

BOARD OF COUNTY COMMISSIONERS

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FAYETTE COUNTY, GEORGIA

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Tameca P. White, County Clerk
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

May 28, 2020

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Invocation and Pledge of Allegiance by Vice Chairman Charles Oddo

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Ordinance 2020-01 amending Article XV. Subdivision Regulations. (pgs. 3-74)
2. Consideration of Ordinance 2020-02 amending Chapter 110. Zoning Ordinance, regarding Sections 110-60., 110-79., Sec. 110-81., 110-105., 110-107., 110-126., 110-127., 110-128., 110-142., 110-144., 110-146., 110-169., 110-170, 110-173., and 110-242. (pgs. 75-173)

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

CONSENT AGENDA:

3. Approval of staff's recommendation to transfer ownership of a 2013 Dodge Charger to the Prosecuting Attorney's Council of Georgia to be used in the Griffin Judicial Circuit. (pgs. 174-175)
4. Approval of the May 14, 2020 Board of Commissioners Meeting Minutes. (pgs. 176-179)

OLD BUSINESS:

NEW BUSINESS:

5. Consideration to allocate an additional \$1,000,000 towards the Department Public Health building project and to finance the remaining shortfall over a ten-year period via the Public Facilities Authority utilizing \$200,000 from the \$275,000 existing health department allocation. (pgs. 180-188)

6. Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Darrell Sims to the Recreation Commission for a term beginning immediately and expiring March 31, 2024. (pgs. 189-191)
7. Consideration of the Parks and Recreation Selection Committee's recommendation to re-appoint Michael Gumbinger to the Recreation Commission for a term beginning immediately and expiring March 31, 2024. (pgs. 192-196)
8. Consideration of staff's recommendation to approve Contract #1431-P, Task Order #27 in the amount of \$234,595 for Construction, Engineering, and Inspection (CEI) services for 19TAF Fayette County Resurfacing Project FY 2019. (pgs. 197-214)
9. Consideration of staff's recommendation to award Bid #1781-B, Fayette County Resurfacing Program FY 2019 to the lowest responsive and responsible bidder, C.W. Matthews Contracting, Co., Inc., for the amount of \$2,766,965.47 (2017 SPLOST 19TAF), contingent upon concurrence from the Georgia Department of Transportation (GDOT). (pgs. 215-232)
10. Consideration and approval of proposed Change Order #2 of \$700,000 from Contract #1428-P, Public Safety Radio System, to fund microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees from the existing Contingency/Enhancements in the contract. (pgs. 233-237)
11. Consideration of proposed Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 Carbyne workstations under Contract #1477-S, Carbyne Public Safety Ecosystem. (pgs. 238-241)
12. Consideration of proposed Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications. (pgs. 242-245)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2020-01 amending Article XV. Subdivision Regulations.

Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval. Arnold Martin made a motion to recommend amendments to Article XV of the Subdivision Regulations. Brian Haren seconded the motion. The motion passed 3-0. John Culbreth and Al Gilbert were absent.

Staff and Planning Commission started working on these amendments in September of 2019.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2020-01 amending Article XV. Subdivision Regulations.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

ARTICLE XV. - SUBDIVISION REGULATIONS

Sec. 104-592. - Declaration of purpose.

(a) The regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by the ordinance from which this article is derived are hereby deemed by the board of commissioners to be desirable and necessary in order to help ensure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. **The board of commissioners' desire to provide this development framework to enable the property owners' reasonable reliance upon the manner in which subdivisions are developed.** Further, the purposes of the regulations of the subdivision of land are, among others:

- (1) To encourage and ensure the development of economically sound and stable neighborhoods;
- (2) To ensure the adequate provision of required streets, utilities, and other facilities and services to new land developments;
- (3) To ensure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation;
- (4) To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservations of land for recreational, educational, and other public purposes;
- (5) To ensure land is developed with reasonable safeguards for environmental protection;
- (6) To provide accurate, uniform records for identification and location of real estate boundaries; and
- (7) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the county.

(b) The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the ordinances and regulations which govern the development of land. To the extent a conflict exists between these subdivision regulations and the zoning ordinance of Fayette County the subdivision regulations shall control.

(Code 1992, § 8-500; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-593. - Definitions.

For the purpose of this article, the following words, terms, phrases, and their derivations shall have the meaning given in this section. Words and terms not explicitly defined in this article shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

Comprehensive plan means the comprehensive plan for the county, approved by the board of commissioners and maintained by the county planning and zoning department.

Construction plans means any plans required for the review, permitting and construction of a subdivision, including, but not limited to: Site; grading; street profiles; stormwater management; floodplain management, utility; soil erosion, sediment, and pollution control; soil surveys; and construction details.

County engineer means the official to whom the responsibilities normally associated with this title have been delegated.

County thoroughfare plan means the thoroughfare plan for the County of Fayette, Georgia, approved by the board of commissioners, indicating the designation of street type and is maintained by the county planning and zoning department.

Cul-de-sac means a street, or segment of a street, with only one way in or out and which terminates at a turnaround constructed in accordance with the county development regulations.

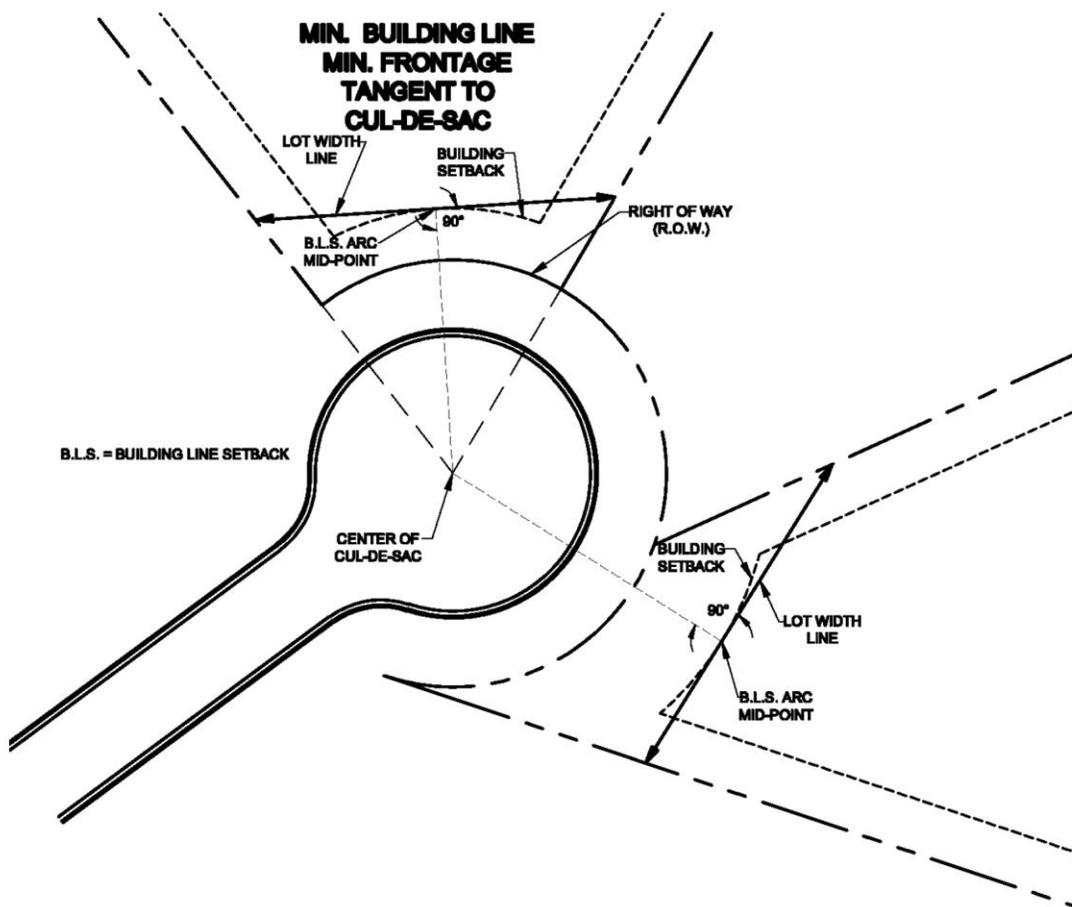
Development means a manmade change to improved or unimproved real estate, including, but not limited to any activity, action, or alteration that fundamentally alters the current use and/or density on the property and/or construction of buildings or other structures.

Easement means an interest in land granted by a land owner to another person, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose, such as to cross for access to a public road.

Environmental health county manager means the official responsible for all matters within the subdivision regulations pertaining to health regulations and who is the director of the county environmental health department.

Lot means a tract of land of varying sizes which is designated as a single unit of property.

Lot width means the minimum distance between side property lines either measured in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic below).



Phase means a portion or section of a larger development delineated on an approved, recorded major or minor final plat.

Plat, major final, means all divisions of a tract of land into two or more lots where ~~the lots are less than five acres in size and/or~~ new streets are created to access said lots.

Plat, minor final subdivision, means all divisions of a tract of land into two or more lots where ~~the lots are five acres or greater in size and~~ no new streets are created.

Plat, preliminary, means a conceptual subdivision plan required prior to a major final plat ~~where new streets are created~~.

Planning commission means the planning commission of the county.

Right-of-way means a strip of land, often of uniform width, that is owned by the county and used, or may be used for transportation, utilities, or similar purposes.

Street means a public or private thoroughfare or road used for vehicular access to other streets and/or properties. Streets may be:

- (1) **Public** - Owned and operated/maintained by the county (i.e., ~~those within a public right-of-way fee simple ownership or dedication through an instrument of conveyance~~);
- (2) **Public** - ~~Privately owned but open for public use and~~ Owned and operated/maintained by the county (i.e., those within a prescriptive easement); or
- (3) **Private** - Privately owned and maintained (i.e., a private road)

~~Public streets are designated by type on the county thoroughfare plan.~~

Subdivider means any person, firm, corporation, association or partnership or any agent thereof who undertakes or proposes to undertake the subdivision of land so as to create a subdivision as defined herein.

Subdivisions means all divisions of a tract of land into a minimum of two or more lots.

Technical review committee (TRC) means a committee of county staff, in regards to the subdivision regulations, that performs ~~monthly the~~ review of preliminary ~~plats, and~~ major final plats, ~~and~~ minor final plats prior to approval by the planning commission.

Tract means a specified parcel of land.

Utility means any service available to the public by means of an overhead or underground distribution and/or collection systems such as electricity, telephone, water, wastewater, stormwater, cable, natural gas, etc.

Zoning administrator means the official to whom the responsibilities normally associated with this title have been delegated.

Zoning ordinance means the zoning ordinance enacted by the board of commissioners of the county, which is maintained and implemented by the county planning and zoning department.

(Code 1992, § 8-501; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-594. - Generally.

- (a) Zoning ordinance. No subdivision shall be approved which does not conform with the zoning ordinance ~~regulations~~ applicable to the land for which it is proposed. ~~The preliminary and/or final plat must indicate the setbacks and other dimensional requirements in such a way that the minimum requirements are met.~~
- (b) Recordation of ~~final or minor~~ subdivision plats. No ~~final plat or minor~~ subdivision plat shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission. The secretary to the planning commission shall endorse

the plat upon approval by the planning commission. ~~The planning commission approval is not required for a plat of subdivision where no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Said plat shall contain a certification from the licensed surveyor that these provisions do not apply which shall entitle said plat to be recorded.~~

- (c) Unless noted otherwise, the county engineer shall be responsible for the implementation of the subdivision regulations.

(Code 1992, § 8-502; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-595. - Approval of subdivisions.

Subdivisions shall be reviewed and approved in stages as follows: preliminary plats (required for a major final plat), construction plans (required for a major final plat, see article III of this chapter applicable development regulations), and major final subdivision plats or minor final plat, as applicable. The requirements procedures of this section are administered by the county planning and zoning department administrator, unless indicated otherwise.

(1) *Preliminary plat.*

- a. *Purpose.* The preliminary plat safeguards the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat that does not conform with specifications of the subdivision regulations ordinance. The preliminary plat requires accuracy of scale and dimension. Public agencies having jurisdiction review the preliminary plat regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for clarification. The subdivider is ultimately responsible for compliance with all applicable statutes, ordinances, regulations, and rules. Approval of a preliminary plat shall not constitute a variance or authorization to violate any statute, ordinance, regulation, and/or rule.
- b. *Preliminary plat/lot layout.* The subdivider shall submit to the planning and zoning department administrator for the planning commission a preliminary plat, with a completed application, ~~(see preliminary plat application under forms at www.fayettecountygva.gov)~~ of the entire tract which will show the future street system and lot layout for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns.
- c. *Street names and subdivision name approval.* Prior to ~~submittal approval~~ of the preliminary plat, street names ~~(see article III of this chapter)~~ and subdivision names shall be submitted to the planning and zoning department. The planning and zoning department shall forward said names to ~~the postmaster and~~ 911 for approval. Approval by ~~911 both parties~~ is required. The planning and zoning department shall reserve the names with ~~the postmaster and~~ 911. The approved names shall be indicated on the preliminary plat.
- d. *Filing Submittal of the preliminary plat and other requirements.* Preliminary plats shall be submitted to the planning and zoning department. ~~Preliminary plats shall be reviewed and approved by the applicable county departments and the technical review committee (TRC) prior to consideration by the planning commission.~~ The preliminary plat shall be prepared, signed, and sealed in accordance with these regulations and with applicable county specifications by a registered engineer, surveyor, and/or landscape architect who is licensed under the state. The zoning administrator shall have authority to reject the ~~submittal of the~~ preliminary plat, if after study, ~~he the zoning administrator~~ finds that requirements have been omitted or misrepresented on the preliminary plat and shall return the plat to the applicant to be completed or revised ~~it does not comply with these regulations~~. If rejected, the zoning administrator shall provide subdividers with a written

statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the planning commission from such rejections.

- e. *Approval by individual agencies.* ~~The preliminary plat shall be reviewed at by the TRC meeting. The checklists/comments from the applicable department are due to the planning and zoning department within three calendar days after the TRC meeting.~~ Preliminary plats shall be reviewed and approved by the technical review committee (TRC) prior to consideration by the planning commission. Should the plat contain deficiencies and require corrections, said corrections shall be made by the design professional to satisfy all requirements of the preliminary plat, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable department shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments ~~to the planning and zoning department.~~ The applicable departments shall recommend approval with or without conditions or shall require modification of the preliminary plat to the extent that each has jurisdiction. No preliminary plat shall be placed on the planning commission agenda until it has been reviewed and approved by the TRC ~~and approved by the zoning administrator and the applicable departments.~~
- f. *Approval by planning commission.*
1. The preliminary plat shall be placed on the planning commission agenda for consideration when the preliminary plat has been reviewed by the TRC and approved by the zoning administrator and all of the applicable departments. ~~The applicant shall be notified by mail of the date, time, and place of the public meeting.~~
 2. The planning commission shall take action on preliminary plats in their regularly scheduled meetings. For revisions to a recorded plat that requires approval of a revised preliminary plat that substantially changes a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new preliminary plat. The legal notice for which shall be advertised in at least one of the newspaper in which is carried the legal advertisements of the county in such a manner as to give at least seven calendar days' notice of the public hearing from the date of issue.
 3. The planning commission shall have 60 calendar days to act on a preliminary plat. The 60 calendar days begins upon approval by all of the appropriate departments. The planning commission may consider a preliminary plat at a public hearing or a workshop/public meeting (a schedule of the planning commission's monthly meetings is available through the planning and zoning department). If approval of the preliminary plat is not recommended, the reasons therefor shall be supplied to the subdivider. The approval of a preliminary plat by the planning commission shall not be deemed to constitute an acceptance by the county of any street or other real property shown upon the plat.
- g. *Approval of construction plans.* Upon approval of the preliminary plat by the planning commission, construction plans shall be submitted to the ~~stormwater environmental~~ management department for distribution to the appropriate departments for approval. The plans must be prepared in accordance with the requirements of the development regulations. Permits for grading, road construction, and/or any minimal improvements shall not be given until the county engineer, ~~stormwater environmental~~ management director, and the fire marshal have approved the construction plans as indicated by their signature and/or stamp. Construction plans and applicable permits shall expire upon expiration of the preliminary plat. Resubmitted construction plans, required as a result of an expired preliminary plat, shall be updated to comply with all applicable federal, state, and local regulations. Any plans requiring approval by a state and/or federal agency shall be submitted directly to said agency by the subdivider.

- h. *Expiration.* Preliminary plats shall include the following statement: "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless:
1. A **major** final plat for at least one phase has been approved; or
 2. Street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat has been completed and inspected."

Upon expiration of the preliminary plat, a new preliminary plat shall be submitted in accordance with all current regulations and requirements.

(2) *Major final plat or minor ~~subdivision final plat.~~*

- a. *Conformance.* The **major** final plat shall conform **generally** with the layout indicated on the preliminary plat. If desired by the subdivider, the **major** final plat may be developed and recorded in phases; provided that each phase conforms with all requirements of these regulations and the development regulations.
- b. *Filing the **major** final plat or minor ~~subdivision final plat.~~* A final plat shall not be submitted for review until the minimum improvements are completed subject to the provisions herein. ~~The final plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the planning and zoning department. A minor subdivision plat may be submitted at any time.~~ The number of copies required of the final plat ~~or minor subdivision plat~~ is available in the planning and zoning department. The ~~planning and zoning department zoning administrator~~ shall distribute copies of the final plat ~~or minor subdivision plat~~ to the appropriate departments for review. The final plat ~~or minor subdivision plat~~ shall be deemed filed when it has been submitted to the planning and zoning department and approved by the project case coordinator with a completed application (see final plat/minor subdivision plat application under forms at www.fayettecountyga.gov).
- c. *Approval by appropriate departments.* A final plat shall be reviewed by the technical review committee (TRC). ~~A checklist of required information from the applicable department is due to the planning and zoning department within three calendar days after the TRC meeting.~~ Should the final plat require corrections, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.
- ~~d. *Minor subdivision plat.* A minor subdivision plat shall be reviewed by the applicable departments which shall have a maximum of 14 calendar days from the submittal date for the review. Should the minor subdivision plat require corrections, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.~~
- e. *Resubmittal.* When a corrected final plat ~~or minor subdivision plat~~ is resubmitted, the applicable departments shall review the resubmitted final plat ~~or minor subdivision plat~~ for compliance with all applicable statutes, codes, ordinances, and rules. The review of a resubmitted final plat ~~or minor subdivision plat~~ shall not be limited to only those reasons identified from a previous review.
- ~~f. *Final approval.* Once the corrected copies final plat have been approved by all applicable departments, one paper vellum or Mylar shall be submitted to the planning and zoning department. Each applicable department shall be notified that the paper vellum or Mylar is available for review in the planning and zoning department. The paper vellum or Mylar~~

~~shall be available in the planning and zoning department for a total of 14 calendar days to be reviewed and/or signed by the applicable departments.~~

- g. *Approval by the planning commission.*
1. The final plat ~~or minor subdivision plat~~ shall be placed on the planning commission agenda for consideration when the final plat ~~or minor subdivision plat~~ is approved by all of the appropriate departments. ~~The applicant shall be notified by mail of the date, time, and place of the public meeting.~~ No final plat ~~or minor subdivision plat~~ shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission ~~in a public meeting.~~
 2. The planning commission shall have 60 calendar days to approve or deny a final plat ~~or minor subdivision plat~~. The 60 calendar days begins upon approval by all of the appropriate departments. The planning commission may consider a final plat ~~or minor subdivision plat~~ at a public hearing ~~or a workshop/public meeting~~. If approval of the final plat ~~or minor subdivision plat~~ is not recommended, the reasons therefore shall be supplied to the subdivider.
 3. The secretary to the planning commission shall endorse the final plat ~~or minor subdivision plat~~ upon approval by the planning commission.
- h. *Additional requirements for final plat ~~or minor subdivision plat~~ (if applicable) for approval prior to recordings.* In addition to the above requirements, all documents, including, but not limited to: reports, environmental permits and/or variances (required for subdivision construction), bonds, irrevocable letters of credit, as-built drawings, and stormwater operation and maintenance plans and agreements, referenced in the development regulations shall be submitted to the applicable departments. One digital copy of the approved final plat ~~or minor subdivision plat~~ in a format that is compatible with the county's geographic information system must be submitted to the planning and zoning department for distribution to the appropriate departments. ~~Submittal will not be accepted via an email.~~
- i. *Final plat ~~or minor subdivision plat~~ expiration.* A final plat ~~or minor subdivision plat~~ shall expire 90 calendar days after the date of approval by the planning commission if the final plat ~~or minor subdivision plat~~ has not been recorded by the subdivider into the county clerk of superior court records. Once a final plat ~~or minor subdivision plat~~ has expired, it and any maintenance bond and/or irrevocable letter-of-credit (see section 104-600) are void and a new final plat ~~or minor subdivision plat~~ and maintenance bond and/or irrevocable letter of credit shall be submitted. ~~The fee for the review and approval process shall be 50 percent of the original final plat or minor subdivision plat fee.~~
- j. *Revision to a recorded final plat.* ~~A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission.~~

1. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section.
2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with Sec. 110-301. - Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:
 - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - (ii) *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.
 - (iii) *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will more be narrow than existing lots.
 - (iv) *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.
3. *Amend setbacks increased by a condition of rezoning.* This will be administered as a rezoning under Article IX. - Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in these requests:
 - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed

residence or accessory structure will be out of alignment with existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

4. *Amend setbacks increased by a developer on a major or minor final plat.* Proposed revisions to a recorded final plat which reduce a setback increased by the developer shall be considered in public hearings before the planning commission. Notice of a scheduled public hearing shall be published at least 15 calendar days prior to the public hearing before the planning commission. One sign is required to be posted for each street frontage of the subject property at least 15 calendar days prior to the public hearing before the planning commission. A refundable sign deposit shall be required for each sign at the time of application. The following factors shall be considered by the planning commission when reviewing these requests:

- (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
- (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

~~k. — Revisions to a recorded minor subdivision plat. A revision to a recorded minor subdivision plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596, for requirements to be indicated on the revised minor subdivision plat, as applicable. Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on lots will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.~~

† k. *Minor revisions to a recorded final plat (major or minor)-subdivision plat.* A minor revision to a recorded final plat ~~or minor subdivision plat~~ such as the combination of lots, minor shifts to lot lines, corrections of errors and/or establishment or modification of an easement that does not increase the number of lots, change the use, alter the road or utility layout, or change the outer boundary of the final plat ~~or minor subdivision plat~~ will be reviewed by the zoning administrator. Based on the nature of the minor revision, the zoning administrator shall contact the applicable departments for their input. The signature of the zoning administrator and environmental health specialist shall be required for approval of the minor revision prior to recording. See section 104-596 for requirements to be indicated on the minor revision of a final plat ~~or the minor revision of a minor subdivision plat~~, as applicable.

l. *Dimensional requirements increased by a developer on a final plat (major or minor).* Any dimensional requirements, e.g., setback, etc., specifically indicated on an approved final

plat approved prior to 4/21/2020 (the effect date of this amendment) which is greater than a minimum zoning dimensional requirement shall control over the minimum zoning dimensional requirement. For example, a front yard setback indicated on an approved final plat that is greater than the requirement of the zoning district shall control. To the extent any future lot is sought to be added to the subdivision by subdividing an existing lot or adding property to the subdivision, the future lot(s) must comply with all requirements originally set out in the final plat. No consideration will be given for any dimensional requirement, or other issue, which is more lenient in the zoning district as compared to the final plat. All final plats (major or minor), which are not applicable to the regulation above, shall not be approved after 4/21/2020 (the effect date of this amendment) with a setback that is greater than the minimum setback of the applicable zoning district unless the setback was increased by a condition of rezoning. In addition, no final plats (major or minor) shall be amended to establish a setback that is greater than the minimum setback of the applicable zoning district originally indicated on the final plat.

