade or 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. Any mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)

b. All buildings shall be constructed in a residential character of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco. (Amended 03/22/07)

c. 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. (Amended 03/22/07

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

e. When an existing nonconforming structure is enlarged by fifty percent (50%) 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 apply only to the first occurrence of any enlargement

after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption.

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

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

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: fifty (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. (Amended 02/23/06)

   b. Side Yard Landscape Area: ten (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 a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

   a. The dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by existing structures. Any new construction or improvements, shall comply with the dimensional requirements herein.

b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:

a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)

8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

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. (Amended 03/22/07)

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 parcel.

c. All roof top mechanical equipment and satellite dish antennas 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. (Amended 03/22/07)

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.

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

Section V. 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