- m. *Requirements after the recordation of an approved final plat (major or minor) ~~subdivision plat~~.* After the final plat ~~or minor subdivision plat~~ has been recorded, ~~no building permits shall be issued until~~ the subdivider ~~has furnished~~ shall submit to the county the required number of recorded copies of the final plat ~~or minor subdivision plat~~ and, a digital media copy of the approved final plat, and a recorded warranty deed for any right-of-way being donated to the county ~~to the planning and zoning department. The planning and zoning department will be responsible for distributing the materials to the appropriate departments.~~
- n. *Building permit.* No permit ~~let~~ for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the final plat ~~or minor subdivision plat of the proposed subdivision~~ has been recorded in the office of the clerk of superior court of the county, and unless the minimum site improvements, as prescribed in this article, have been made and such improvements have been inspected and approved by the applicable departments. ~~Upon recordation of the final plat or minor subdivision plat, the required number of recorded copies, a recorded copy of a warranty deed for any right-of-way dedicated to the county, and the digital media copy of the approved final plat or minor subdivision plat shall be submitted to the planning and zoning department prior to the issuance of any building permits.~~ Lots within a nonresidential subdivision shall also require an approved site plan, as applicable, for the issuance of a building permit.

(Code 1992, § 8-503; Ord. No. 2000-03, 1-27-2000; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-596. - The subdivision plat.

- (a) *The preliminary plat.* The preliminary plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements (~~see preliminary plat checklist under forms at www.fayettecountyga.gov~~). The following shall be indicated on the preliminary plat:

- (1) ~~The title block shall state: "preliminary plat of _____ Subdivision," county, state, land lots, and districts.~~
- (2) ~~Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
- (3) ~~Name, address, telephone number, fax number of the owner and/or developer.~~
- (4) ~~Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 100 feet, stated and shown graphically).~~
- (5) ~~Provide legend of all abbreviations.~~
- (6) ~~Provide an index of sheets if more than one sheet is provided.~~

- ~~(7) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~
- ~~(8) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.~~
- ~~(9) Show exterior property lines with bearings and distances of subject property. (10) Provide zoning district and property owner's name and/or subdivision name of all adjacent properties.~~
- ~~(11) Show location, purpose, and width of any easement of record. Provide a note if there are no existing easements associated with the property.~~
- ~~(12) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
- ~~(13) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
- ~~(14) All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.~~
- ~~(15) Provide the area of each lot to the 1/100th acre and contiguous area (if applicable, see section 104-597) to the 1/100th acre; label the lot numbers; and show the dimensions of all lot lines.~~
- ~~(16) Indicate how lots will be served by water and sewage disposal. Indicate the proposed layout of waterlines, fire hydrants, and sewer lines (if applicable). If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(17) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(18) Indicate the location of a cemetery (if applicable, see chapter 106, cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(19) The plat shall show all parcels of land to be dedicated to the county for public use.~~
- ~~(20) Indicate the boundaries and enhancement areas for any proposed common areas including signage. Label as "Common Area—Not a Building Lot" and/or "Signage."~~
- ~~(21) Indicate the boundaries and area to 1/100 th acre for any proposed developed residential recreational/amenity areas. Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."~~
- ~~(22) Show all existing and/or proposed streets on and/or adjacent to property. Label right-of-way widths. Label proposed street names. Provide right-of-way dedication, as needed.~~
- ~~(23) Corner lots. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~
- ~~(24) Street length. Indicate the length of each street in the subdivision.~~
- ~~(25) Entrances. Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street). Provide appropriate data on the plat (article III of this chapter).~~
- ~~(26) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.~~

- ~~(27) Show existing (dashed) and proposed (solid) contour at ten two foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.~~
- ~~(28) Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~
- ~~(29) Show location of all specimen trees within 100 feet of the centerline of all right-of-ways, stormwater management structures, and utility and drainage easements.~~
- ~~(30) Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal.~~
- ~~(31) Delineate and label each drainage basin within the project boundaries. Provide drainage areas and existing and proposed CN values. Show offsite area and peak flow (Q_{-16} and Q_{-100}) for drainage areas passing through site.~~
- ~~(32) Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria will be satisfied or why any exemptions may apply.~~
- ~~(33) Delineate any base flood elevations as required in the floodplain management ordinance. For any streams with 100 acres or greater drainage area provide the future conditions flood elevations. Provide a note if there is no floodplain on the property. Reference the FIRM panel number and date.~~
- ~~(34) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(35) Delineate all jurisdictional wetlands. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers.~~
- ~~(36) Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~
- ~~(37) Statements and/or certifications. Provide the following statements and/or certifications, if applicable:~~
- ~~a. "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless a final plat for at least one phase has been approved; or street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat."~~
- ~~b. "This preliminary plat has been reviewed and approved by the planning commission on _____/_____/_____."~~
- ~~c. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area (in acres) on each individual lot or in a legend."~~
- ~~d. Wetland delineation.~~
- ~~I, _____ (name) _____ of _____ (organization) _____ do hereby certify that I have field inspected the property known as _____ (subdivision name) _____ on _____ (date) _____ and determined that the property contains does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.~~

<p>_____ Signature of Wetland Delineator</p>	
<p>_____ Company Address & Telephone</p>	

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~~e. Soil classification delineation.~~

~~I, _____ (name) do hereby certify that the Level III soil survey information provided on this plat was performed by _____ (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

<p>_____ Signature of Soil Classifier</p>	<p>_____ Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers</p>
<p>_____ Company Address & Telephone</p>	

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~~(38) Completeness. If any of the above facts are omitted or misrepresented on the plat, the zoning administrator may refuse to review the plat and shall return the plat to the subdivider to be completed or revised.~~

1. The title block shall state: "Preliminary Plat of Subdivision", and within the title block include County, State, land lot(s), and district(s).
2. Indicate date of plat preparation; provide scale of drawing (not to exceed 1 in. = 100 feet, stated and shown graphically)
3. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
4. Provide legend of all abbreviations.
5. Provide an index of sheets if more than one (1) sheet is provided.
6. Provide name, address, and telephone number of the owner and/or developer

7. Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design professional must be licensed in the State of Georgia.
8. Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
9. Show exterior property lines with bearings and distances of subject property.
10. Provide zoning district and property owner(s) name and/or subdivision name of all adjacent properties
11. Show location, purpose, and width of any easement of record or provide a note if there are no existing easements associated with the property.
12. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
13. Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
14. Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.).
15. All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77 of the Zoning Ordinance).
16. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots.
17. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
18. Indicate all existing structures and buildings and label as "to remain" or "to be removed". Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
19. The plat shall show all parcels of land to be dedicated to the County for public use.
20. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".

21. Indicate the boundaries, the square footage area and area to 1/100th acre for any proposed Developed Residential Recreational/Amenity Areas (see Sec 100-169 of the Zoning Ordinance as applicable). Label recreation areas “Not a Residential Building Lot, For Recreational Purposes Only.”
22. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3))
23. Statements and/or Certifications. Provide the following statements and/or certifications, as applicable:
 - a. “Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless a Final Plat for at least one (1) phase has been approved; or street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat .”.
 - b. “This Preliminary Plat has been reviewed and approved by the Planning Commission on ___/___/___.”.
24. Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources’ current Manual for On-Site Sewage Management Systems. The requirements for a Soil Classifier are located in said manual
25. Label street(s) with approved street names.
26. SOIL CLASSIFICATION DELINEATION - Include the following statement:
 I, _____ do hereby certify that the Level III soil name survey information provided on this plat was performed by _____ in _____ (company name) accordance with the procedures specified in the Georgia Department of Human Resources’ current Manual for On-Site Sewage Management Systems.

 Signature of Soil Classifier _____
 Georgia Department of Public Health, Professional Geologist, or Professional Engineer
 Registration No.
 Registration Numbers/License Numbers

 Company Address & Phone Number
27. Show all existing and/or proposed streets on and/or adjacent to property. Label road names (as available), right-of-way widths. Provide right-of-way dedication, as needed.

28. Street Length – Indicate the length of each street in the subdivision.
29. Corner Lots – Fillet (20 foot radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
30. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development Regulations – Article III.)
31. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.
32. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
33. Show existing (dashed) contours at ten (10) two (2) foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.
34. Traffic Calming. Maximum tangent length between horizontal curves is 750'. (Development Regulations – Article III, Sec. 8-82.1.6)
35. Road Intersections – All new roadways shall intersect as nearly to 90 degrees as possible. Not less than 80 degrees. (Development Regulations – Article III, Sec. 8-52.1.7)
36. Minimum roadway centerline radius – 175 feet for internal local roads. (Development Regulations – Article III, Sec. 8-52.1.6)
37. Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as “Watershed Protection Buffer,” and “Watershed Protection Setback.”
38. Show location of all specimen trees within 100 feet of the centerline of all right-of ways, stormwater management structures, and utility and/or drainage easements
39. Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal. Tree Protection Plan (TTP) must be submitted in accordance with the Tree Retention, Protection, and Replacement Ordinance
40. Delineate and label each drainage basin within the project boundaries. For each basin, provide drainage areas and existing and proposed CN values. Show offsite area and peak flows (Q10 and Q100) for drainage passing through the site
41. Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria as

referenced in the GA Stormwater Management Manual will be satisfied or why any exemptions may apply

- 42. Delineate any Areas of Special Flood Hazards on or adjacent to the property as required in the Floodplain Management Ordinance. For any streams with 100 acres or greater drainage area provide the future-conditions flood elevation. (Some future conditions flood elevations are available at the Stormwater Management Department.) Provide a note if there are not Areas of Special Flood Hazards on or adjacent to the property. Reference the FIRM panel number and date
- 43. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there are no groundwater recharge areas on the property
- 44. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
- 45. Delineate all jurisdictional wetlands and provide the source of the wetland determination or provide a note if there are no wetlands on the property. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers
- 46. Include the following statement:

WETLAND DELINEATION

I, _____ of _____ (name organization) do hereby certify that I have field inspected the property known as _____ (subdivision name) on _____ (date) and determined that the property contains does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

_____(Signature of Wetland Delineator)

_____(Company Address & Telephone)

- 47. Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- 48. Indicate the proposed layout of waterlines and sewer lines (if applicable.)

- (b) *The major final plat.* The *major* final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. ~~(see final plat checklist under forms at www.fayettecountyga.gov).~~ Sheet design: The *major* final plat and/or a revision to a recorded *major* final plat shall conform in general with the preliminary plat and shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. ~~shall be drawn in permanent ink on one or more sheets of reproducible plastic measuring 17 inches by 22 inches. When two or more sheets are used, a key map shall be shown with each sheet.~~ The following shall be indicated on the final plat:

- ~~(1) The title block shall state: "final plat of _____." A revision to a final plat must state "revised final plat of _____"; purpose and date of revision; and date, plat book, and page number of the previously recorded final plat.~~
- ~~(2) The title block shall show the name of the proposed subdivision, county, state, land lots, and districts.~~
- ~~(3) Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
- ~~(4) Name, address, telephone number, fax number of the owner and/or developer.~~
- ~~(5) Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 100 feet), stated and shown graphically. The zoning administrator may approve a different scale.~~
- ~~(6) Provide legend of all abbreviations.~~
- ~~(7) Provide an index of sheets if more than one sheet is provided.~~
- ~~(8) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~
- ~~(9) Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.~~
- ~~(10) Show property lines with bearings and distances of the subject property. Provide a matching warranty deed and legal description of property (if applicable).~~
- ~~(11) Provide zoning district and property owners name and/or subdivision name of all adjacent properties.~~
- ~~(12) Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.~~
- ~~(13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
- ~~(14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
- ~~(15) Provide information regarding the preliminary plat, including date of approval by the planning commission and exact wording of any related conditions of approval.~~
- ~~(16) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line.~~
- ~~(17) Provide the area of each lot and the contiguous area (if applicable, see section 104-597) to the 1/100 th acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.~~

- ~~(18) — Indicate how lots will be served by water and sewage disposal. Indicate the location of fire hydrants (if applicable). If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(19) — Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(20) — Indicate the location of a cemetery (if applicable, see chapter 106: cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(21) — The plat shall show all parcels of land to be dedicated to any Local, State, or Federal governmental agency for public purpose (i.e., public parks, fire stations, public schools, etc.).~~
- ~~(22) — Indicate the boundaries and area to 1/100 th acre for any common areas including signage. Label as "Common Area—Not a Building Lot" or "Signage."~~
- ~~(23) — Indicate the boundaries and area for any Developed Residential Recreational/Amenity Areas. Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."~~
- ~~(24) — Show all existing streets on and/or adjacent to property. Label right-of-way widths. Label street names. Provide right-of-way dedication, as needed.~~
- ~~(25) — Georgia Plat Act. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position that can be identified or relocated from maps, plats, and other documents on public record.~~
- ~~(26) — Georgia Plat Act. State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.~~
- ~~(27) — Surveying. Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the area length, radius, chord length, and chord bearing.~~
- ~~(28) — Surveying. Street centerline curve data shall include the deflection angle (delta), radius, length, and tangent.~~
- ~~(29) — Surveying. The final plat shall contain the location, bearing, and length of every street line, lot line, boundary line, and easement line, whether curved or straight. All dimensions shall be shown in feet and decimals to the nearest 1/100 th of a foot, and all angles shall be shown to the nearest second. The error of closure shall require accuracy of at least one in 10,000.~~
- ~~(30) — Corner lot. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~
- ~~(31) — Street length. Indicate the length of each street in the subdivision.~~
- ~~(32) — Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.~~
- ~~(33) — Delineate and label all stormwater easements as required in article XIV of this chapter.~~
- ~~(34) — Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision property where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~
- ~~(35) — Delineate and label all base flood elevations, both natural and manmade. Reference the sources of any flood hazard data shown on the final plat.~~

- ~~(36) Establish a minimum finished floor elevation (MFFE) as required in the floodplain management ordinance.~~
- ~~(37) Delineate all jurisdictional wetlands. Identify the source of the wetland delineation.~~
- ~~(38) Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on common property.~~
- ~~(39) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(40) The final plat shall show the accurate location, material, and description of all monuments. A permanent master bench mark shall be established within the site. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.~~
- ~~(41) Statements and/or certificates. Provide the following statements and/or certificates, if applicable:~~
- ~~a. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area on each individual lot or in a legend.~~
 - ~~b. Georgia Plat Act. Show the closure precision of the field survey. "The field data upon which this map or plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule."~~
 - ~~c. Georgia Plat Act. Show the closure precision of the data shown on the plat. "This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet."~~
 - ~~d. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."~~
 - ~~e. "As per Flood Insurance Rate Map Number _____ dated _____ / _____ / _____, this site (does or does not) lie within a flood hazard zone."~~
 - ~~f. Stormwater management inspection and maintenance.~~

~~The property conveyed herein is subject to the restrictive covenants of the Homeowners Association and an Inspection and Maintenance Agreement for stormwater management Controls recorded in Deed Book _____, Page _____. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the county, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County stormwater management department.~~
 - ~~g. Wetlands.~~

~~Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.~~
 - ~~h. Owner's certificate.~~

~~We, the undersigned owners of the _____ Subdivision, hereby dedicate the rights-of-way for public use, and/or reserve for public use the easements and other ground shown on this plat.~~

~~We, the undersigned owners, understand this Final Plat and any Maintenance Bond and/or Irrevocable Letter-of-Credit shall expire and thus become void if the Final Plat is not recorded into the Fayette county Clerk of Superior Court records within 90 calendar days (_____ / _____ / _____) of the date of approval by the Planning Commission.~~

_____	_____
Owner	Date
_____	_____
Owner	Date

-

~~i. Surveyor's certificate.~~

~~I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.~~

By:	
_____ GA Registered Land Surveyor Signature and Registration/License Number	_____ Date

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~~j. Engineer's certificate.~~

~~I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.~~

By:	
_____ GA Professional Engineer Signature and Registration/License Number	_____ Date

~~k. Wetland delineator's certificate.~~

~~I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.~~

~~Signature of Wetland Delineator~~

~~Company Address & Telephone~~

~~l. Level III soil survey.~~

~~I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*.~~

<p><u> </u> Signature of Soil Classifier</p>	<p><u> </u> Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers</p>
<p><u> </u> Company Address & Telephone</p>	

~~m. Preliminary plat certificate.~~

~~I hereby certify that all the applicable requirements of the Fayette County Subdivision Regulations relative to the preparation and submission of a preliminary plat have been fully complied with.~~

<p><u> </u> GA Registered Land Surveyor/Professional Engineer/Landscape Architect—Signature and Registration/License Number</p>	<p><u> </u> Date</p>
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~~n. Approvals. The following spaces shall be provided on the Final Plat in the form listed below for approval by all agencies having jurisdiction:~~

Approved by Fayette County Environmental Health Department.		
Date _____	Signed	_____ Environmental Health Specialist
Approved by Fayette County stormwater management department.		
Date _____	Signed	_____ Stormwater Management Director
Approved by the Fayette County Engineer.		
Date _____	Signed	_____ County Engineer
Approved by the Fayette County Planning Commission on: _____.		
Date _____	Signed	_____ Secretary
Approved by the Fayette County zoning administrator.		
Date _____	Signed	_____ Zoning Administrator
Approved by Fayette County fire marshal. All fire hydrants located as shown.		
Date _____	Signed	_____ Fire Marshal

1. The title block shall state: "Major Final Plat of . . ." A revision to a major final plat must state "Revised Major Final Plat of . . ." and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
2. Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
3. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
4. Provide a legend for all abbreviations.
5. Provide an index of sheets if more than one (1) sheet is provided.

6. Provide signature blocks for County approval: Environmental Health, Environmental Management, County Engineer, Planning Commission Secretary, Zoning Administrator, and Fire Marshal (§ 5-2.3 of Subdivision Regulations).
7. Provide name, address, and telephone number of owner and/or developer.
8. Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
9. Show all land lot lines; land district lines; land section lines; and city and county boundaries intersecting or adjacent to the property
10. Show exterior property lines with bearings and distances of subject property.
11. Provide zoning and property owner name and/or subdivision name of all adjacent properties.
12. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
14. Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
15. Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
16. Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.
17. All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77).
18. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
19. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
20. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc.

Provide a note if there are no existing structures, buildings, or improvements on the subject property.

- 21. The plat shall show all parcels of land to be dedicated to the County for public use.
- 22. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".
- 23. Indicate the boundaries and area to 1/100th acre for any proposed Developed Residential Recreational/Amenity Areas (see Sec 100-169 of the Zoning Ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
- 24. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3)) (Note: Correct Sages checklist)
- 25. Provide the following statements on the face of the plat.

OWNER’S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the right-of-way of all new streets and within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

Owner Date Mortgagee

LEVEL III SOIL SURVEY

I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Signature of Soil Classifier _____
Company Address & Telephone _____

Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer
Registration No.
Registration Numbers/License Numbers

- 26. Georgia Rule – Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.

27. Plat Act – The date(s) of field work, plat preparation and all subsequent revisions including a brief explanation of each revision.
28. Georgia Rule – Show the closure precision of the field survey. This may be stated as follows: “The field data upon which this map or plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.”

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.

29. Georgia Rule – Show the closure precision of the data shown on the plat. The closure may be stated as follows: “This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet.”
30. Georgia Rule – For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat

When GPS equipment is used in performing the survey.

A note stating what portion (or all) of the survey was performed using GPS equipment
Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used.

Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.

A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.

31. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
32. Surveying – Street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
33. Surveying – Lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.
34. Corner Lots – Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.

- 35. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development Regulations – Article III.) (Note: Correct Sages checklist)
- 36. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development Regulations – Article III.) (Note: Correct Sages checklist)
- 37. Show all existing and proposed streets on and adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
- 38. Street Length – Indicate the length of each street in the Subdivision.
- 39. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
- 40. Provide the following statements on the face of the plat.

SURVEYOR’S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as “future”; and their location, size, type and material are correctly shown.

By: _____
GA Registered Land Surveyor – Signature and License Number Date

ENGINEER’S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development’s approved Construction Drawings; and that all applicable requirements of Fayette County’s Development Regulations and Subdivision Regulations have been fully complied with.

By: _____
GA Professional Engineer – Signature and License Number Date

Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of

Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

41. Monuments – Show the location, material and description of all monuments.
42. Monuments – Provide a permanent benchmark on site, per §5-2.5 of the Subdivision Regulations
43. Easements – Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property
44. State Waters – Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters
45. Watershed Protection – Delineate watershed protection buffers and setbacks per Article VII of the Development Regulations. Label as “Watershed Protection Buffer” and “Watershed Protection Setback”. Show the 1,000-ft watershed protection impact boundary, if applicable
46. Floodplain – Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
47. Floodplain – Delineate and label all flood hazard areas (natural and man-made). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat
48. Floodplain – Indicate the minimum finish floor elevation (MFFE) at least 3 ft above the 100-year flood elevation or 1 ft above the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: “Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study
49. Wetlands – Delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. “Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.”
50. Stormwater – Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used

for the project's Inspection and Maintenance Agreement for Stormwater Management Controls. Stormwater controls shall be on common property

51. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property.
52. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
53. Include the following statement: "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat".
54. Include the following statements on the face of the plat:

STORMWATER MANAGEMENT INSPECTION & MAINTENANCE

The property conveyed herein is subject to the restrictive covenants of the _____ Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book ____, page _____. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Environmental Management Department.

WETLAND DELINEATION

I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator _____

Company Address & Telephone _____

55. Label proposed street names and address numbers on each lot for each street frontage(s).
56. Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
57. Indicate and label the location of all water lines in the right-of way. (NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

- ~~e. Dedication of right-of-way. Each approved final plat shall include thereon the following statements, as applicable:~~
- ~~1. All that property contained within the right-of-way of (insert name of new street[s] within the subdivision), said roads having at least a minimum of (fill in) foot right-of-way as indicated hereon, are hereby deeded to the county, a political subdivision of the state, at no cost to the county, upon recordation of said final plat into the county clerk of superior court records.~~
 - ~~2. All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way, (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and are hereby deeded to the county, a political subdivision of the state, at no cost to the county, upon recordation of said final plat into the county clerk of superior court records.~~
- p. Submittals. The following submittals and checks shall be satisfied prior to final plat approval, as applicable.
1. Core sample report (development regulations, article III of this chapter).
 2. Soil density tests (development regulations, article III of this chapter).
 3. Utilities-power, gas, and water installed (development regulations, article III of this chapter).
 4. Stormwater management plan (development regulations, article XIII of this chapter).
 5. Stormwater operations and management plan (development regulations, article XIV of this chapter).
 6. Storm sewer installation report (development regulations, article III of this chapter).
 7. Stormwater management inspection and maintenance agreement (development regulations, article XIII of this chapter).

8. Stormwater as-built plan (development regulations, article XIV of this chapter).
 9. Performance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount _____ .
 10. Maintenance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount _____ .
 11. Engineering department final inspection. (Call department to schedule.)
 12. Submit a soil map indicating the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.
- q. Other considerations.
1. An application may be submitted to the planning and zoning department for the board of commissioners' authorization of motorized cart use in the subdivision after recordation of the final plat (see chapter 26, motor vehicles and traffic and the home page www.fayettecountyga.gov for application).
 2. A petition may be submitted to the ~~stormwater~~ **environmental** management department for the board of commissioners' authorization for the subdivision to become a street light district after recordation of the final plat (chapter 20, article II, pertaining to street lights).
- (c) *The minor ~~subdivision final plat~~.* The minor ~~subdivision final~~ **plat** shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements (~~see minor subdivision plat checklist under forms at www.fayettecountyga.gov~~). Sheet design: The minor ~~subdivision final~~ **plat** and/or a revision to a recorded minor ~~subdivision final~~ **plat** shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches ~~drawn in permanent ink on one or more sheets of paper vellum or Mylar measuring 17 inches by 22 inches. When two or more sheets are used, a key map shall be shown with each sheet.~~ The following shall be indicated on the minor ~~subdivision final~~ **plat**;
- (1) ~~The title block shall state: "minor subdivision plat of _____." A revision to a minor subdivision plat must state "Revised minor subdivision plat of _____"; purpose and date of revision; and date, plat book, and page number of the previously recorded minor subdivision plat.~~
 - (2) ~~The title block shall show the name of the proposed subdivision, county, state, land lots, and districts.~~
 - (3) ~~Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
 - (4) ~~Name, address, telephone number, fax number of the owner and/or developer.~~
 - (5) ~~Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 200 feet), stated and shown graphically. The zoning administrator may approve a different scale.~~
 - (6) ~~Provide legend of all abbreviations.~~
 - (7) ~~Provide an index of sheets if more than one sheet is provided.~~
 - (8) ~~Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~
 - (9) ~~Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.~~

- ~~(10) Show property lines with bearings and distances of the subject property. Provide a matching warranty deed and legal description of property (if applicable).~~
- ~~(11) Provide zoning district and property owners name and/or subdivision name of all adjacent properties.~~
- ~~(12) Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.~~
- ~~(13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
- ~~(14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
- ~~(15) All applicable zoning regulations shall be indicated on the minor subdivision plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.~~
- ~~(16) Provide the area of each lot and the contiguous area (if applicable, see section 104-597) to the 1/100 th acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.~~
- ~~(17) Indicate how lots will be served by water and sewage disposal. If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(18) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements in terms of any new property lines. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(19) Indicate the location of a cemetery (if applicable, see chapter 106, cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(20) The plat shall show all parcels of land purposed to be dedicated to any local, state, or federal governmental agency for public purpose (i.e., public parks, fire stations, public schools, etc.).~~
- ~~(21) Indicate the boundaries and area to 1/100 th acre for any proposed common areas including signage. Label as "Common Area—Not a Building Lot" or "Signage."~~
- ~~(22) Show all existing streets adjacent to subject property. Label street names and right-of-way widths. Provide right-of-way dedication, as needed.~~
- ~~(23) Georgia Plat Act. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, and other documents on public record.~~
- ~~(24) Georgia Plat Act. State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.~~
- ~~(25) Surveying. Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the area length, radius, chord length, and chord bearing.~~
- ~~(26) Corner lots. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~
- ~~(27) Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there~~

~~are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~

- ~~(28) Delineate and label all base flood elevations both natural and manmade. Reference the sources of any flood hazard data shown on the minor subdivision plat.~~
- ~~(29) Establish a minimum finish floor elevation (MFFE) as required in the floodplain management ordinance.~~
- ~~(30) Delineate all jurisdictional wetlands per the national wetlands inventory. A more detailed study may be required by the stormwater management director dependent on field conditions. Provide a note if the inventory indicates there are no wetlands present.~~
- ~~(31) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(32) Indicate the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~
- ~~(33) The minor subdivision plat shall show the accurate location, material, and description of all monuments. The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.~~
- ~~(34) Statements and/or certificates. Provide the following statements and/or certificates, if applicable:~~
- ~~a. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area (in acres) on each individual lot or in a legend.~~
 - ~~b. Georgia Plat Act. Show the closure precision of the field survey. "The field data upon which this map or plat is based has a closure precision of one foot in _____ foot and an angular error of _____ per angle point, and was adjusted using _____ rule."~~
 - ~~c. Georgia Plat Act. Show the closure precision of the data shown on the plat. "This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet."~~
 - ~~d. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."~~
 - ~~e. "As per Flood Insurance Rate Map Number _____ dated (___/___/___), this site (does or does not) lie within a flood hazard zone."~~
 - ~~f. Wetlands. Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.~~
 - ~~g. Owner's certificate.~~

~~We, the undersigned owners of the _____ Subdivision, hereby dedicate the rights-of-way for public use, and/or reserve for public use the easements and other ground shown on this plat.~~

~~We the undersigned owners understand this Minor Subdivision Plat and any Maintenance Bond and/or Irrevocable Letter of Credit shall expire and thus become void if the Minor Subdivision Plat is not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days (_____ / _____ / _____) of the date of approval by the Planning Commission.~~

_____	_____
Owner	Date
_____	_____
Owner	Date

-

~~h.—Surveyor's certificate.~~

~~I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.~~

_____	_____
GA Registered Land Surveyor—Signature and Registration/License Number	Date

-

~~i.—Engineer's certificate.~~

~~I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.~~

_____	_____
GA Professional Engineer—Signature and Registration/License Number	Date

-

~~j.—Level III soil survey.~~

~~I, _____ (name) do hereby certify that the Level III soil survey information provided on this plat was performed by _____ (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

_____	_____
_____	Georgia DHR Soil Classifier, Professional Geologist, or Professional

Signature of Soil Classifier	Engineer Registration No. Registration Numbers/License Numbers
_____ Company Address & Telephone	

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k.— Approvals. The following spaces shall be provided on the minor subdivision plat in the form listed below for approval by all agencies having jurisdiction:

Approved by Fayette County Environmental Health Department.		
Date _____	Signed	_____ Environmental Health Specialist
Approved by Fayette County stormwater management department.		
Date _____	Signed	_____ Stormwater Management Director
Approved by the Fayette County Engineer.		
Date _____	Signed	_____ County Engineer
Approved by the Fayette County Planning Commission on: _____.		
Date _____	Signed	_____ Secretary
Approved by the Fayette County zoning administrator.		
Date _____	Signed	_____ Zoning Administrator
Approved by Fayette County fire marshal. All fire hydrants located as shown.		

Date _____	Signed _____	_____ Fire Marshal
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~~I. Dedication of right-of-way. Each approved minor subdivision plat shall include thereon the following statements, as applicable:~~

~~All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and is hereby deeded to the county, a political subdivision of the state, at no costs to the county, upon recordation of said minor subdivision plat into the county clerk of superior court records.~~

(Code 1992, § 8-504; Ord. No. 2010-05, § 1, 6-24-2010)

1. ~~The title block shall state: "Minor Subdivision Final Plat of . . ." A revision to a minor final plat must state "Revised Minor Subdivision Final Plat of . . ." and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).~~
2. ~~Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).~~
3. ~~Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.~~
4. ~~Provide a legend for all abbreviations.~~
5. ~~Provide an index of sheets if more than one (1) sheet is provided.~~
6. ~~Provide signature blocks for County approval: Environmental Health, Environmental Management, County Engineer, Planning Commission Secretary, Zoning Administrator, and Fire Marshal (§ 5-2.3 of Subdivision Regulations).~~
7. ~~Provide name, address, and telephone number of owner and/or developer.~~
8. ~~Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.~~
9. ~~Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.~~
10. ~~Show exterior property lines with bearings and distances of subject property.~~

11. Provide zoning and property owner name and/or subdivision name of all adjacent properties.
12. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and minimum house size.
14. Provide total acreage of tract and total number of lots.
15. Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
16. All applicable zoning regulations shall be indicated on the minor final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77 of the Zoning Ordinance).
17. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
18. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
19. Identify all existing structures and features and label as "to remain" or "to be removed". Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
20. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".
21. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3))
22. Provide the following statement on the face of the plat.

OWNER'S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

Owner Date Mortgagee Date

LEVEL III SOIL SURVEY

I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Signature of Soil Classifier _____
 Company Address & Telephone _____

Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer
 Registration No.
 Registration Numbers/License Numbers

 Sec. 104-597. - Minimum standards.

- 23. Georgia Rule – Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- 24. Georgia Rule – Show the closure precision of the field survey. This may be stated as follows: “The field data upon which this map or plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.”

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.

- 25. Georgia Rule – Show the closure precision of the data shown on the plat. The closure may be stated as follows: “This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet.”
- 26. Georgia Rule – For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.
 When GPS equipment is used in performing the survey.
 A note stating what portion (or all) of the survey was performed using GPS equipment
 Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used
 Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.

A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.

27. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
28. Surveying – Street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
29. Surveying – Lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.
30. Corner Lots – Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections, including existing road intersections forming a portion of the parcel boundary being subdivided.
31. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development Regulations – Article III.)
32. Show all existing streets adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
33. Provide the following statements on the face of the plat.

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: _____

GA Registered Land Surveyor – Signature and License Number Date

ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: _____

GA Professional Engineer – Signature and License Number Date

Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

34. Monuments – Show the location, material and description of all monuments.
35. Monuments – Provide a permanent benchmark on site, per §5-2.5 of the Subdivision Regulations
36. Easements – Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property
37. State Waters – Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters
38. Watershed Protection – Delineate watershed protection buffers and setbacks per Article VII of the Development Regulations. Label as “Watershed Protection Buffer” and “Watershed Protection Setback”. Show the 1,000-ft watershed protection impact boundary, if applicable
39. Floodplain – Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
40. Floodplain – Delineate and label all flood hazard areas (natural and man-made). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat
41. Floodplain – Indicate the minimum finish floor elevation (MFFE) at least 3 ft above the 100-year flood elevation or 1 ft about the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: “Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study
42. Wetlands – Delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. “Wetlands shown on this plat are under the jurisdiction of the

U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.”

43. Stormwater – Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.).
44. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property
45. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
46. Include the following statement: “Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.”
47. Include the following statement on the face of the plat:

WETLAND DELINEATION

I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator_____

Company Address & Telephone_____

48. Indicate and label the location of all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
49. Indicate and label the location of all water lines in the right-of way.
(NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

The following design standards are in addition to applicable federal, state, and local ordinances, including, but not limited to: the county zoning ordinance, the county development regulations, and the county sign ordinance.

- (1) *Subdivision access.* Where the subdivision does not immediately access an existing public street (county or state owned and/or maintained), the subdivider shall provide access via a new public street or private street which complies with the minimum county standards to an existing public street. Any upgrades to existing public streets to provide adequate access to the subdivision shall be the responsibility of the subdivider. The county engineer or public works director shall determine if any necessary upgrades to the existing public streets are required prior to approving construction of the subdivision.
- (2) *Easements.* All easements shall be shown on the final plat ~~or minor subdivision plat~~ and meet the following standards where applicable.
 - a. Where possible, water lines shall be located outside the curb line on the west and south sides of streets; sewer and gas lines shall be on the east and north sides;
 - b. Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of 20 feet. The water system may require a greater width if determined necessary for maintenance or construction;
 - c. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
 - d. Drainage easements shall be provided as required in article VIII of this chapter.
- (3) *Contiguous areas for residential development.* Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. ~~The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.~~ **(Note: coordinate any changes with zoning ordinance.)**

Zoning District	Minimum Contiguous Area (ac)
District	Free & Clear (ac)
A-R	2.0-0.6
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, & C-S	1.3-0.3
R-85, R-80	1.5
R-78, R-75, R-72, R-70	0.9

R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.6 [±]
R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.3 ²

~~¹Where public water is not available (lots have individual wells)~~

~~²Where public water is available~~

- (4) *Corporate limits.* Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.
- (5) *Street layout and design.*
- Subdivision entrances and street length.* No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the county engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.
 - Right-of-way.* Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the development regulations.
 - Corner lots.* Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two, non-parallel property lines with a third beveled line). The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
 - Curb radius.* The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are dictated by the county development regulations and/or the state department of transportation.
 - Dead-end streets, half-street and alleys.* Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
 - Elbows.* Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The "elbow" portion of the intersection shall be designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.
 - Intersections.* The center lines of no more than two streets shall intersect at any one point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.

- h. *Stub street.* Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the subdivision up to the property line creating a stub street. Said stub street shall be indicated on the preliminary plat and final plat and labeled "Temporary Stub Street." Connecting stub streets shall maintain the same name and be terminated with a temporary turnaround as necessary.
- (6) *Subdivision names.* A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous **and internally connected by a street** to the subdivision bearing the proposed name and with the same or more restrictive zoning, ~~and covenants and restrictions as the subdivision previously bearing such name.~~ In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the planning commission. Whenever a new subdivision is permitted by the planning commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.
- (7) *Additional right-of-way.* If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the county thoroughfare plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the county by the subdivider.
- (8) *Provisions for public use.* In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land shall be located in accordance with the comprehensive plan. The acquisition of such land shall rest with the proper authority.

(Code 1992, § 8-505; Ord. of 3-23-2006; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-598. - Minimum requirements.

- (a) *General.* The subdivider shall provide public improvements as required by all applicable county regulations, specifications, and requirements.
- (b) *Curbs and gutter.* The subdivider shall install curb and gutter and proper drainage as required by county specifications.
- (c) *Monuments.* The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18-inches long and driven to a minimum depth of 12 inches.
- (d) *Water supply and sanitary sewerage.* Every lot within a proposed subdivision shall have an approved supply of adequate water and an approved sewage disposal system, as determined by the county water system and the environmental health county manager.
- (e) *Public water facilities.* Where public water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.

Number of Lots	Minimum Distance from Water Line*
6 or more	2,500 feet

For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.

*Measured along public right-of-way to closest point on property.

Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system. (Ordinance No. 2000-14)

- (f) *Fire hydrants.* Standard fire hydrants will be provided at the spacing specified by chapter 12, Fire Prevention and Protection. Design standards shall be as specified by the American Water Works Association.
- (g) *Sanitary sewer.* When a public sewage disposal system is not available, the county environmental health department shall review the preliminary and final plat of a subdivision to determine the feasibility for individual on-site sewage disposal systems. After approval of the final plat ~~of minor subdivision plat~~ of the subdivision, on-site sewage disposal system permit applications must be submitted to the county environmental health department for each individual lot for review and approval. If the lots of a subdivision are to be served by individual subsurface wells, the on-site sewage disposal permit application must indicate the location of the well and on-site sewage disposal system. The subsurface well must be setback at least 100 feet from any on-site sewage disposal system and drainfields.
- (h) *Stormwater drainage.* The subdivider shall provide adequate stormwater drainage in accordance with all applicable county regulations and specifications.
- (i) *Grassing and erosion control.* Proper erosion control measures must be in place throughout the entire phase of construction and must also be in place prior to final plat approval. Permanent grass must also be established on all disturbed areas prior to final plat approval. However, proper temporary erosion control measures and performance bonds can be substituted for a permanent stand of grass during the final plat inspection.
- (j) *Approval of permits.* Building permits may be issued for a phase of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the applicable departments approves the improvements in said phase and it is determined that the lots to be built upon are completely served by the improvements in the completed phase as if it were a separate subdivision.
- (k) *Utilities.* The subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable county requirements. The utilities shall be located as specified by the development regulations. Power and water utilities must be installed, if available in the area, prior to final plat approval. All of the minimum improvements listed in this section of the article must be completed and inspected prior to final plat approval with the exceptions of the installation of utilities in nonresidential subdivisions.

(Code 1992, § 8-506; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-599. - Provisions for recording of final plats prior to completion of minimum improvements.

- (a) *Performance bond or irrevocable letter of credit.* The following improvements shall be made after the recordation of a **major** final plat if a performance bond or irrevocable letter-of-credit is provided that meets the standards set hereafter.
 - (1) Paving the top layer (top course) of asphalt on one or more roads within the subdivision; and/or
 - (2) Meeting permanent stabilization requirements within the proposed right-of-way.

Other than those items listed above, all minimum improvements within the subdivision shall be completed and accepted in accordance with the approved construction plans, the county development regulations, and the subdivision regulations prior to the recordation of a final plat, acceptance shall be determined by the county engineer, the director of utilities, and the **stormwater environmental** management director

based on a field inspection of the project and/or review of required submittals. Work to be completed after the recordation of a **major** final plat shall be guaranteed by either a performance bond or an irrevocable letter of credit and the documents shall be filed with the county engineer prior to his signature on the **major** final plat.

- (b) *Criteria for performance bonds or irrevocable letter of credit for paving.* The amount of the bond or irrevocable letter-of-credit needed for paving shall be the sum of material, labor, equipment, and repair estimates, as determined by the county engineer, using the following guidelines:
- (1) Material costs equal 150 percent of current cost estimate for tack and asphalt;
 - (2) Labor and equipment equals 20 percent of material costs; and
 - (3) Repairs to binder and base equals 20 percent of material cost.

Additional costs shall be included for unusual circumstances. Performance bonds/irrevocable letters of credit for paving shall be considered only if coring of the asphalt binder and base, as required by the development regulations, demonstrate the work was completed per the approved construction plans and county standards. Paving work shall be completed within two years of recording the **major** final plat unless an extension is provided by the county engineer. The bonds/irrevocable letters of credit shall not be released until all repairs and paving work are done in accordance with the approved construction plans and the work is accepted by the county engineer.

- (c) *Criteria for performance bonds for permanent stabilization.* The amount of the performance bond or irrevocable letter of credit needed for permanent stabilization shall be the sum of material, labor, equipment, and repair estimates, as determined by the **stormwater environmental** management department. At a minimum, the cost estimate shall include all best management practices required to bring the project into compliance with the approved soil erosion and sediment control plan. Additional costs may be included for unusual circumstances. Performance bonds/irrevocable letters of credit for stabilization will be considered only if the **stormwater environmental** management director determines that current weather patterns and the season make permanent stabilization infeasible at this time. Stabilization work shall be completed within one year of recording the **major** final plat. The performance bonds/irrevocable letters of credit shall not be released until all areas of concern are stabilized in accordance with the approved construction plans and the work is accepted by the **stormwater environmental** management director.

- (d) *Conditions thereof.*

- (1) Performance bonds or irrevocable letters of credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to this section, shall be accepted by the county engineer provided that the subdivider, his heirs, successors and assigns, and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these regulations. The subdivider will save the county from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and installation. Before acceptance of any performance bond or irrevocable letter-of-credit for paving, the county engineer may, at his direction, have the county attorney review said instrument. A bond shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.
- (2) Duration and release. Performance bonds and/or irrevocable letters of credit posted pursuant to the regulations shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted.
- (3) Default. If the construction or installation of any improvements or facilities for which a bond or irrevocable letter of credit is posted is not completed within three months after substantial

completion of any building or structures which said improvements of facilities are designed to serve, or if said construction or installations not in accordance with the applicable specifications and requirements, the county may proceed to construct, install, or modify said improvements of facilities in accordance with the applicable specifications and requirements. In either the case of a bond or an irrevocable letter of credit, the county shall make whatever claims and/or drafts are necessary in order to obtain the funds necessary to so construct or install said improvements of facilities. The default provisions of this section, shall not apply when the governing body acts to permit the subdivider to remove his subdivision from the land records of the county in accordance with the provisions of these regulations.

(Code 1992, § 8-507; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-600. - Acceptance and guarantee of completed minimum improvements; completion.

The following requirements shall be satisfied prior to approval of the final plat by the applicable departments:

- (1) *Submittals.* The subdivider shall provide to the county all applicable submittals as required in the county's development regulations. A detailed list of the specific submittals and contact information for the applicable departments responsible for review and approval of each submittal is available from the county ~~stormwater environmental~~ management department.
- (2) *Final inspections.* Upon completion of all minimum improvements, the subdivider shall notify the departments listed on the final plat checklist and request a field inspection. The subdivider is responsible for correcting all deficiencies identified during the final inspections. Improvements shall not be accepted unless they conform to the approved construction plans and all applicable federal, state and local requirements (see forms for final plat checklist at www.fayettecountyga.gov).
- (3) *Maintenance bond/irrevocable letter of credit.* The subdivider shall provide to the county engineer, a maintenance bond or an irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two years. For purposes of bond/irrevocable letter of credit determination, "minimum improvements" includes all materials and work within the proposed right-of-way plus any part of the storm sewer infrastructure serving the subdivision. This includes, but is not limited to: storm pipe, open ditches, headwalls, stormwater management ponds, etc. The subdivider shall be responsible for making any needed repairs to the road or other "minimum improvements" as defined above within the two-year bonding period. Notification of needed repairs may be provided by the county to the subdivider at any time during the bonding period. If the subdivider does not make the necessary repairs within 90 calendar days of said notification, the county engineer shall claim funds from the bond or irrevocable letter of credit to adequately reimburse the county for its cost associated with having the repairs made by a contractor or the appropriate county department. Regardless of project size, the minimum maintenance bond/irrevocable letter of credit is \$5,000.00. If a final plat becomes void, as may happen if not recorded into the county clerk of superior court records within 90 calendar days of approval by the planning commission, the existing maintenance bond/irrevocable letter of credit is also void and a new maintenance bond/irrevocable letter of credit will be required prior to approval of the new final plat.
- (4) *Ownership.* Upon recordation of the final plat ~~or minor subdivision plat~~, subsequent to approval by the planning commission, the county shall accept ownership of any street ~~right-of-way~~ or other real property shown upon the final plat ~~or minor subdivision plat~~.
- (5) *Attorney review.* Before acceptance of any maintenance bond or irrevocable letter of credit, the county engineer may, at his direction, have the county attorney review said instrument. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

(Code 1992, § 8-508; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-601. - Violations and penalties.

(a) *Violations.*

- (1) It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.
- (2) It shall be unlawful to record a subdivision plat, or once recorded, to make any changes, with the exception of minor revisions to a recorded final plat ~~or minor subdivision plat~~, thereon whatsoever which have not been approved by the planning commission in accordance with the provisions of all applicable regulations.

(b) *Penalties.* Any person or persons, firm or corporation or association of persons who shall knowingly divide and offer for sale any real estate in violation of the terms or provisions of this article shall, upon conviction therefore in state court, be punished as provided by this Code.

(Code 1992, § 8-509; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-602. - ~~Legal status.~~ Amendment.

~~(a) Amendment.~~ The board of commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the county at least 15 calendar days prior to such meeting.

Sec. 104-603. - Variance or appeal.

(a) ~~Variance or appeal.~~ In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance to the subdivision regulations. ~~or an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the planning commission does not grant the variance or appeal, the property owner may then appeal to the board of commissioners.~~ A variance may be granted in an individual case upon a finding by the planning commission that all of the following criteria as applicable to the request exist:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
- (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
- (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.

(b) ~~Appeal.~~ A property owner may petition the planning commission for an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement of the subdivision regulations.

(c) ~~Writ of certiorari" (appeal).~~ An appellant/petitioner has 30 calendar days from the date of the decision of the planning commission and/or board of commissioners to seek a "writ of certiorari" (appeal) with the superior court of the county.

(Code 1992, § 8-510; Ord. No. 2010-05, § 1, 6-24-2010)

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

NEW BUSINESS

1. Discussion of the Subdivision Regulations

Pete Frisina began by saying that he wanted to talk about the presentations that we received last week from Donna Black and Randy Boyd who work in the development field, and spoke about contiguous area. He added you know as well as I do, there is an issue with contiguous area because of the variances that you are seeing here. He said I thought they did a good job and they gave us some good presentations. He stated what I have done is put together a lot of spreadsheets for everybody to look at just to give us some idea of how the contiguous area affects the size of what we are requiring. He explained I looked at the typical one (1) acre lot in the one (1) acre zoning which requires .3 acres of contiguous area which is 13,068 square feet, so let's assume a nice big house in really nice big a footprint of 4,000 square feet for a house. He added that's a good size house, including a detached garage, just the footprint which is slightly larger than the most of the homes, but it rounds and it multiplies well. He noted in the residential zoning districts, you are limited in how much footprint that you can have for an accessory structure. He concluded technically on a one acre (1) lot, the most you can you have is 1800 square feet of accessory structure footprint and I didn't include the tennis court in these one (1) acres lots.

Al Gilbert added or the swimming pool.

Pete Frisina replied, I did, yes, and I calculated looked at with swimming pools is a 28' X 40' where is about 1100 square feet so I just rounded it up to 2000 to take care of the deck. He said that comes out to a total square footage of 7,800 square feet of just structure footprint and requiring 13,068 square feet that gives us excess square feet about another 5,268 square feet of a contiguous area that is over and beyond what we are requiring on a one (1) acre lot. He stated for the sake of discussion, we start with the one (1) acre as our baseline, that what we have established as one (1) acre lots right now, and you have to have .3 acres contiguous area and I think we got a safe margin with an excess of 5,268 square feet. He said these are all laboratory situations, I did talk to Randy Boyd little bit who noted that in a laboratory setting when everything is exactly the lot width plus depth and it is a nice rectangular lot, which works fine. He also noted that Randy Boyd said the only other thing he would consider are corner lots, because they are impacted a little more because they have two front yards. He said I will work in the laboratory setting and we will try to the best we can to come up with some nice number here you are going to keep working with corner lots. He added, obviously anytime you have a flood plain or watershed it impacts this sort of thing. He then explained that on 1.5 acre lots, there is a requirement in one (1) acre zoning that if you don't have public water, you have to have a 1.5 acre tract. He stated so again, I just ran the numbers, we now require a .6 contiguous acre area for one of those lots, which is twice what we require for a one (1) acre lot. He explained you got a 26,000 or so area of contiguous acreage, but you don't get any on more on the ground than you do on a one (1) acre lot. He concluded that you get an additional 18,330 square feet of property that is not really required if you can only put that much footprint on the lot.

Pete Frisina stated I was able to do some work with the tax assessor and be should able to work on compiling back this into the GIS, but in the unincorporated County we have about 3,260 pools, about 3,214 pools fall within one of these zoning districts and you can see what zoning districts have the most pools, and as you see I have done a synopsis. He explained, in your one (1) acre zoning you have about 2,000 pools; in your two (2) and three (3) acre zoning about 420 pools, in your five (5) acre zoning you

have about 732 pools and the percentage here is of this total, so you are seeing, that 63 percent of the total pools going into the County are falling into the one (1) acre area. He said that the parcels with pools, that's about 16 percent of the entire unincorporated County, so that why I made the assumption that looking at all these one (1) to three (3) acre zonings to include a pool because there is somewhat of a problem building so many new pools.

Pete Frisina explained that looking at tennis courts, the number are much lower, 63 in the County, the majority of them really falling into A-R but as you can see in the one (1) acre, there is about 24; in the two (2) to three (3) acre area is about ten (10), you are looking at .3 percent of the entire County parcels that have tennis courts, it not very not high. He added that's why when I did this, I went ahead and made the assumption let's go ahead and say there is a good probability you'll have a pool. He explained so again, your two (2) acre zoning will go up to .9 and you can see you don't get any more on the ground; and all the way up to 3 acres, still you don't get anything else on the ground, but you can see how much contiguous area we are acquiring. He stated in your A-R district you have two (2) acres contiguous area, you get the house, twice the accessory structure size with five (5) acres, you get a tennis court, a pool, and you get an additional 3600 square feet, these all are footprints for a farm outbuilding, so out of the required two acres approximately 87,000 square feet, all of these take up about 16,000 square feet, that's the full run there, so your excess is an additional 71,000 square feet, but you don't get any more building, you are limited in what you can put down. He then explained in these two R districts here, if you are a five (5) acre tract in an R district you get twice the square footage under the accessory structure. He stated that I did it with and without a tennis court, each of these five (5) acre R districts would be tied to this either .3 to .15 contiguous area. He concluded if we to consider making all the districts .3 that would work fairly well and if made the A-R .6, we are still requiring 26,000 square feet of contiguous building area but can you only get 16,000 on the ground. He added I was thinking just for the sake of discussion, what you guys think about that.

Danny England replied, I think that make sense, but why do we need contiguous area. I know Randy gave us a history lesson, but obviously there is a reason why we have this and no one else does.

Pete Frisina replied that a number of years ago and sometime in the late 2000's we kind of ran into a number of lots were A-R lots, five plus (5+) acres and literally there was enough room to place a house on that lot but absolutely nothing else.

Danny England said it took all buffers, setbacks and irrigation, it was a terrible piece of property.

Pete Frisina replied I think at that time, Phil Mallon, who was the head of the engineering department was doing all of the watershed and floodplain protection, he thought this through and this was kind of something that he built and Randy Boyd worked with him on it.

Bill Beckwith stated I remember some of them, weren't they weird shaped lots.

Pete Frisina replied well they weren't exactly square but they just were impacted heavily because they were along the creek. He added that was always the big issue and so there was a feeling that we need to have a certain amount of building area for the structures, because when people buy a five (5) or six (6) acre tract really do think hey, I got room to build, then guess what, you didn't.

Danny England stated it is intended to be a protection for the homeowner, not the County.

Pete Frisina replied, yes, if you a looking out to make sure homeowners have a legal lot, you are saying look we need to have a little bit more of building area on these lots. He said frankly, before we didn't

have contiguous area requirements before and probably it didn't create that much of an issue, but I think what happened at one (1) period of time it kind of came up and that was it. He added so what I can do is also give you a little background of what the variances that you've seen and what was the nature of those variances. He added you can see the first one we had was down in the Watercrest Subdivision, a five (5) acre subdivision down in the south part of the County, oddly shaped lots full of flood plain and water. He said now it a two (2) acre requirement, these were in the area of one (1) to 1.5 acres or slightly less, the only one to surprise me was this one but you can see, look at how big that lot was, 10 acres. He added the issues was watershed, some right-of-way dedication, and flag lot configurations, now I can tell you that when we changed the flag lot rules, a lot of these do meet the regulations now. He stated in Watercrest, this was the same lot, two of them came back in, and recent issues and reduced this issue. He noted that Hanner was a watershed and right-of way dedication. He concluded McNeil Farms was watershed and right-of-way, if you remember, we took additional right-of-way from them because we were trying to straighten out Speer Road, and it's a gravel road, so we took more than just your typical 40 feet or 30 feet from the center. He added obviously, if they were giving (land) to us, it was good to help them out and Flowers Field was part of that, they went through a lot of configuration with that.

Brian Haren asked so are we playing with contiguous area as way to mitigate the impact of watershed buffers.

Danny England replied, yes, that's one of the things I think.

Pete Frisina replied I think the numbers were developed many years ago and I don't know if anyone did this kind of analysis to see what the rationale was; I think it was that we start with .3 for one (1) acre and if .3 is good for one acre .6 is good for 1.5; .9 is good is two, we just kind exponentially said the bigger the lot the more contiguous it is, well you really don't get any benefit from it. You know it's really not getting to build more. He said so, you can see, again a lot of it was watershed. He added there was a powerline easement then the moved it and it was not an issue anymore. He explained the drainage easement on the original plat gave a contiguous area but then they said the drainages was over here but the water was going over there, so they had to move it, and all of a sudden they didn't need the variance, but it all already been platted, and the River Run was the last one we did, all those fell into a .6 or greater. He concluded again, I through the number out, we can look at .3 for everything up to A-R and then .6 for A-R. I am open to suggestions and I will send you that spreadsheet, if you want to look at it more.

Brian Haren replied that I think you did good analysis, but I still maintain that part of the answer to this, I know we don't own it, but watershed, watershed, watershed.

Al Gilbert replied nearly everyone that we had approved, it has an effect though.

Pete Frisina concluded with the watershed, the County treasures it and it keeps up in good standing with the people we have to get withdrawal permits from and it's probably one of the strongest watershed protection ordinances in the entire State, we protect more than what the State requires protection for.

Al Gilbert replied we actually reduced it from where it was originally, but it's still tough.

Pete Frisina stated that we have reduced it quite a bit over the years, it is still got a lot to do and think the watershed protection ordinance goes beyond just protecting water, it's also protecting the watershed period, not just for drinking water, but everything, habitat and everything else, the less you mess with the stream the better off you will be.

Danny England stated that he thought Donna Black had a really good point that if .3 is good enough for

one (1) acre, why isn't it good enough for everywhere. It sort of hard to argue with that. Pete Frisina replied that's why I was trying to find a ratio of what you can build on a lot. He added it just makes sense to say you don't need to build any more on a two (2) acre lot than a one (1) acre lot and you are going to require more open space for basically no real reason. He explained this contiguous area is not set-aside for septic, you can put septic in setbacks, you can put septic into an easement, like a powerline easement, you just can't build under a powerline, you can't build in your setbacks and you can't put septic into a watershed, but you have plenty of room to put what you need to put out there. He concluded that if you guys are good with that that's where we will start. He added thinking of the re-writing, the other thing that I have to do is references throughout in different ordinances, especially the zoning maps to make sure it updated once the changes are made.

Pete Frisina began by saying if you go the handout, starting with the definitions on page 2, I am going to segregate the plats by either a major final plat or a minor final plat. He explained that major means it has streets, minor means it does not have streets. He added we are not going to worry about what size the lots are, I am trying to get away from that lot size in making that distinction. He said I looked at the just this definition of street and the way it was written, so you have three (3) types of streets, publically-owned and maintained, and I didn't like privately-owned that was misleading, so I said located on private property but maintained by the County, i.e. those within prescriptive easement. He noted you really don't own the road, it's on your property, and then a private road which we do have a few. He added we don't need this statement that public streets are designated by type. He concluded that with the with Technical Review Committee section that's just some clean-up, we used to be a monthly committee, we haven't met monthly for years, we just don't have that much stuff.

Pete Frisina stated that under Section 104-594 this statement under (b) is no longer in the State code, you know the State Code is under the Clerk of Superior Court and I don't know if really need to be trying to enforce those rules through this I mean by specifically saying this is verbatim out the State law. He added so I think what we do is going to support what the State law requires for the Clerk. He concluded everything changes for them too, they are now going towards all electronic submittal and it's hard to keep up with but I going to take that out and we will see if we need anything else on that.

Pete Frisina stated that under Section 104-959 needed is just some wordsmithing just to make sure that we have major final plat, minor final plat. He said starting with preliminary plat that just some wordsmithing. He explained I am taking the Zoning Administrator out and putting in the Department in there as the administrator of the procedure and that what Planning & Zoning does. He added the Subdivision Regulations fall under the Engineering Department, someone is the administrator of the ordinance but we handle the review and the approval procedure with all departments, just more wordsmithing needed here.

Pete Frisina stated that on the this next section, I have taken out the entire checklist and this is the new revised checklist, starting on Page 11, it is in SAGES now. He added I have now since deleted all of that and put the new checklist in and minor subdivision plat and I have deleted that and I have done that for minor subdivision plat. He concluded that's all been done and it's quite tedious.

Pete Frisina began by saying then the section that I will start working here on is on Page 27, which is under Section 104-597(3) - Contiguous Area, let's see where we end up, the rest of it is all just wordsmithing, and you will see more work on that but I don't see any huge changes.

Pete Frisina began by saying one thing I need to talk about is Page 7, under Section J & K, that is where you have to go public hearing when you want to make a change to a final plat, that either adds property to the subdivision plat, creates more lots or changes the use on one of the properties, and we do that for

both a final plat and a minor subdivision plat. He explained the first changes that I think I am going to make is that we go to a major final plat and a major final plat. He added we're not going to this on a minor final plat, because these are just lots cut up along the side of the road, they don't look to me that they have the kind of relationship when you have a major final plat that is inside and it's enclosed. He noted that when we make that change we are not going to do that for somebody. The explained in fact you are going to have one come up next month, somebody cut out a lot on the side of the road with a minor subdivision plat and if they want to cut it in-half they have to go to a public hearing to be able to do it, that's a lot of work. He added it's a four (4) acre parcel along the side of road that zoned R-70, but we got to go public hearing to be able to do it.

Danny England said I think the City does it that way, they approve it but there is no hearing or anything.

Pete Frisina replied this started with something that happened many years ago, like when we had some lot that did not have enough contiguous acreage, so they made up a rule. He added I am working with Dennis Davenport, he said the Board of Commissioner does want to take more control in a major final plat as far as changes, well they turned the last one down. He explained I told Dennis Davenport, the problem that I have is that you have issue, you have a conflict between zoning and a subdivision procedure and you need to rectify that situation. He concluded the problem that we have here is our attorney are not in concert with our outside attorney. Our outside attorney said there is no criteria here, what are you making a judgment based on, there is nothing here.

Danny England replied there's no way test it.

Dennis Davenport is going through and he going to be looking at trying to figure out how to write a set of criteria or something that will be used to judge one of these things, somewhat like a rezoning. He added he will try to figure what's the situation, how you are going to do it, what's is the written criteria. He concluded that Dennis Davenport is working on that. I will let him come in and present it when we get to that level.

Pete Frisina began by saying another issue that has come up, I am doing a lot research on these older subdivisions. He said I am trying to figure out where are the subdivisions, where the growth potential is, where they are being developed at much greater lot size. He explained what makes it divisible is when they have a much larger lot size and a much wider lot size, because a lot of times you have some R-40 lots that are three (3) acres; if they are 120 feet wide you can't do anything with them anyway. He added if you got an R-40 with a 250 foot wide lot that three (3) acres it's just right for cutting it in-half. He said I made some suggestions to Dennis why don't we just make a rule. He then noted said Dennis Davenport replied that he was given direction by the Board to come up with something.

Pete Frisina said fine, here is my recommendation, make a rule once it is final platted, it done, you can't change it. That would save us a lot of work and there is no public hearing, that's my first recommendation. He added if the Board really feels that way, just don't allow it. He concluded make sure that you say this is overriding the underlying zoning, in some form or fashion, so you have to get two (2) ordinances and you have to have that language in both.

Pete Frisina stated, I am doing a lot of research on where these things are, why don't we go into one of these subdivisions and as a courtesy to them we'll rezone them. He added we will rezone your property so that you can't subdivide, that is my second recommendation n. Dennis will be working on the criteria. He concluded that Dennis replied, I am not going to discount either one of those but I am going to work on the criteria and see where we end up, either of those are not bad suggestions, I just don't know where the Board want to go.

Pete Frisina began by saying so now another issue has come up, where someone has subdivided a property like a final plat and they have made the lots larger to create some kind of character for their subdivision. He explained in the past we have had developers that were in the habit of enhancing the subdivision with their wishes and desires by making the lots larger than they need to be and are required to be. He added they said I am going to increase the setbacks, so instead of a 40 foot setback, I want a 100 foot setback, and guess what we did. He noted that we accepted those plats with a 100 foot setbacks on them and we've enforced them.

Bill Beckwith replied but these are not County setbacks.

Pete Frisina then replied, yes, these are not County setbacks, they are developer-imposed setbacks and the County has enforced them. He added there was one subdivision where the developer, I am not quite sure why he did it, he actually had different setback in different sections of the same subdivision. He explained that if you were going down the road, he widened the setback of those lots that fronted the road but when he got to the corner he made them smaller, so maybe they would have more buildable area. He said I can tell you antidotally what we did policy-wise, when someone wanted to build for less than what he set the setback they just had to bring a letter from the developer stating that it was okay. He also explained as a rule now, ever since I have been dealing with the Department, we will not approve a plat that has a greater than the County setback. He added someone says I want a 100 foot setback, I am not going to approve it, if you want 100 foot setbacks you put in covenants in there. He said we will enforce the County setbacks and that's it, but we have by policy, on these older subdivisions, we have been saying okay we are going to abide by it. He noted we had a few situations where we had another subdivision where a 100 foot setback was put on all the lots and there is a letter in the file from the County attorney saying were not going to go by this. He concluded speaking with our present County attorney who says I don't know if we can do that, he says I think that should be another thing for a public hearing.

Pete Frisina began by saying the other issue that came up is someone came in and they had a 75 foot setback in a subdivision that done many years ago. He added I can't figure out how this happened, but this was an older subdivision where the only thing you needed was the handwritten name of the County Engineer who approved it. He explained, they had the setback set within the subdivision at, I guess, the county standard, and he crossed out all those and wrote 75, and then he wrote his name approved by County engineer with 75 foot setbacks. He added that's what got us into a discussion with Davenport, I now have somebody that wants to reduce the 75 foot, and I said they can't go to the ZBA, because 75 is not a reduction for the ZBA. He stated I said we have been in the habit of saying revising the plat to the County standard and if they need more they will have to go to the ZBA. He added well he and I are still discussing the merits of that, under here that is not a criteria to go to a public hearing. He questioned the group how do you guys feel about this, in general, I can find you some of the old plats to look at. He said looking on the aerials, probably the situation is that 95 percent of the homes meet the 100 foot, every once in a while you will find one that doesn't, I don't how that happened but in general, how do you guys feel about developer-imposed setbacks from years ago. He questioned the group what should the County do. He concluded how we should allow people to change it, because I am not in favor of keeping a 100 foot setback where it is not required.

Bill Beckwith replied could they do it individually or will they have to re-plat the whole thing.

Pete Frisina replied that we have people re-plat a lot or two here and there. It has not been very widespread.

Danny England replied this comes up where I buy a house, find out the house is 100 feet off the road, I want to do an extensive renovation, and I want to push the thing forward and I find out that I am sort of held to this weird standard, and I am saying Pete what do I do, or else, there is a lot that never sold.

Pete Frisina responded Davenport's thing is that you have a character issue, where most of the houses are meeting that 100 foot setback but now somebody buys in and says I want to meet the 60 or 40. He added that's probably the bigger issue is now suddenly someone builds a house and now it's in front of my house, that weird, we all line up here except for Jeff who stormtroopers in and builds a house up here.

Pete Frisina replied so that the issue we are dealing with. If you guys have some thoughts on it, when he come up with something I will have him come in and deal with that. That the issue, it's a character issues and whether not it should go to a public hearing and what criteria do we use for that.

Brian Haren replied I say right now don't allow it going forward.

Pete Frisina replied we don't allow anyone to do it anymore.

Brian Haren responded but it was something that the county agreed to in the past, which is what you are going to use to approve a plat, enforce that.

Pete Frisina responded that the issue is just like zoning, zoning only requires me to have a one (1) acre lot, and now I have a three (3) acre lot, why can't I subdivide. He added zoning requires me to have a 40 foot setback, so why can't I do have to have a 100 foot setback.

Brain Haren replied because you are in a subdivision.

Pete Frisina well that strength needs to be added into this document.

Brian Haren replied well you are right.

Chairman Culbreth replied there are minimum standards.

Pete Frisina stated that when someone buys in the subdivision and they study the plat thoroughly, they buy there with the anticipation that nothing will ever change and that's the way it should be. He added that why I just say let just make it unchangeable and be done. He explained that will be the simplest, to say we can't do it anymore. He concluded, that's it for the subdivision regulations.

Bill Beckwith asked just curious, if there was there any notification on the plat that this is not the same as the County standard.

Danny England replied it's drawn and platted as just officially as anything else. It just says 100 BL or whatever and that just what is. He if just look at that and purchased that property you probably aren't thinking is that to County standard, it is what it is.

Pete Frisina replied so that will be part of this, paragraph J will grow and we will figure out to make this defensible, logical or something.

Danny England stated I do think this look at character is the sort of way to approach it. If Brian or I lived on either side of somebody who has done that would be a sad day for us.

Pete Frisina replied unfortunately the County has not always handled this the same way twice.

Al Gilbert suggested that years ago you use to have the 10 percent factor you could play with.

Pete Frisina replied that we don't have that option anymore.

Al Gilbert stated I don't know if you remember that or not.

Danny England replied that Randy spoke about it in the last meeting.

Al Gilbert replied that they can change the setback but the Commissioners decided they didn't want them to have that option.

Pete Frisina said I had even reduced it to less than ten (10) percent, I had it kind of worded that it was there for mistakes and we had a small, small, no more than two (2) feet to handle mistakes.

Danny England said it did make sense, I remember hand drawing plats years ago, Randy was right you get work all the down and to that cul-de-sac and find out the last two (2) lots don't work, aww man, get out the eraser. He added now it is a lot easier to get all that stuff out, but it was terrible, you had to double-check the math twice before you brought out the ink pen.

Pete Frisina stated okay that what's coming up, my goal is try to get the subdivision regulations and everything done and hopefully get to public hearing by the end of the year, because we lose two (2) meetings, if not the December meeting, then hopefully by January with everything changed, amended and approved.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 19, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Subdivision Regulations

Pete Frisina began by saying that he wanted to acknowledge that Donna Black has returned. Chainman Culbreth replied that she's a great resource.

Pete Frisina began with saying you have bits and pieces of the ordinance that I have been working on. He noted I didn't send everything out because it wasn't much to see. He began by starting out with page 40. He said based on a discussion first and then presentations we had two (2) meetings ago from Donna Black and Randy Boyd along with some additional information I looked how much square footage can be put on a lot. He explained we looked at the contiguous areas and what I have come up with is the recommendation that that A-R be .6 acres contiguous area; and that everything else be .3 acres.

Pete Frisina explained the amount that you can build based on the lower classifications, by looking at the spread sheets. He stated most of what of we think can be built on these lots the .3 all those lower classifications of lots and those can be from one (1) to three (3) acres zonings. He explained when you get to the five (5) acre is where you jump to another level especially in an A-R where you

get the additional buildings so that why I went to .6. He added I think we looked at all kind of combinations of accessory structures, swimming pools and tennis courts and things of that nature and found that .3 for the lower lots works and .6 for the A-R works. So, how does everyone feel about that is everyone good.

Brian Haren replied, yes.

Pete Frisina said I added what is supposed to be out of the contiguous area, and I think we have always looked at floodplain because it is hard to get away from it but just never mentioned it, so I put floodplain in there. He added there is some reference to the contiguous area within the accessory use section, so I made a note to go back and change that. He explained again this number one (1) and number (2) notations under the table, at the bottom of the page, states that if you have a septic system and public water you can have an (1) one acre lot but you if have a septic system and a well you can have 1.5 acres. He noted, there is a difference in how much contiguous area again, and I thought it was unnecessary so I took that out.

Pete Frisina then said if you go to page 41, there are so many things in here, I am still going through this page trying to figure things out. He added I don't know if we ever had a situation where, other than one (1) that I can think of where property was added to a subdivision and use the same name. He noted I don't know where we went through this process but we approved the subdivision, so apparently we did. He added if someone comes in and wants to connect that subdivision to an internal road system, I think yes, I think we need to make sure we are good with that name. He explained let's say you have a subdivision on the side of the road with a closed road system an 40 lots and someone wanted to come in and next door and build another replica of that same subdivision but not have an internal connection, does it make sense to have the same name for that subdivision if there is not a relationship of some sort. He concluded I don't think so.

Donna Black replied the only reason somebody would want to do that is if the first subdivision had done a lot of marketing and done well with selling the lots and the one (1) next to it want to be Estates at whatever, but that just creates confusion for EMS, and that seems more important.

Pete Frisina replied if someone wants to create an internal connection between the two that makes more sense.

Donna Black responded that is part of the same subdivision.

Pete Frisina replied if you said I want a duplicate subdivision next door and I an1 not going connect them but I want to call it the san1e name.

Al Gilbert responded I would think Public Safety had input on those namings.

Pete Frisina responded they really don't get into the subdivision names as much as the street names. He stated again, here's something in the ordinance that I don't think I have ever had to deal with. He

noted when I run across these minor things and half the time should I delete them, but the first time I delete something, then all of a sudden you need to have it.

Brian Haren replied keep it there because if you listen to the police traffic in the County, the dispatchers do reference the subdivisions.

Pete Frisina replied alright, I just made a rule that the internal street is the important part, I don't care if you have a separate entrance on the outside but I think there needs to be some internal connection. He added the only one that we have recently was Longboat but they did not have another external entrance. He explained everything was kept within the boundary of subdivision, they made a connection and then continued the development into the other piece of property that was just north of it; the street did not come back out to the highway. He concluded to me that is the perfect example that makes more sense.

Arnold Martin responded going back to the EMS, I am in an older subdivision here in Fayetteville, and some of the original homeowners said they had to actually change the names of some of the streets because it was too confusing and they were driving around and around trying to find the location, this was before GPS.

Pete Frisina responded that there was a lot of duplication years ago.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 7, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Subdivision Regulations.

Pete Frisina began by stating what I have embarked on is redoing the subdivision regulations because hopefully we are going live by early next year with the electronic submittal of final plats, preliminary plat and site plans. He added we trying to get that all set up in the software and I am going to get the ordinance to match up with that.

Arnold Martin asked is the electronic submittal by the petitioner or the person that's wanting to do that. Will they have to upload to a portal or will they have some similar software to do that.

Pete Frisina replied they will upload, we will review electronically. He said I haven't quite figured out some of the nuances of signing the plat, this is still a work in progress. I have been trying to figure out if you can take the rezonings in electronically, it is harder, but I am working on that right now. He concluded the easy stuff will be preliminary plats, final plats and site plans.

Arnold Martin asked by all of this being electronic, will that change any type of public access to these submissions from the initial point or is it the same access as the public has already. He added I am just wondering it is a thing where someone puts it up, it is automatically available.

Pete Frisina replied to the degree it will be publically available. He explained if someone submits a subdivision plat to us electronically and then someone comes in and wants to see it, I will have to pull it up on a screen because we won't have a paper copy. He said I guess for you guys so far when we sent things out on an 11x17 it hasn't been a problem for you guys, has it but very seldom do we send you the full-sized drawing.

Brian Haren asked are you going to make us go there electronically.

Pete Frisina replied no, we should be able to print out the 11x17 to send to you for the meetings.

Brian Haren asked so this is all going into SAGES right.

Pete Frisina replied yes, we are all working towards that, right now all of our building permits are electronic, everything is electronic, you can do paper, but you have to scan it and upload it. So we are taking the same software and trying to fix it for us.

Brian Haren responded we use it at the airport, the concessioners all submit their plans in the SAGES system.

Pete Frisina you guys have SAGES.

Brian Haren replied yes,

Chanelle Blaine asked how you do like it.

Brian Haren replied it's popular, so you know, Blue Beam is the interface. He noted everyone can look at it so the approvals are all done electronically.

Pete Frisina asked does anyone have to sign anything.

Brian Haren there is an actual an online approval signature process, I am not sure how that works, but that is all done digitally.

Pete Frisina asked can you find out for me.

Brian Haren replied sure.

Chairman Culbreath replied so they have electronic signatures

Pete Frisina replied yes because for instance on a final plat, the owner has to sign it. He said the surveyor signs it but the State has made allowances for surveyors now under the surveyor's laws to place an electronic signature over their stamp, so they are taken care of. He added the soils guy has to sign it, the wetlands guy has to sign it, and we've got to sign it. He noted I talked to a rep at SAGES, but in order for them to use DocuSign they have an agreement with DocuSign.

Brian Haren replied remember this the airport, there is an Approvals as part of it. He said each document goes into SAGES as part of a project, so Concessions uploads a project. He added everything that is associated with a project goes under that project, one of the things in each project is an Approvals Form.

Pete Frisina asked are the signatures being affixed to the drawing.

Brian Haren replied no they are not.

Pete Frisina replied our drawings require that a signature be affixed to them, on the face pages. But the outside people, the soils, wetlands and whomever, I have to figure out how to get those worked out.

Brian Haren replies I will ask.

Pete Frisina stated as I am going through the zoning, working on the subdivision regulations, I have noted there are so many things that need to be taken care of.

Arnold Martin asked how the subdivision regulations will impact the home building.

Pete Frisina replied they are not, we are trying to get the subdivision regulations in-line with how we are going to be doing things. He explained the subdivision regulations cover engineering, watershed, and other items, but everyone says we need to make a change, but we never seem to do it, but now seems like the time to do it. He added now I am asking to get all the changes put in place, and let go ahead and clean it up.

Pete Frisina said one of the things Engineering/Public Works wants on the plats now is the site distance aspects. He added they were never put on plats before, but they keep asking for it, and so now we are going to make a requirement that we do a site distance analysis to make sure the proper site distances. He noted the other thing that has come up, the Road Department now wants to ensure that every subdivision has to have a mail kiosk. He added that nobody gets an individual mailbox in a subdivision. He noted anyway, we don't have regulations other than don't put it in the right-of-way, but now we suggest that maybe you have an area that's owned by the homeowners association.

Arnold Martin asked why this change.

Pete Frisina replied that is a requirement by the Post Office.

Al Gilbert replied that the Post Office does not want to have to go house to house anymore it cuts backs on their costs of delivery.

Pete Frisina replied it is a Postal Service requirement, it not my requirement, but we have to deal with it, so it is one of the aspects they want to look into. He added we just ask people to show us where it's going we just want to make sure it's not in the right-of-way and we tell them to put it on an easement, put it on a 10 x10 piece of property owned by the homeowners association. He said we don't make them do it we suggest it.

Pete Frisina stated that I will keep going through the items, if nothing else, I want to get the subdivision regulations probably done by January.

Brian Haren asked so do take it to the Board of Commissioners all at once.

Pete Frisina responded depending on how this goes, if nothing else, I will do the subdivisions probably January and February, because I don't have a problem getting the thing up and running if they don't match for a short period of time. He explained the whole idea is to make sure we are consistent in the software and the ordinance, if there is a little lag time is its okay. He concluded part of the ordnance changes that I am making here are to coincide with what we are doing with the subdivision regulations.

1. Discussion of the Subdivision Regulations.

Pete Frisina said when I started out working on the sub regs, I went in to make changes to the sub regs, and then I realized that I have to make those changes to the zoning ordinance. He explained I am trying to get things setup so that hopefully this can to public hearing in February, and then hopefully by the end of January we will have the SAGES up and running for platting and site plans.

Randy Boyd replied we are going to be submitting two (2) more probably in the next week or two (2). He asked are you still setup like before.

Pete Frisina replied not yet, I think we have run enough tests. He added if you submit one electronically after I get it up and running, that how it is going to be reviewed.

Randy Boyd replied okay, do you want us to submit the next two (2).

Pete Frisina replied submit it on paper. He added we are not setup yet, there are still working on the checklist.

Chairman Culbreath said that before we adjourn, will the young lady please introduce herself. He asked are you working on a project.

She stated that her name was Mykell Williams and that she attends Kennesaw State University and for her American Government class her assignment was to sit in either a court session or a planning commission meeting. She said I attended two (2) out of the four (4) Fayette County schools here so I know about the community so I decided to get involved and see what's going on. She concluded thank you for letting me come and sit and take notes.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 15, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance and Subdivision Regulations.

Pete Frisina said the portion of the subdivision regulations that requires a public hearing when it is proposed that a lot be added to the subdivision, property is added to the subdivision or the use of a lot is changed is under review by the County Attorney and staff. He discussed three recent requests and that one of those requests was denied and has gone to court but a decision has not been rendered yet. He stated that the County Attorney has mentioned a legal term of "reasonable reliance" to base the regulations on which means a person buys a lot in a final platted subdivision with a reasonable reliance that the final plat will remain unchanged or not be changed in a way that will be detrimental to the other lots. He asked the Planning Commission for their thoughts on this section of the subdivision regulations.

Al Gilbert asked, how do we determine what's detrimental.

Danny England said the request we denied was detrimental.

Pete Frisina asked him to articulate the detriment.

Danny England said it was detrimental to the character of the subdivision because everyone had

bought in a subdivision of three acre lots even though the subdivision was zoned for one acre lots and nobody in that neighborhood bought a lot thinking that someday they were going to be told that they are zoned for one acre lots.

Pete Frisina asked is character a function of lot size, lot width and/or setbacks.

Al Gilbert said different setbacks are an issue to character.

Danny England said with the request that was denied, if the property was subdivided it would have had R-40 setbacks which were different than how the existing houses were laid out.

Pete Frisina said another issue is we have two ordinances that are in conflict, the subdivision regulations that require permission to subdivide a lot in a final plat and a zoning ordinance that allows a smaller lot. He stated that the regulations need to be clear as to which ordinance takes precedence. He added that the subdivision regulations need criteria to weigh these.

Danny England said the alignment of the existing houses beyond the required setbacks needs to be taken into consideration. He added that if the setback is 50 feet but all of the house are setback 80 feet that creates a built condition that needs to be considered.

Pete Frisina said setbacks are another issue we need to review because we have final plats with larger than required setbacks that were imposed by the developer.

Al Gilbert said we need to look at the historical perspective of the final plat and what was the intent of the developer because the county didn't have as many zoning categories back then.

Danny England said that is a criteria we need to consider.

Pete Frisina said that puts us in place were a regulation other than the zoning ordinance is dictating lot size. He added that again the regulations need to be clear which regulation takes precedence. He asked if the lots were subdivided in a way that the setback or alignment was maintained would that change the situation.

Arnold Martin said from his perspective the setback is at the top of the list because we don't want one house out of alignment with the existing houses. He added that is detrimental to the neighborhood.

Pete Frisina asked Arnold Martin as someone who is in the mortgage business what would be the effect on the appraisal of properties in a subdivision where a home is out of alignment with all of the other homes.

Arnold Martin said an appraisal is mainly based on recent sales of six to 12 months within the subdivision and up to a half mile radius. He added that the appraiser may down grade the value of the house that is out of alignment because it is the property that is out of character. He stated the appraisal for surrounding properties probably wouldn't be affected as much but the marketability of the property could be affected because the house next door that is out of alignment.

Pete Frisina said a criteria that could be considered is the average lot size in a subdivision and the degree a proposed lot is deviating from that average.

Danny England said a scenario is someone buys two lots and wants to divide those two lots into three lots and built three new houses that maintained the alignment of the other houses so the only difference may be the houses are little closer together than the other homes but that would be more in character.

Pete Frisina said a criteria that looks at the average setback of existing homes and the degree a proposed lot deviates from that average could be another criteria. He added that reasonable reliance is the intent because someone bought here and thought the subdivision is going to stay this way. He said another approach is to say once it's platted it cannot be further subdivided.

Al Gilbert said the issue will be a subdivision with really large estate lots and they don't want a big lot when they get older.

Pete Frisina said but the intent was to create a large lot estate subdivision.

Al Gilbert said this will be an issue for those large lot subdivisions.

Arnold Martin said the reasonable reliance is the majority rule as the majority of the lots are this size.

Danny England said what about a case where a developer buys the majority of the lots in the subdivision for further subdivision into smaller lots.

Arnold Martin said the reasonable reliance is based on the precedence set by everybody who was there when the subdivision was created and not someone who buys 51 percent of the lots. He added changing a large portion of the subdivision to smaller lots would drastically change the character of the neighborhood.

Pete Frisina said criteria could consist of lot size, lot width, setback and alignment and intent of the subdivision and that the final plat with these criteria overrides the zoning of the property.

Arnold Martin said those criteria should trump the zoning as the intent is more important.

Pete Frisina said the majority of the subdivisions with lots that are larger than the underlying zoning are older subdivisions and in comparison to the all of the subdivisions it is a small percentage. He added that another scenario is setbacks increased as a condition of zoning and the degree someone may want to reduce the setback and those requests go back through a rezoning public hearing process. He said the other issue is final plats with larger than required setbacks that were imposed by the developer. He added that he ran across an older final plat today where the developer increased the internal front yard setback to 150 feet. He stated today staff will not approve a plat with greater setbacks than what is required by the zoning. He said what is being proposed for that situation is a request to reduce the setback only go back to the Planning Commission as they are the group that approves plats. He asked if these requests should be a public hearing before the Planning Commission.

He concluded it was the consensus of the Planning Commission that it should be a public hearing and criteria needs to be established.

Arnold Martin said if the setback/alignment was maintained the average person is not going to know the size of the lot.

Al Gilbert exited the meeting at 8:25pm.

Pete Frisina said if a plat was approved with a greater setback than was required by the zoning the department will enforce it. He added that there have been various policies as there is one plat with a note saying per the County Attorney, don't enforce the greater setbacks and another subdivision where the developer increased the setbacks but if he submitted a letter reducing the setback the county honored the latter.

Pete Frisina said to summarize, we need criteria to determine what degree of change within a subdivision the County would allow whether it be lot size, lot width or setback/alignment. He stated that the three situations we need to address are; 1) adding a lot to the subdivision, adding additional property to the subdivision or the use of a lot is changed, 2) consideration of a request to amend a condition of rezoning that increased the setback and 3) consideration of a request to amend a plat with a developer imposed increased setback. He added that allowing no change to a final plat is also an option.

THE FAYETTE COUNTY PLANNING COMMISSION met on February 20, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of Subdivision Regulations.

Pete Frisina stated the first thing that we are talking about is the subdivision regulations. He said as you can see in the top paragraph Legal Basis for the Revision for a Final Plat. That's kind of the essence of what reasonable reliance means. The attorney is working on language for Subdivision Regulations and the Zoning ordinance, I have a meeting with him next Friday. He said we also talked about the framework of some things that we are looking at. He also said and I am bringing this into you to get some idea of what you think is the way to approach this.

Pete Frisina said if we are looking at Final Plat, think of the two examples that we have, Kenley Woods and the Bay Chappell Farm one of things that you talked about street character / front setback. One of the issues you have is sometimes the setback within these old plats was setback at a higher level than what the County requires. So you look at the Final Plat and the existing alignment of homes, which we can do that analysis on GIS, and if the division of land creates a situation where it may put that house in a different location than the other that the ones on either side, what is the degree of proposed change on the plats indoor alignment. What is acceptable, is a 25 percent or a 30 percent change or will have to look at that on a case by case basis. So those are some of the things we have to take into consideration. Again, I am trying to throw a framework out there to figure out what we think is going to the best basis to use.

Pete Frisina explained the next thing will be the lot size character. If you look at the minimum and maximum range of lots within the subdivision. What is average size of lots, number of lots with the size range and then look at what is the acceptable degree of change. What is the threshold where we say we don't like it? Same kind of thing if every lot is 150 feet wide and they want to chop one of those in half because they can per the zoning. What do we think is the best way we think we can deal with it.

The other aspect is the change in principal use based on the current zoning, so let's say you have a residential subdivision, well, there are conditional uses within a zoning residential district that are non-residential, for instance, a school or a church. So what we are looking at are changes of uses that conform to the land use plan. Now here is my commentary, if the zoning allows the use, does

the land use plan even matter?

Chairman Culbreth replied it should, it is designed to complement each other.

Pete Frisina said if you have an R-40 lot that sits outside the subdivision you can put a church on it. It is already zoned, land use is usually your guide toward zoning. You can always say that the land use plan does not allow it then it puts you in a situation. That is one of the discussions I had with the attorney is we are going to be in a situation we had to say something to the effect that the plat process overrules zoning.

Pete Frisina explained legally, the zoning ordinance is a control of land, the platting process is separate, it is the division of land but a lot of what you do in the subdivision platting process is to be sure you meet zoning, so we are going to make the distinction that there are two separate ordinances that once you have entered into a final plat, then you have lost some of your zoning rights. So for instance, let's say someone is doing a church, and usually you find you this happening is in older subdivisions where some of the lots are fronting the road and they are not internally access through the subdivision, it is accessed from the main road. And maybe somebody has a lot adjacent to the subdivision the can grab an acre or so. I put in the things that we look at for re-zoning, the other things, whether the change in use would reverse the effective use or usability of the adjacent property, and whether the change in use will become excessive burdensome for planned streets, utilities, and whether there are other existing changing uses affecting the use of the property. He said land use is the first criteria that we look at for rezoning but these other three (3) are probably more important.

Arnold Martin asked what happens when the land use plan is updated every few years.

Pete Frisina responded land use can be changed as often as we want to change it. He said there is no mandate that you have to change it in any period of time, the State mandates that you do an update every ten (10) years, you can do the update and not change anything. He also said what they are looking for is that you at least go in and review it. He noted if you are using statistics and demographics you can always update those to move them out ten (10) more years. He further noted the last time we went through a land use change, it was during a period of time when there was a lot of rezoning denials, so a lot of the densities in the County were dialed back. He mentioned the Land Use Plan is less dense than it was prior to 2017.

He remarked in terms of the street character, lot size character, lot width, do you think we should look at a percentage or we should try to say maybe if we don't have a threshold of what the percentage is, we can always just say if this lot gets subdivided in this fashion, this house is going to be x percent changed based on the alignment of the other homes or the setbacks within the subdivision, is this the best way to approach it.

Arnold Martin responded in my mind every situation is going to be different, if you put a specific amount of feet, it may not apply at all.

Brian Haren said just leave the description open.

Pete Frisina responded we can look at the degree of change and determine whether we like it or not, based on the situation. He said another thing we can look at is some of the subdivisions in this County, there are so many trees between houses, a movement of 25 feet may not be that big of a deal, cause you cannot even see where those houses are, obviously that comes into play.

Pete Frisina stated the next thing we have is amend setbacks increased by a condition of zoning. He claimed that goes back to a public hearing and I kind of just put the same things there. He explained we can always look at the same things and figure out whether that makes sense.

He continued by saying the next one is amend setback increased by a developer. He said there was a question last week from someone that said should this procedure be an administrative decision by the Planning Commission or should it be under the variance procedure and ask the attorney. He stated the attorney seems to think that it will be better under the variance procedures and the variance procedures need to have criteria now. He also stated the paragraph that starts with variance or appeal is basically what's in the ordinance now so we are going to split it between a variance procedure and an appeal procedure because they are different.

Continuing, he remarked so what we will look at in a variance now is basically the criteria that I copied from the Zoning Board of Appeals; so the question is the variance for development of a subdivision similar enough to variance on a single lot when you are trying to provide a structure to use the same exact criteria. He continued by saying or is slightly different because you are looking at development as opposed to a single lot. He stated the only thing I added under the first bullet under a variance may be granted in an individual case was I added environmental impact because you guys look at that a lot, especially when you are looking at the contiguous area.

Bill Beckwith (Zoning Board of Appeals) asked what kind of a variance would receive a subdivision developer request.

Pete Frisina remarked it seems that we have had variances mainly for contiguous area although basically the way it reads, is anything in the subdivision regs these guys (PC) consider the variance for regulation because they are the approval body of the document. He said years ago we used to have a regulation in the subdivision regulations that a street cannot be longer than 3000 feet. He also said and pretty much everyone that came in got a variance to extend the street to whatever it was. He summarized here the issue is, you've got a long narrow piece of property that's 5000 feet long but you get 3000 feet of road and they can use the last 2000 feet of needed road. He also stated that was a common variance.

He continued by saying we had a variance one time where Rod Wright came in with a preliminary plat and while trying to get through the process, he had to cross a railroad. He stated well the railroad didn't give him an answer after a long period of time, and the preliminary plat expired before he could get permission to move ahead. He also stated well, he came in and got a variance for the plat not to expire because it was out of his control, and the Planning Commission granted him the ability to use that preliminary plat and not have to do a new one, so that was one of the variances. He concluded there are rules and regulations in the subdivision regulations that someone could ask you for a variance, whatever those maybe.

He acknowledged but now, the section which we have revised twice states where a developer has placed the setback on a lot at a 100 feet instead of 65 feet, so we have two (2) people come in and ask can I reduce this. He said I think the attorney said the best way to approach this is a variance procedure. He offered so you guys can look at these changes to see if they need to be wordsmithed a little bit, give it a shot. He said because really when you are looking at a variance, you are looking at one particular piece of property. I think things are fairly implicable but things may be worded slightly different.

Arnold Martin asked when someone comes in and they want to do it differently than what the

developer has done in the past, in general, are we going to try to keep it in conformity as close as possible?

Pete Frisina responded again that's why I put the criteria in addition to the factors above the variance being sought. She said you would be looking at the same thing, street character, front setbacks, you may be also looking at the side and rear setbacks. Now that will be a public hearing before you guys only, and it should be a hearing the neighbors know it is taking place.

He said the appeal is to appeal the staff's decision, it is for someone to come to you guys and say, staff is interpreting the subdivision regulations incorrectly and then you guys can make a decision whether it was interpreted incorrectly or not.

Pete Frisina explained it is very similar to what the ZBA does, they hear variances on the zoning ordinance and they also hear appeals to a decision that we have made. He remarked now technically, under the subdivision regs, any Department that has to approve the subdivision regs, their decisions can be appealed to you as well. He said for example, if Public Works says the roads don't meet the standard and they will not approve the plat. He also stated the developer can say that Public Works is reading it incorrectly and then bring it to you guys.

Pete Frisina said I will write this up and put in a degree of change and leave it open, then we can make a decision on what is the degree of change and what is acceptable or not based on the situation.

Pete Frisina asked as far as the criteria goes, do you think those are fairly good.

Arnold Martin replied I think so, it gives enough of a range for Pete to be able to shape the framework.

Pete Frisina said you have to look at all of these characteristics and how far out of character is what you are approving is it going to be, is what you are going to be looking at and does the degree of change have a detrimental effect on the subdivision or the surrounding lots.

Arnold Martin replied that in itself gives the neighbors the right to come in.

Pete Frisina concluded yes, these are public hearings, they are right now and they still would be.

THE FAYETTE COUNTY PLANNING COMMISSION met on March 5, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance and Subdivision Regulations.

Pete Frisina said let's talk about the subdivision regs first, the first thing that we are looking at is Section 104-592. He added so this is some of the language that we have been waiting for from the County attorney. He explained this is what's going to strengthen the subdivision regs for these public hearings and also indicate that as property moves into a subdivision, it has moved into a second layer of regulation over and above zoning.

Pete Frisina stated what it states here is:

The Board of Commissioners desires to provide this framework to enable property owners to reasonable rely upon the manner in which subdivisions are developed.

He said now I have asked the County Attorney to give us a companion language to put in the Zoning Ordinance, so that the Zoning Ordinance will say something similar to this. He added for instance, if you have a subdivision that is zoned R-40 with one (1) acre lots, but everything is developed by three (3) acre lots, the subdivision regs, to the degree it does, will overshadow zoning. He explained so even though you are zoned R-40, you have to come to County to ask for permission to subdivide that lot further, which is what we are doing right now, the language was not that strong, so that is what that was for.

Brian Haren asked will this apply to just future developments or is it retroactive.

Pete Frisina replied it applies to all plats now. He noted what you are going to find is on newer plats they don't put more than what the zoning requires. He added it's the older plats when for whatever reason, I don't know why, someone would take land zoned for one (1) acres lots and put in three (3) acres tracts.

Al Gilbert replied well there weren't as many zoning categories back then either.

Pete Frisina responded well there was two (2) and three (3) acres zoning back then, maybe that's just they just figured that's the way we wanted to do it, for whatever reason.

Danny England replied they didn't want to stop and do a rezoning, maybe it took too much time.

Pete Frisina suggested or else it may have zoned when they bought it. Their desire was to create was created.

Al Gilbert replied just remember land was cheap then.

Arnold Martin asked in the scenario of an older subdivision, where there is one (1) lot left that hasn't been developed where one of the neighbors owned it because they wanted a buffer, then they decide we want to release that lot. He added based on Brian's question, they cannot go in and subdivide that because this will be in place.

Pete Frisina replied he can't go in and subdivide, which is already in the subdivision regulations without coming to the Board and ask. He explained what this is saying is the Plat will overrule the zoning, once you have platted it there is a reasonable reliance upon the people that bought within the subdivision.

Pete Frisina asked that we move on to Page 2 Paragraph J, he said the entire paragraph is all that we went by before to have these public hearings, so there was absolutely no criteria to go by, it was just your feel. He concluded now everything that starts with one (1), two (2), three (3) and four (4), all the way to Section 104-602 is all new. He explained what we are going to be looking at is street character, lot size character, lot width character and the change in principal use.

Pete Frisina noted that the typical non-residential uses will be a church and/or a place of worship, the developed recreational area with a pool or tennis court, home occupation, horse quarters, horses if you have a certain amount of acreage which allows you to have a structure for the horses. He stated the only two uses that you are looking would be a church or a private school. He explained that if someone came in there were five (5) lots on the side of a subdivision, with no houses on them and a church next door and they said those five (5) lots will really help up out. He also explained they would have then have to go through the same public hearing to change the use of that property,

because it is now within a residential subdivision.

Pete Frisian said now the caveat under Number Two (2), is that I have used the term, *A Recorded a Major Final Plat*, so we are using new terminology in the subdivision regs, when we gets these amendments done hopefully in April. He explained we are going to use two terms, *Major Final Plat* and *Minor Final Plat* which means it is a Final Plat with an internal street network. A *Minor Final Plat* will be any Final Plat of lots that front on an existing County road. He added so we won't go this this process for maybe ten (10) lots on the side of a County road. He concluded that a Final Plat where the lots uses an internal access, we will go through this process. He added does anybody have an issue with that?

Pete Frisina stated that section number Three (3) is to amend the setback increased by a condition of rezoning, which will follow the zoning procedure. Number Four (4) is the new one (1) developed specifically for the Planning Commission. He noted these are to amend the setbacks created by a developer. He added if it has been approved on a Final Plat, the County policy is if the County has approved a subdivision plat with the setback greater than the requirements of the zoning district, we will enforce it. He concluded now if the property owner wants to come to you guys and have it amended, they will have to come to an amended it for that lot only, it will not go to the Board of Commissioner it will go to you guys only.

Pete Frisina stated that maybe I guess what I should do is go back and look at see if there are any plat that were approved on lots on the side the road.

Danny England stated that Gingercake is probably a good example because everything is pretty consistent all the way down, and the houses feel farther back than they should.

Pete Frisina replied let me throw a little caveat in, some of the older subdivisions that had internal streets also fronted streets on the road. He added in my opinion, they would be covered under the Major Final Plat.

Danny England replied oh there are a part of Ponderosa on the one side, I don't remember what side it is.

Pete Frisina responded so in my opinion, in that case, even though they front on an exterior street, they were developed in the context of an internal street subdivision. He explained if someone cut out x number of lots on the side of the road and decided that they want the setback to be much greater than the zoning district, I would go back and see if I can find any of those that has been done in the past. He added then we would allow them to come through that process, I don't want to exclude them. He said I think I will look at it and try to figure that out and then come back at look at it, hopefully I won't find any. He noted we would get the same kind of character of the street, setbacks. He explained now you also get in this context will be looking at side and rear setbacks because we had occasions where developers have decided to the side and rear larger than what required. He concluded I will go back and check those and see if I can find anything, then we can make a decision on that.

Pete Frisina continued okay, the next thing that we will be looking at is Section 104-602, someone made the suggestion that I should talk to the County Attorney about this variance procedure. He noted what he suggested is that the variance or appeal can be broken into two sections now. He explained one (1) for variances and one (1) for appeals, the suggestion was that it not go back the Board of Commissioners for appeal, if the Planning Commission denied one (1) of these, it would go to Court. He added I am going to pass out the language we will add to item (C). He noted this language was

taken from the Zoning Board of Appeals, which will now apply to your decisions. He added that in discussions with the Attorney, we looked at the criteria, and he said that number three (3) could go away because it is somewhat redundant with number one (1).

Pete Frisina said the question that have for you guys is given what you know, and what you have done for any variance for the Zoning Ordinance or the Planning Commission, are you comfortable with these conditions, or these factors, is there anything that you would like to see changed, is there anything you would like to see added or subtracted for clarity.

Arnold Martin asked are items one (1) through five (5) examples of undue hardship.

Pete Frisina replied those would support an undue hardship.

Danny England responded these are also the five (5) things that you fill-out when you apply for a variance. He added these are the five (5) written responses.

Pete Frisina stated number three (3) will go away.

Brian Haren asked is what the ZBA uses.

Pete Frisina replied yes, it is. He added given the variance you guys are hearing, this is the kind of things you will have to look at. Now under number one (1) I added the environmental impact aspect because I know that something that you have looked at a lot. We have one more meeting before I want go to public hearing which is April. Between now and then, give it some thought.

Pete Frisina noted item (b) will be the appeal, because it is separate now. I think that language was taken from the ZBA, as well.

Pete Frisina said on page nine (9) are some suggestions that the County Attorney had, and I think what I have done is taken his suggestions and worked them in to what we have. He said if you look at (a) through (e), these are his thoughts and I think we covered it will all the stuff we did concerning the lot character, street character, lot width and the like. He added so I think we provided a little more detail than what he provided here. He continued so the only change I am making here is if you go down to the very last paragraph was a provision if you have an illegal lot and if it was deemed to be non-conforming it had to be an improved lot. I am taking out improved lot and just say any lot now can be considered for this. When we initially wrote this, what we were dealing with when we were looking at these, the lots were all improved and guess we kind of said let's just look at improved lots. Since then, I have I run into a couple instances where I have found some unimproved lots that fit the variance procedure here but since they are unimproved they can't go through the procedure. I am talking about two lots I am dealing with that are in excess of 30 acres.

Pete Frisina explained as I mentioned I was talking with the attorney and I said I thinking we were looking at people that had substantial investments in their property as being improved. He said well 35 acres or more is a pretty substantial investment. He said of those two (2) one of them would fit this and be okay, the other one (1) would not. He continued even though they could not fit the criteria, there are three (3) others conditions here. I will talk about that a little more the next meeting under (b) whether or not this should be a separate section. I am working on that right now.

Brian Haren asked when are you going to take this to the Board.

Pete Frisina replied I am hoping to get all of these Ordinance amendments we have been working on, which we started on late last summer. He said I will bring those all back next meeting, go over them one more time and then go to public hearings in April. He said it is the revision of the subdivision regs with all this new language which we have been discussing. He noted also, I was doing the subdivision regs, we were finding things in the Zoning Ordinance, then you would find something else, so there was a lot of housekeeping going on in it, as well, to me it was mainly housekeeping. He concluded in the next meeting we will go other that everything else that we are proposing and hopefully we can get to public hearing in April.

Brian Haren asked so we only need to do only one program.

Pete Frisina replied yes for everything, yes, all the sections will be advertised and we will go through them. He explained I think we will have to have a separate vote on the subdivision regs and then a vote on the Zoning Ordinance. He added I don't think we need to vote on every section unless there is a section where someone says I am not in favor of it, and we can always hold that section out.

THE FAYETTE COUNTY PLANNING COMMISSION met on April 2, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Consideration of Amendments to Article XV. Subdivision Regulations.

Pete Frisina said what you have before you for consideration is the amendments to the Subdivision Regulations that we have been discussing and only grammatical changes were made after the document was proofread.

Arnold Martin asked does this have to go in front of the Commission.

Pete Frisina replied yes on April 21st.

Arnold Martin asked is that something we have to make a motion on.

Pete Frisina replied yes, a motion to recommend approval of the amendments to the Subdivision Regulations.

Arnold Martin made a motion to recommend amendments to Article XV of the Subdivision Regulations. Brian Haren seconded the motion. The motion passed 3-0. John Culbreth and Al Gilbert were absent.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #2**

Wording for the Agenda:

Consideration of Ordinance 2020-02 amending Chapter 110. Zoning Ordinance, regarding Sections 110-60., 110-79., Sec. 110-81., 110-105., 110-107., 110-126., 110-127., 110-128., 110-142., 110-144., 110-146., 110-169., 110-170, 110-173., and 110-242.

Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval.
Brian Haren made a motion to recommend approval of amendments to Chapter 110 of the Zoning Ordinance. Arnold Martin seconded the motion. The motion passed 3-0. John Culbreth and Al Gilbert were absent.

Staff and Planning Commission started working on these amendments in September of 2019.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2020-02 amending Chapter 110. Zoning Ordinance, regarding Sections 110-60., 110-79., Sec. 110-81., 110-105., 110-107., 110-126., 110-127., 110-128., 110-142., 110-144., 110-146., 110-169., 110-170, 110-173., and 110-242.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Sec. 110-60. - Conflicting requirements.

The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the regulations and ordinances which govern the development of land. To that end it is understood there may be conflicting requirements between the Fayette County Zoning Ordinance and the Subdivision Regulations and/or the Development Regulations. Should any requirements of the Subdivision Regulations and/or Development Regulations conflict within this chapter, the Subdivision Regulations and/or Development Regulations shall control. Should any requirements conflict within this chapter ~~or with any other county requirements~~, the most restrictive shall apply.

Sec. 110-79. - Residential accessory structures and their uses.

- (a) The following residential accessory structures are permitted in A-R, all residential zoning districts and properties regulated under Sec. 110-169, pertaining to "Conditional use approval - Single-family residence and residential accessory structures and/or uses".
- (1) Well/pump house;
 - (2) Guesthouse;
 - (3) Greenhouse, permanent or temporary (see (n) temporary greenhouse);
 - (4) Swimming pool, hot tub, pool deck, pool equipment enclosure **structure**, and pool screen enclosure;
 - (5) Garage;
 - (6) Recreational court;
 - (7) Gazebo;
 - (8) Cabana/pool house, boat house, **detached** covered patio, and **detached** covered deck;
 - (9) Storage building;
 - (10) Carport;
 - (11) Solar panel (ground-mounted);
 - (12) Wind turbine/windmill (ground-mounted);
 - (13) Aircraft hangar, detached (see article V of this chapter);
 - (14) Dog house and dog pen/run;
 - (15) Playhouse/**treehouse**;
 - (16) Outdoor kitchen and/or fireplace;
 - (17) Patio; and
 - (18) Underground storm shelter.

These regulations shall not apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and Sec. 110-169, pertaining to "Conditional use approval", of this chapter. A semi-trailer/box truck utilized as a farm outbuilding as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and horse quarters, as regulated under

Sec. 110-169, pertaining to "Conditional use approval". These regulations shall not apply to structures associated with nonresidential uses allowed in A-R and residential zoning districts.

- (b) *Structure limitations.* Construction of a residential accessory structure shall occur concurrently with or after the construction of the principal structure. Residential accessory structures shall not be used as dwelling units or for lodging purposes, except a guesthouse.
- (c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.
 - (1) Residential accessory structures shall be limited to one of the following options:
 - a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or ~~three residential accessory structures, per individual lot,~~ that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres ~~and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind.~~ One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure:
 - b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or
 - c. One residential accessory structure, per individual lot with a minimum of five acres ~~and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind,~~ footprint not to exceed 3,600 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure. ~~Under this option, a residential accessory structure shall be located only to the rear of the principal structure.~~
 - (2) At least 50 percent of the square footage of a residential accessory structure building shall be fully enclosed, except as otherwise provided herein. 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, ~~pool equipment enclosure structure,~~ dog house, or playhouse/~~treehouse~~ consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure or one semi-trailer/box truck (as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District", and section 110-169, pertaining to "Conditional use approval"); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen,

fireplace; patio; underground storm shelter; horse quarters (as regulated under section 110-169, pertaining to "Conditional use approval"), **temporary greenhouse (see (o) below)**, or beehive shall not be included in determining the number of residential accessory structures provided herein.

- (d) *Location on lot.* Residential accessory structures shall conform to the dimensional requirements within each zoning district. A well/pump house of 70 square feet or less may be located within the setbacks.
- (e) *Residential accessory structures located in a front yard.* 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 residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only 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 residential accessory structures.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential accessory structure on a lot in the A-R zoning district which consists of five or more acres.

- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot.* Said detached garage shall meet the following requirements:
- a. The detached garage shall not be located more than 35 feet from the principal structure.
 - b. The design of the detached garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
 - c. The detached garage shall have at least one opening for vehicular access.
 - d. The detached garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
 1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the detached garage;
 2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three 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 feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the detached garage.
- (2) Residential accessory structure located in the secondary front yard of a corner lot. When a residential accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.
- (f) *Guesthouses.* Only one guesthouse is allowed per individual lot (see also Sec. 110-169. w). Any living area included in a residential accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.
- (g) *Architectural standards.* All residential 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 facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing residential accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming residential accessory structure shall match the architectural design of the existing nonconforming residential accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.
- (h) *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 a residential accessory structure, complying with this Section, used to store household items. Only two portable on-demand storage units are allowed per lot.
- (i) *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.
- (j) *Cabana/pool house, boat house, detached covered patio, and detached covered deck.* The cabana, detached covered patio, and detached covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but 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 to exceed one story, and comply with the architectural standards for a residential accessory structure of 200 square feet or greater.
- (k) *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 and shall be exempt from the architectural requirements herein.

- (l) *Solar panels (ground-mounted)*. Ground-mounted solar panels shall be limited to three per lot, the total cumulative square footage of ground-mounted solar panels shall not exceed 900 square feet, shall not exceed ten feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground-mounted solar panels consisting of ~~less than~~ 200 cumulative square feet, ~~or less~~, shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of ~~more than~~ 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one accessory structure/use.
- (m) *Wind turbines/windmill (ground-mounted)*. Wind turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater. Each lot is limited to one ground-mounted wind turbine/windmill. The ground-mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.
- (n) *Nonconformance*. All residential accessory structures or uses which had a building permit issued prior to January 24, 2008, are legally nonconforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All residential accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.
- (o) *Temporary greenhouse*. Temporary greenhouses shall not exceed ten feet in height. Each lot is limited to one temporary greenhouse. The side yard setback shall be a minimum of 30 feet or the minimum side yard setback of the applicable zoning district, whichever is greater, and the rear yard setback shall be a minimum of 50 feet or the minimum rear yard setback of the applicable zoning district, whichever is greater. The maximum square footage for temporary greenhouses shall be as follows:

Acreage	Square Feet
< 2	600
2 to < 3	800
3 to < 4	1,000
4 to < 5	1,200
5 or greater	2,400

Temporary greenhouses shall be maintained in good condition and the covering shall not be torn and tattered. Temporary greenhouses shall only be used for the purpose of growing or storing plants. Temporary greenhouses shall be exempt from subsections (c)(2) and subsection ~~(f)~~ (g) of this section. ~~One temporary greenhouse of 120 or less square feet on a lot shall not~~

~~count toward the total square footage or number of accessory structures for that lot.~~ Greenhouses built in the A-R zoning district as regulated under article V of this chapter shall be exempt from these requirements.

A temporary greenhouse permit will be required for all temporary greenhouses prior to construction. Scaled drawings shall be submitted to the planning and zoning department which shall include, but not be limited to: temporary greenhouse elevations including height and total square footage and location on the lot including the distance from the property lines.

Sec. 110-81. - Walls, fences, and entrance structures located in a front yard in A-R and all residential zoning districts and residential and nonresidential subdivision entrance walls and fences.

(e) Exemptions. The following shall be exempt from the above requirements:

- (1) In any residential zoning district where horses are kept in accordance with article V of this chapter, a wall or fence made of chainlink or other wire materials, **including barbed wire and electric fences**, is exempt from the four-foot maximum height requirement and shall not exceed a maximum of five feet in height in a front yard.

Sec. 110-105. - Standards for telecommunications antennas and towers.

(d) *General requirements.*

- (1) Towers and tower facilities shall be on a lot which meets the minimum requirements for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.
- (2) Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
 - a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus ten feet.
 - b. All towers shall be set back from all adjoining properties zoned nonresidential a distance of 100 feet.
 - c. All towers shall be set back from the street right-of-way (existing or required, whichever is greater) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see chapter 104, development regulations).
 - d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three times the tower height or a minimum of 500 feet, whichever is greater.
 - e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.

~~f. All towers shall be set back from all adjacent municipalities and counties a minimum distance of 1,000 feet.~~

Sec. 110-107. Mail Cluster Box Units (CBUs)

CBUs and associated shelter structures shall be prohibited within the public right-of-way and shall not be placed on private property within a subdivision. CBUs shall be placed on a lot (see Sec. 110-170., (c)) under the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision. Any shelter structure shall fit within the aforementioned lot. Mail CBUs do not have to meet setbacks.

Sec. 110-126. - C-S, Conservation Subdivision District.

- (a) *Purpose.* The intent of this section is to create a residential conservation subdivision procedure. A conservation subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space. This open space will be protected from development in perpetuity and will be utilized to protect water quality, water bodies, wetlands, riparian buffers, woodlands, archaeological resources, historic resources, agricultural areas and scenic areas. This open space will also provide flood protection, a reduction in soil erosion and be utilized for recreation. The aforementioned attributes should be taken into consideration in the design of the subdivision. The first step in designing a conservation subdivision is to locate and delineate the area and natural attributes to be preserved. The residential lots are located outside of this area. In addition, the clustering of lots can result in lower infrastructure costs both for installation and maintenance. The creation of the conservation subdivision (C-S) zoning district is to assist the county in fulfilling the goal of permanently protecting greenspace in the county. The conservation subdivision zoning district is intended for those areas designated Low Density Residential (~~one 1 Unit/one to two 1 Acres~~) and Rural Residential - 2 (~~one 1 Unit/two to three 2 Acres~~) and Rural Residential - 3 (1 Unit/3 Acres) on the county future land use plan map.
- (b) *Rezoning requirements.* The following is required for a rezoning petition for the conservation subdivision zoning district in addition to what is normally required for a rezoning petition:
- (1) A petition for the conservation subdivision zoning district will require a yield plan. The number of lots allowed in a conservation subdivision will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the R-70 zoning district in those areas designated Low Density Residential (1 Unit/1 Acre) and Rural Residential - 2 (1 Unit/2 Acres) on the county future land use plan map and the based on the dimensional requirements of the R-80 zoning district in those areas designated Rural Residential - 3 (1 Unit/3 Acres) on the county future land use plan map. This concept is referred to as neutral density. The yield plan shall contain the check list requirements available in the ~~planning and zoning department office of the zoning administrator~~. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.
 - (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a

revision of the development plan shall be supported by a written statement as to why the revisions are necessary. Each conservation subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements. In addition to what is normally required on the development plan, the development plan shall include the following:

- a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
 - b. A delineation of the residential area and the conservation area including the acreage within each area;
 - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
 - d. Indicate and label existing structures to remain.
- (c) *Uses permitted within the residential area of a conservation subdivision.* The following permitted uses shall be allowed in the residential area of the C-S zoning district:
- (1) Single-family dwelling; and
 - (2) Residential accessory structures and uses (see article III of this chapter).
- (d) *Conditional uses permitted within the residential area of a conservation subdivision.* The following conditional uses shall be allowed in the residential area of C-S zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Home occupation;
 - (2) Horse quarters; and
 - (3) Developed residential recreational/amenity areas.
- (e) *Uses permitted within the conservation area of a conservation subdivision.* The following permitted uses and structures shall be allowed in the conservation area of the C-S zoning district:
- (1) Trails and paths (impervious trails and paths are limited to five percent of the conservation area ~~and trails and paths shall comply with the watershed protection ordinance~~);
 - (2) Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic areas and one covered picnic pavilion are required to be set back 50 feet from any residential property line and are limited to five percent of the conservation area. The covered picnic pavilion shall be limited to a maximum of 900 square feet;
 - (3) Community gardens for the use of the residents of the subdivision only;
 - (4) The maintenance of existing orchards and groves including the harvesting of fruit and nuts;

- (5) The maintenance of existing pastures including the harvesting of hay; and
- (6) The maintenance of existing farm fields used for row crops including the harvesting of crops.
- (7) Stormwater management facilities per chapter 104, article XIV. - Post-Development Stormwater Management for New Development and Redevelopment and mail CBUs with associated shelter structures.

~~Said fields shall be outside of~~ All improvements within the conservation area shall comply with watershed protection areas as described in chapter 104, article VII Watershed Protection. ~~All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with subsection (e)(5) of this section.~~

- (f) *Dimensional requirements.* The minimum dimensional requirements within the residential area in the C-S zoning district shall be as follows:
 - (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre) **only within an area designated Low Density Residential and Rural Residential - 2 .**
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1½ acres) **within an area designated Low Density Residential and Rural Residential - 2 .**
 - c. **Within an area designated Rural Residential - 3: 65,340 square feet (1½ acres).**
 - (2) Lot width per dwelling unit:
 - a. Major thoroughfare:
 - 1. Arterial: 150 feet.
 - 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
 - (3) Floor area: 2,100 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
 - (5) Rear yard setback: 30 feet.
 - (6) Side yard setback: 20 feet.
 - (7) Height limit: 35 feet.

- (g) *Use of existing structure.* The preservation of existing historic residential structures listed in the architectural survey of the county is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential 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 preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the zoning board of appeals in terms of nonconformance with this zoning district.
- (h) *Conservation area requirements.* The conservation area of the subdivision shall meet the following requirements:
- (1) *Ownership.* Title to the conservation area shall be conveyed to one of the following entities:
 - a. A homeowners' association that has been established according to the Georgia Property Owners' Association Act (O.C.G.A. § 44-3-220 et seq.); or
 - b. A conservation trust organization approved by the county board of commissioners; or
 - c. The county board of commissioners (for conservation areas with no structures only).
 - (2) *Size.* Each development eligible for treatment as a conservation subdivision shall place at least 40 percent of the total subject property into the conservation area notwithstanding the yield plan. This area shall be described by metes and bounds.
 - (3) *Permanent protection.* Each conservation area regardless of ownership shall have a conservation easement as approved by the county attorney filed in the records of the county clerk of superior court. The **conservation** easement shall reserve the conservation area to conservation uses as defined herein in perpetuity.

Sec. 110-127. - EST, Estate Residential District.

- (a) *Purpose.* An estate residential subdivision is a residential subdivision where lots are reduced in size and clustered to provide conservation area. Each estate residential subdivision will consist of two areas, a residential area and a conservation area. The conservation area will be protected from development in perpetuity by an easement or deed restriction. The conservation area will be utilized for approved recreation for the residents of the subdivision. The clustering of lots can result in lower infrastructure costs both for installation and maintenance. The estate residential zoning district is intended for those areas designated agricultural-residential (one unit/five acres) on the county land use plan map. The creation of the EST Estate Residential District is to assist the county in permanently protecting greenspace in the county.
- (b) *Rezoning requirements.* The following is required for a rezoning petition for the estate residential zoning district in addition to what is normally required for a rezoning petition:
- (1) A petition for the estate residential zoning district will require a yield plan. The number of lots allowed in an estate residential zoning district will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the

A-R zoning district. This concept is referred to as neutral density. The yield plan shall contain the checklist requirements available in the ~~planning and zoning department office of the zoning administrator~~. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.

- (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary. Each EST subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas, including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as, agricultural areas existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements. In addition to what is normally required on the development plan, the development plan shall include the following:
 - a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
 - b. A delineation of the residential area and the conservation area including the approximate acreage within each area;
 - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
 - d. Indicate and label existing structures to remain.
- (c) *Rezoning requirements.* The following is required for a rezoning petition for the conservation subdivision zoning district in addition to what is normally required for a rezoning petition:
- (1) A petition for the conservation subdivision zoning district will require a yield plan. The number of lots allowed in a conservation subdivision will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the ~~R-70~~ A-R zoning district. This concept is referred to as neutral density. The yield plan shall contain the check list requirements available in the office of the zoning administrator. Staff analysis of the yield plan will add an additional month to the normal rezoning schedule. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.
 - (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the

revisions are necessary. Each conservation subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements and will be regulated in a manner consistent with the Georgia Greenspace Program requirements to the greatest degree possible. In addition to what is normally required on the development plan, the development plan shall include the following:

- a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
 - b. A delineation of the residential area and the conservation area, including the acreage within each area;
 - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
 - d. Indicate and label existing structures to remain.
- (d) *Uses permitted within the residential area of an estate residential subdivision.* The following permitted uses shall be allowed in the residential area of the estate residential zoning district:
- (1) Single-family dwelling; and
 - (2) Residential accessory structures and uses (see article III of this chapter).
- (e) *Conditional uses.* The following conditional uses shall be allowed in the residential area of EST zoning district, provided that all conditions specified in article V of this chapter are met:
- (1) Developed residential recreational/amenity areas;
 - (2) Home occupation; and
 - (3) Horse quarters.
- (f) *Uses permitted within the conservation area of an estate residential subdivision.* The following permitted uses and structures shall be allowed in the conservation area of the estate residential zoning district:
- (1) Trails and paths (impervious trails and paths are limited to five percent of the conservation area ~~and trails and paths shall comply with chapter 104, article VII~~);
 - (2) Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic areas and one covered picnic pavilion are required to be setback 50 feet from any residential property line and are limited to five percent of the conservation area. The covered picnic pavilion shall not exceed a maximum of 900 square feet;
 - (3) Community gardens for the use of the residents of the subdivision only;
 - (4) The maintenance of existing orchards and groves including the harvesting of fruit and nuts;
 - (5) The maintenance of existing pastures including the harvesting of hay; and

- (6) The maintenance of existing farm fields used for row crops including the harvesting of crops.
- (7) Stormwater management facilities per chapter 104, article XIV. - Post-Development Stormwater Management for New Development and Redevelopment and mail CBUs with associated shelter structures.

~~Said fields shall be outside of~~ All improvements within the conservation area shall comply with watershed protection areas as described in chapter 104, article VII Watershed Protection. ~~All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with subsection (e)(5) of this section.~~

- (g) *Dimensional requirements.* The minimum dimensional requirements within the residential area in the estate residential zoning district shall be as follows:
 - (1) Lot area per dwelling unit: 108,900 square feet (2.5 acres).
 - (2) Lot width per dwelling unit: 160 feet.
 - (3) Floor area: 2,500 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
 - (5) Rear yard setback: 50 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Height limit: 35 feet.
- (h) *Use of existing structure.* The preservation of existing historic residential structures listed in the architectural Survey of the county is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential 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 preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the zoning board of appeals in terms of nonconformance with this zoning district.
- (i) *Conservation area requirements.* The conservation area of the subdivision shall meet the following requirements:
 - (1) *Ownership.* Title to the conservation area shall be conveyed to one of the following entities:
 - a. A homeowners' association that has been established according to the Georgia Property Owners' Association Act (O.C.G.A. § 44-3-220 et seq.);

- b. A conservation trust organization approved by the county board of commissioners;
or
 - c. The county board of commissioners (for conservation areas with no structures only).
- (2) *Size.* A minimum of 40 percent of the total subject property shall be set aside in conservation area. The conservation area described in its entirety by metes and bounds, total acreage and percentage of total subject property shall be submitted to the county zoning department in the final plat or minor subdivision plat stage prior to final plat or minor subdivision plat approval.
- (3) *Permanent protection.* Each conservation area regardless of ownership shall have a ~~easement-conservation easement or deed-restriction~~ as approved by the county attorney filed in the records of the county clerk of superior court. The easement or deed restriction shall reserve the conservation area to uses as defined herein in perpetuity.

Sec. 110-128. - R-85, Single-Family Residential District.

- (a) *Description of district.* This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following uses shall be permitted in the R-85 zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-85 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;
 - (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-85 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 130,680 square feet (three acres).
 - (2) Lot width: ~~125-175~~ feet.
 - (3) Floor area: 3,000 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:

1. Arterial: 100 feet.
2. Collector: 75 feet.
- b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: ~~25~~ 30 feet.
- (7) Height limit: 35 feet.

Sec. 110-142. - O-I, Office-Institutional District

(h) State Route 54 West Special Development District

(2) On parcels zoned O-I with a minimum of five (5) acres the following expanded business uses are allowed:

- i Internal access self-storage facility
 - (i) No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet. **The facility may contain one (1) on-site single-family dwelling unit.**

Sec. 110-144. - C-H, Highway Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
 - (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, **installation** and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) **Auto/vehicle repair, parts, tire store/installation, brake installation, muffler repair, off change, tune-up, and emission testing facilities. A**all service, repairs and diagnostics, **with the exception of emissions testing,** shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;
 - (9) Banquet hall/event facility;

- (10) Bookbinding;
- (11) Building/development, contracting, and related activities, (e.g., including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
- (12) Bus passenger station (pick-up and drop-off only);
- (13) Cabinet manufacturing, sales, repair and/or installation;
- (14) Car wash and/or detailing facility;
- (15) Catering service;
- (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (17) Clothing store and/or variety store;
- (18) College and/or university, including classrooms and/or administration only;
- (19) Copy shop;
- (20) Cultural facility;
- (21) Day spa;
- (22) Department store;
- (23) Drug store;
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral home;
- (34) Gift shop;
- (35) Glass sales;

- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;

- (66) Restaurant, including drive-in and/or drive-through;
 - (67) Retail establishment;
 - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile, truck, farm equipment, or motorcycle sales and incidental repairs;
 - (5) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (6) Campground facilities;
 - (7) Care home, convalescent center, and/or nursing home;
 - (8) Cemetery;
 - (9) Charter motor coach service;
 - (10) Church and/or other place of worship;
 - (11) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (12) Commercial driving range and related accessories;
 - (13) Child care facility;
 - (14) Dry cleaning plant;
 - (15) Experimental laboratory;
 - (16) Golf course (minimum 18-hole regulation) and related accessories;
 - (17) Home occupation;
 - (18) Horse show, rodeo, carnival, and/or community fair;
 - (19) Hospital;
 - (20) Laundromat, self-service or otherwise;

- (21) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (22) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (23) Religious tent meeting;
 - (24) Seasonal sales, outdoor;
 - (25) Self-storage facility (**external access**);
 - (26) Self-storage facility (internal access);**
 - ~~(26 27)~~ Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - ~~(27 28)~~ Shooting range, indoor;
 - ~~(28 29)~~ Stadium, athletic; and
 - ~~(29 30)~~ Temporary tent sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

Sec. 110-146. - M-1, Light Industrial District.

- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
 - (3) Appliance sales and/or repair;
 - (4) Architectural and/or design firms;
 - (5) Armories, for meeting and training of military organizations;
 - (6) Automobile, truck, farm equipment, and heavy equipment sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop;
 - (7) Blueprinting and/or graphics service;
 - (8) Bookbinding;
 - (9) Building construction/contracting and related activities;
 - (10) Building supply sales;
 - (11) Bus passenger station;
 - (12) Cabinet manufacturing, sales, repair, and/or installation;
 - (13) Carwash and/or detailing facility;
 - (14) Charter motor coach service;
 - (15) Copy shop;
 - (16) Dental laboratory;
 - (17) Delivery and/or courier service;
 - (18) Electronic sales and/or repair;
 - (19) Emission testing facility (inside only);
 - (20) Engineering firms;
 - (21) Engraving;
 - (22) Farmer's market;
 - (23) Feed and/or fertilizer sales;

- (24) Firearm sales and/or gunsmith;
- (25) Flooring sales and/or installation;
- (26) Freezer locker service;
- (27) Freight express office;
- (28) Furniture store;
- (29) Glass sales;
- (30) Grading service;
- (31) Greenhouse;
- (32) Home furnishings and accessories;
- (33) Horse show and equine activity facilities;
- (34) Ice storage;
- (35) Insecticide sales and/or storage;
- (36) Janitorial service and/or supply;
- (37) Land development firms;
- (38) Land surveying service;
- (39) Landscaping service;
- (40) Light manufacturing, including the following:
 - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
 - b. Assembly of products from previously prepared materials;
 - c. Bottling and/or canning plant;
 - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
 - e. Construction of signs, including painted signs;
 - f. Cooperage;
 - g. Ice manufacturing;
 - h. Laundry, cleaning and/or dyeing plants;
 - i. Light sheet metal products such as ventilating ducts and eaves;
 - j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
 - k. Machine/welding shop and related activities;
 - l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;

- m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
 - n. Tinsmith and/or roofing service;
 - o. **Concrete, gravel and/or mulch production and/or distribution;**
- (41) Locksmith;
 - (42) Magazine publication and/or distribution;
 - (43) Medical laboratory;
 - (44) Manufactured home and/or building assembly and/or sales;
 - (45) Newspaper publication and/or distribution;
 - (46) Office equipment service and repair;
 - (47) Parking garage/lot;
 - (48) Pest control;
 - (49) Petroleum bulk plant (storage);
 - (50) Photostating;
 - (51) Planing and/or saw mill;
 - (52) Plant nursery, growing crops/garden and related sales;
 - (53) Printing plant;
 - (54) Radio studio;
 - (55) Railroad freight station;
 - (56) Railroad passenger station;
 - (57) Rent-alls;
 - (58) Restaurants (drive-in/drive-through prohibited);
 - (59) Restaurant supply;
 - (60) Rodeo/rodeo facilities;
 - (61) Seed sales and/or storage;
 - (62) Security system service;
 - (63) Shell home display;
 - (64) Solar farm;
 - (65) Taxidermist;
 - (66) Taxi service/limousine service/shuttle service/charter motor coach service;
 - (67) Television/movie studio/media productions;
 - (68) Tire sales;
 - (69) Trade school;

- (70) Uniform services;
 - (71) Utility trailer sales and/or rentals;
 - (72) Warehousing and/or distribution;
 - (73) Wholesaling; and
 - (74) Wrecker, towing, impoundment, and/or automotive recovery/transport.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Aircraft landing area;
 - (2) Amphitheatre;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Experimental labs;
 - (5) Feed lot and/or commercial barn;
 - (6) Home occupation;
 - (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
 - (8) Recycling facility;
 - (9) Self-storage facility (**external access**);
 - (10) Self-storage facility (internal access);**
 - (~~10~~ 11)** Shooting range, indoor;
 - (~~11~~ 12)** Shooting range, outdoor;
 - (~~12~~ 13)** Single-family residence and residential accessory structures and uses (see article III of this chapter);
 - (~~13~~ 14)** Stadium, athletic; and
 - (~~14~~ 15)** Wind farm.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.

2. Collector: 80 feet.
- b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 25 feet.
- (5) Side yard setback: 25 feet.
- (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
- (7) Height limit: 50 feet.
- (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
- (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).

Sec. 110-169. - Conditional use approval.

g. A-R wedding/event facility. The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. **A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility.** Allowed in the A-R zoning district.

1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for wedding and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.

5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements", of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized ~~for~~ **in association with** weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the environmental health department.
9. Food service shall meet all state and local requirements.
10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section

110-169 and Article VI, pertaining to "Tourist Accommodations", of Chapter 8 of the County Code.

11. Tents shall require county fire marshal approval, as applicable.
 12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscaper requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.
- rr. Self-storage facility (**external access**). Allowed in M-1 and C-H zoning districts.
1. The maximum size of a storage bay shall be ~~550~~ 600 square feet. **The facility may contain one (1) on-site single-family dwelling unit.**
 2. 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 **fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern** ~~brick, stone, stucco, or similar building materials compatible with the area~~. The transportation corridor overlay zone **architectural requirements** shall **apply control** when applicable.
 3. Aisle ways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
 4. 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.

5. All outdoor lighting shall be shielded away from adjacent residential uses.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

?? Self-storage facility (internal access). Allowed in M-1 and C-H zoning districts.

1. No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet. The facility may contain one (1) on-site single-family dwelling unit.
2. 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 fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone shall control when applicable.
3. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing a street. Vehicle loading/unloading bays on the side of the self-storage facility shall require a canopy.
4. No outside storage of materials or equipment shall be allowed.
5. A vehicle, boat, and/or trailer storage structure shall be fully enclosed.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

t. *Developed residential recreational/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic area.* 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, PUD-PRD and C-S zoning districts, with final plat or minor subdivision plat approval.

1. Lot area: Per zoning district.
2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
3. Landscape areas shall be required and planted in accordance with chapter 104.
4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.

5. Paved parking area is required per chapter 104.
 - ~~6. No activity and lighting permitted after 10:00 p.m.~~
 7. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- w. Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from [Sec. 110-79](#), pertaining to "Residential accessory structures and their uses".
1. Farm outbuilding. All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes.
 2. Greenhouses. All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.
 3. Horse stables. All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses.
 4. Auxiliary structures. All structures permitted in this category shall comply with the following:
 - (i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
 - (ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.
 - (iii) Commercial/retail activity shall not be permitted.
 - (iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.
 5. *Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.*
 6. *Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.*

7. Lot size two to less than five acres, *one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.*
8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, ~~but shall not be used for residential purposes.~~ A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also Sec. 110-79.). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.

Sec. 110-170. - 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.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (c) *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,~~ **pocket parks,** decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs, **mail Cluster Box Units (CBUs)** and the preservation of historic and agricultural structures for ornamentation (see nonconforming structures). A ~~tot lot pocket park~~ shall **not exceed 10,890 square feet (1/4 acre) in size and shall only be equipped with** **may contain** playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, **benches and picnic facilities including one (1) covered picnic pavilion not to exceed 400 square feet.** A minimum 15-foot setback shall be maintained ~~for~~

~~any playground equipment within a pocket park~~ or for 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 or minor subdivision plat, as applicable. The lot shall be under the ownership of the homeowners' association, property owners' association, or developer/property management entity, as applicable.

- (d) *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 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.
- (e) *Minimum requirements.* Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the board of commissioners of the county, shall meet the minimum lot size, lot width, and road frontage requirements of this chapter, 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.
- (f) *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 IX of this chapter, 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.
- (g) *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, vehicle and trailer sales lots, auto wrecking, junkyards, 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 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.
- (h) *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 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.
- (i) *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.
- (j) *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.

- (k) *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 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;
 - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
 - (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.
- (l) *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 **prior to May 24, 2012**, 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 of this chapter) shall be considered.
- (m) *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 the county. The re-use of the historic structure will be subject to the regulations of the nonconforming use of a structure (article V of this chapter).
 - (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 chapter 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.
- (n) *Use of historic residential structures and agricultural structures in residential subdivisions.* The preservation of historic residential structures listed in the architectural survey of the county and agricultural structures are allowed in residential subdivisions to preserve the character of the 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.

- (o) *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.
- (p) *Maintenance or repair of legal nonconforming structures.*
- (1) 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).
 - ~~(2) A property that is improved with a legally 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 of this chapter, O-I, and article VII of this chapter, transportation corridor overlay zone. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals shall be necessary for the structure to remain within the setback (see article VII of this chapter). 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.~~
- (q) *Legally existing structures and rezoning.*
- (1) A property that is improved with a legally existing structure, which would become nonconforming in terms of the architectural requirements within this chapter, 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.
 - ~~(2)~~ A property that is improved with a legally existing structure, which would become nonconforming in terms of the maximum height limits within this chapter, 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.
 - ~~(23)~~ A property that is improved with a legally 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.

- (34) A property that is improved with legally existing accessory structures, which would become nonconforming in terms of the accessory structure requirements within this chapter, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.
- (5) A property that is improved with a legally 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. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals (see article VII of this chapter) shall be necessary for the structure to remain within the setback, except as otherwise provided in the Zoning Ordinance. 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.
- (r) *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 the ordinance from which this chapter is derived, 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 the county.

Sec. 110-173. - Transportation corridor overlay zone.

For the purposes of this section, 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.

- (1) *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.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.

- b. 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 county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. Dimensional requirements.
 - 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 - 2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
 - 4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
- d. Architectural standards. Architectural standards. Structures shall maintain a residential character. Applicants for rezoning shall submit elevation drawings of proposed structures. These elevations should be detailed enough to convey the design intent of the project and should communicate the overall size, shape and mass of the structure, as well as details and architectural features of note such as roof structure, building materiality, windows and doors, entry canopies/awnings, etc. Elevation drawings will be to a common architectural scale and must contain the following information: overall building height to roof eave, and top of roof, overall building width, per elevation, height of each floor plate, locations and design of windows and doors and exterior materials.

Subsequent to rezoning approval, elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:

- 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one 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 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two 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.
- 2. 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 three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five 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 facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
3. All buildings shall be constructed in a residential character 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) ~~and/or finished baked enamel metal siding which establishes a horizontal pattern.~~
 4. 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 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); ~~and.~~
 5. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the ~~primary-principal~~ structure on the property.
 6. When an existing ~~nonconforming~~ structure, ~~that is nonconforming to the aforementioned architectural standards,~~ 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 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.~~
 - ~~(i) 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.~~
 - ~~(ii) Note: These architectural standards shall exclude the areas of the Hospital District which includes that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road.~~
- e. 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 IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

- f. Landscape requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *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) and multi-use path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. 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.
- h. Lighting and shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. Special locational and spatial requirements.
 - 1. 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.
 - 2. No outside storage allowed.
 - 3. All roof-top heating, ventilation, and air conditioning 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.
 - 4. 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 54.

- (2) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North ~~and/or development within 1,000 feet of the right of way of SR 85 North~~ where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) ~~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.
- a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:
 1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
 2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 3. To protect the aesthetics for existing and future development in this highway corridor.
 - b. *Access.* 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 county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. 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.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.
 - d. *Architectural standards.*
 1. All buildings ~~of which any portion of said building is constructed within 1,000 feet of the right of way of SR 85 North~~ shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), ~~and/or~~ wood siding ~~and/or finished baked enamel metal siding which establishes a horizontal pattern.~~
 2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the ~~primary-principal~~ primary structure on the property.
 3. ~~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 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 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.~~

- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *Street frontage landscape area.* Fifty 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) and multiuse path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- f. *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.
- g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- h. *Special locational and spatial requirements.*
 - 1. 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.
 - 2. All roof-top heating, ventilation, and air conditioning 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.

3. 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.
- (3) *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 the SR 54 West **Overlay Zone**, SR 85 North **Overlay Zone**, ~~and SR 74 North **Overlay Zone**, SR 138 and North SR 314 **Overlay Zone** and the Starr's Mill Historic District **Overlay Zone** at the SR 74, SR 85, & Padgett Road Intersection. ~~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. **(This section to be moved to (1))**~~
- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. *Access.* 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 county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
 - d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one 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 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two 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.

2. 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 three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five 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 facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
3. All buildings shall be constructed in a residential character 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) ~~and/or finished baked enamel metal siding which establishes a horizontal pattern. on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.~~
4. 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-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).
5. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the ~~primary-principal~~ structure on the property.
6. When an existing ~~noneonforming~~ structure, that is nonconforming to the ~~aforementioned architectural standards~~, 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 structure per lot shall be entitled to the exemption. When an existing noneonforming structure is enlarged by more than 50 percent, the entire noneonforming structure shall be brought into compliance with the aforementioned architectural standards. This exemption shall expire on January 24, 2015, seven years from the effective date of January 24, 2008. After the expiration date, the entire noneonforming~~

~~structure shall be brought into compliance with the aforementioned architectural standards when any enlargement is made.~~

- e. *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 IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.
- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *Street frontage landscape area.* Fifty 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) and multi-use path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *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.
- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. *Special locational and spatial requirements.*

1. 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.
 2. 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.
 3. All roof-top heating, ventilation, and air conditioning 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.
 4. 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.
- j. **SR 74 South Corridor Sidewalk Requirements.** In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.
- (4) **SR 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 county comprehensive plan.
- a. **Purpose.** The purpose of the SR 74 North Overlay Zone is to achieve the following:
 1. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 2. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 3. To protect existing and future residential areas in the SR 74 North corridor.
 - b. **Access.**
 1. **West Side of SR 74 North access and internal roadways.** An internal collector road connecting all three of the large tracts identified in the 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 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.

2. *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 county line. Within the 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 county comprehensive plan.
 3. *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 of the large tracts identified in the 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 ten-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.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 74 North: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
- d. *Architectural standards.*
1. *West Side of SR 74 North architectural standards.*
 - (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit

(rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), ~~or~~ and/or finished baked enamel metal siding which establishes a horizontal pattern. ~~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 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.
2. *East Side of SR 74 North architectural standards.*
- (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two 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 (i.e., 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 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);
 - (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the ~~primary-principal~~ structure on the property including the roof pitch.
- e. *Landscape requirements:* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
- 1. *Street frontage SR 74 (major arterial) landscape area.* Fifty 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) and multi-use path connections may be located anywhere within the landscape area.

2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

f. *Lighting.*

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

g. *Additional requirements.*

1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
2. All roof-top heating, ventilation, and air conditioning 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.
3. Bay doors shall not be allowed to directly face SR 74 North.
4. All utilities shall be underground.

- h. *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.

- (5) *SR 138 and North SR 314 overlay zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North SR 314 overlay zone. The intent of the overlay is to set standards specific to SR 138 and North SR 314 as described above.

- a. *Purpose.* The purpose of the SR 138 and North SR 314 overlay zone is to achieve the following:

1. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
2. To enhance and maintain the aesthetic qualities of the corridor; and
3. To protect existing and future residential areas.

- b. *Access standards.* 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 county thoroughfare plan. All access points and interparcel access shall be required to comply with chapter 104, development regulations. A concept plan, submitted with a rezoning application, and/or a site plan shall illustrate compliance with these requirements.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 138: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one 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 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two 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.
 2. *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 three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five 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 facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 3. All buildings shall be constructed in a residential character 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) , ~~or~~ and/or finished baked enamel metal siding which establishes a horizontal pattern.~~on those portions of the building facing front and side yards and/or any property zoned agricultural residential or residential.~~

4. 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 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).
5. Structures of 35,000 square feet or greater ~~with a minimum dimension of 150 feet~~ may utilize the following architectural standards, in lieu of subsections (5)d.1, 3 and 4 of this section.
 - (i) ~~At least 50 percent of all exterior~~ Wall finishes shall be comprised of at least two of the following facade types: brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), 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. Any metal facades used on the remaining portions of the exterior walls shall establish a horizontal seam pattern.
 - (ii) 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 feet.
 - (iii) 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.
6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
7. When an existing ~~nonconforming~~ structure, that is ~~nonconforming to the aforementioned architectural standards~~, 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 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 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.~~
 - e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 1. *Street frontage SR 138 and SR 314 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 138 and SR 314. 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) and multi-use path connections may be located anywhere within the landscape area.

2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning 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.
 3. Bay doors shall not be allowed to directly face SR 138 or SR 314.
 4. All utilities shall be underground.
- h. *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. 110-242. - Powers and duties.

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the

grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.

- (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
 - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance .* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
 - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
 - (3) Such conditions are peculiar to the particular piece of property involved; and
 - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
 - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

~~In addition to the above factors, if the variance being sought is for an improved lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning~~

~~district and the lot is an illegal lot as opposed to a nonconforming lot, the zoning board of appeals may consider such a lot for a variance. Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully passes the above enumerated factors, the zoning board of appeals shall also employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:~~

- ~~(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;~~
- ~~(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and~~
- ~~(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.~~

- (c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.
- (d) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.
- (e) *Request for a 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.
- (f) *Request for an extension or enlargement of ~~the~~ a 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 all of the following criteria are present:

- (1) The use is a legal nonconforming use as defined in these regulations; and
 - (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.
- (g) *Request for a continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:
- (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.
- (h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, ~~In addition to the above factors, if the variance being sought is for an improved~~ an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning ~~district and the lot is an illegal lot as opposed to be~~ a nonconforming lot, ~~the zoning board of appeals may consider such a lot for a variance. Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully passes the above enumerated factors,~~ The zoning board of appeals shall ~~also~~ employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:
- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
 - (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
 - (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining

whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

- (h i) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods: and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
- (i j) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

1. Discussion of the Zoning Ordinance

Pete Frisina began by saying the next thing I want to do is take a look at some things in the Zoning Ordinance, so we have come up with more but I sent you out the two (2) we are looking at right now. He added if you remember the Daisy Hill Event Center it was an A-R wedding/ event center originally. He said they wanted to use the house for an office, and a dressing room, etc., and I said at that point I don't comfortable doing that. He explained we didn't look at that happening in A-R, so I had them to rezone to O-I, which was good. He noted that helped us change the alcohol ordinance in a way to allowed them to have a commercial license, and kept it out of the A-R situation. We were working on that at the same time and I kind said put in an O-I non-residential and we were able to make that work. He concluded they are very happy right now.

Pete Frisina began by saying but now I have another situation where somebody's come in and they said you know, it's a very large piece of property, 200-300 acres with many homes on it, some of them old, some of them not in use. He added so obviously, we they want to come up with an A-R wedding-event facility, a fairly sizeable one, and they want to use some of the buildings that really aren't being used as residence any more, but that's where they will build as one of these. He said a business office and/or structures utilized for event preparation shall be allowed in conjunction with an A-R wedding / event center. He also explained that means that they have to meet building code, the have to meet fire code, I have to get with the fire marshal and building departments to see what issues they have. He concluded I don't know if I want to rezone 300 acres to something else other than A-R, if they want to build something new that's fine as well.

Pete Frisina began by saying in both cases, there was a house that no one was living in. He noted in Daisy Hill no one lived in that place anymore, so it wasn't like the person that was running the event facility was to live on the farm and have weddings in the back yard, like we originally thought, it didn't work like that. He concluded, that one of things that we are looking at and there is some wordsmithing needed here.

Pete Frisina began by saying under C-H, we have building contractors and related activities. He added we had a flooring sales distributor come by and we didn't have a place to put him under C-H. He explained we are lumping that use in with building contractors, security systems and places where people can maintain their contracting equipment and things of that nature. He concluded that's kind of worth mentioning, let me know if you guys have any suggestion on this.

Pete Frisina began by saying the other thing that we are working on is we found a mistake in the ordinance, when we rewrote the entire ordinance about six (6) to seven (7) years ago, R-85 had the wrong setback in it, we are going to correct that.

Danny England asked if that was the one Randy Boyd was talking about.

Pete Frisina responded yes, and the other thing that we are going to do is we have an R-85. He added the lot width is only a 125 feet wide. He explained I have looked there is only one lot that adds up to 170, we are going to widen that out to 175, it just doesn't make any sense to have a three (3) acre lot the width of a one (1) acre lot, so that something else we are working on.

Pete Frisina began by saying also I can present some of the stuff I have looked at with some the subdivisions. He added we have is some developments that look like subdivisions did come about as subdivisions. He questioned the group how do we take something that looks like a street with lots on it that was built with a cul-de-sac at the end, but here is no subdivision plat for it. He added that each individual lot surveyed it and was sold, there is no name, and someone just built a street and some of them we have allowed. He added I

am looking at lot where we had all kind of different arrays of different sized lots and we have allowed some people to subdivide. He explained in fact we have one that is a quasi-subdivision and when they wanted to subdivide inside of it, we made that another subdivision with a different name. He concluded with that was all that of them items for discussion.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 19, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Pete Frisina noted at the bottom of page four (4), I am now creating a different conditional use aspect for the external storage unit. He said, on number two (2), I looked at the way we described the side and external accessed, brick, stone, stucco, or similar materials compatible with the area, that's very subjective. He explained so rather than using materials compatible with the area, which I don't know how to administer, I grabbed these from another portion of the ordinance. He added at least it is clear what I am looking at and I don't have to make a judgment.

Arnold Martin asked what if there is some new building that material comes out commercially, and they want to use that.

Pete Frisina replied if someone comes up with something that becomes a standard building material we will go back and put it in. He added when we use terms such as compatible with the area, that a term that is not clear. He explained somebody is going to say I like or I don't like it, and that is not a good thing to have in the ordinance.

Pete Frisina then said if you go down further on page five (5) that where I created a new conditional use aspect for an internal-accessed storage facility. He added I took what we did of Highway 54 and kind of fit it into an M-1 & C-H zoning district, which I didn't think needed to be as quite as restrictive as what we are doing in special zoning district in an O-I. He concluded I set the same storage unit space at 600 square feet.

Brian Haren replied the reason I circled it, Pete, because the exterior one is 550.

Pete Frisina replied I know, on the interior one on Highway 54 we set it at 600. Brian Haren should we make the exterior one 600 also.

Pete Frisina replied I don't know where the 550 came from.

Brian Haren noted that need to we make them the same for consistence sake, somebody will ask that question.

Pete Frisina replied okay, I will set them both at 600. He explained again, I am using the same verbiage under number two (2) for the exterior as I am for the interior, same verbiage. He noted in the both of those the transportation corridor overlay will override those, if it falls into one. He explained the vehicle loading area should be located to the side or the rear not facing the street and I used the same required canopy if is on the side of the building. He noted no outside storage of equipment should be allowed since it an internal storage facility. He also added vehicle and boats should be fully enclosed, which is what did on the other one (1). He said exterior loudspeakers shall be prohibited on the site, I grabbed this one (1) from one of

the above notes. He concluded this will be a new conditional use under M-1 & C-H, this one (1) is not requiring businesses, it is straight storage, and it is not an issue.

Pete Frisina said the section for residential accessory structure is on page one (1), I think this where I did the cleanup for the contiguous area. He moved the on to page two (2), he said one (1) of the things I am doing under number (3) is working is hoop houses, for some reasons they are temporary in nature, it seems like we are counting them as a structure, as if it was permanent. He added I don't know why we would do that because that limits you what you can do on your property. He explained right now under your typical R-district and you have less than 5 acres, you get up to 1800 square feet of accessory structure footprint and you have no more than two (2) structures. He further explained you can have that 1800 square feet divided into two (2), but you can have no more than 1800 square feet combined with no more than two (2) structures. He concluded I saw no reason, if somebody put up a hoop house made out of polyurethane and PVC pipe, I shouldn't say you can't have another accessory structure, since it is temporary in nature.

Brian Haren asked did you update the definition of what is a temporary greenhouse. He added that it is not to exceed ten (10) feet in height.

Pete Frisina noted that is what we came up with long time ago.

Pete Frisina said another issue has come up, under the accessory uses structures, which I call them residential accessory use structures. He noted you can have a guest home not to exceed 700 square feet of living area. He added it can be in combination with another structure, you can have a garage as long as you say I am creating a guesthouse and it's not more than 700 square feet. He explained however with the farm outbuildings, which are allowed in A-R, it specifically says you cannot have residential in combination with one of the farm outbuildings. He added the farm outbuilding being built in this County are not built with multiple floors anymore, they are some high-level, high dollar buildings. He explained given the nature of those buildings, I would like to add that provision that only 700 square foot per lot. He added to allow it in the residential accessory structure or in combination with one of these farm outbuildings, that being the farm outbuilding, that being farm outbuilding, auxiliary structure or horse stables. He noted I didn't add greenhouse to that. He added I actually have someone who is wanting to build a nice high-level, very expensive building. He concluded I would like to permit it under the farm outbuilding but wanted to add the guest house to a relationship with that.

Arnold Martin questioned, so this limited to 700 square feet, what so category would this go into if they had 1,000 square feet building.

Pete Frisina replied if go the back of page three (3), so the first sentence says you only one (1) guest house is allowed for individual lots, also see Section 110-69 (w) which is the farm outbuilding. Again, I put the same sentence in there saying one (1) guest house is allowed per individual lot referring back to this section. So what I am trying to do is to tie this sentence together to say is no matter where you put them, whether it is a residential structure or auxiliary structure or farm outbuilding you only get one (1), not two (2), that why they are cross-referenced. One (1) guest house allowed per individual lot, period, in both cases.

Al Gilbert directed the group to number six (6) on page five (5). He asked the group to remember

when Mr. McNally said he said he was not comfortable when we tried separate A-R into two (2) different rules. He added that once it is zoned A-R, we should allow what's allowed in A-R. He explained that (McNally) was afraid we would be stricken down one (1) day by a judge who may ask why we are separating five (5) acre and ten (10) acres in an A-R zone. He concluded well, I see his point, we never did anything to address it but every time I see it I get a little nervous.

Pete Frisina responded here is the way I look at that, within the subdivision structure of an A-R subdivision you are looking at lots mainly five (5) to ten 10 acres. He explained once you get over 10 acres you probably aren't looking at too many lots within an A-R subdivision, those lots are going to further out and could be more agriculturally-used as opposed to those lots within an A-R subdivision. He added although within and A-R subdivision you can still get up to 3600 square feet for an auxiliary or farm outbuilding, I don't really see that as an issue but let me ask you this. He added under the residential accessory structure, I have a finite amount of square feet that I can get but I have two (2) of them. He further explained in number six (6), I get one (1) 3600 square foot farm outbuilding, I don't have the option to say can I have the 3600 square feet and divide it between two (2) structures. He concluded is that something we might want to consider.

Danny England replied I think you are more likely see multiple buildings in A-R than you be in an R- district anyway. He added if somebody got a barn and they want to build another structure, they got a horse stable, they got a barn, they may have 2, 3, or 4 structures.

Pete Frisina asked do you want to say on number six (6), you can have up to two (2) structures. He added does that make sense?

Danny England replied, sure.

Arnold Martin replied do we want to say two (2) or multiple structures not to exceed 3600 square feet.

Pete Frisina responded you could not exceed 3600 square feet for the lot. He added you could have at least two structures that combined equal 3600 square feet.

Arnold Martin asked why two (2) and not three (3) 1200 square foot.
Pete Frisina replied it was the standard we set under accessory structure.

Danny England said that an excellent point you made about A-R subdivisions. He added if I go down to Brooks and I buy 50 acres for a cattle ranch, that's very different than having a five (5) acre lot in a subdivision. He questioned should we make the separation A-R subdivisions vs. A-R lots.

Al Gilbert replied we can have a sub-zoning called an AR-S for an A-R Subdivision and an A-R for everything else.

Pete Frisina replied we can do that. He noted under number six (6), what we can do is talk about those lots of five (5) to ten (10) acres, I don't care if you want to do the acreage or not. He added those will be the lots that are served by an internal local road. He said Donna, what do you think.

Donna Black replied I am trying to figure out what is internal local road.

Pete Frisina a replied what we did in the past, was to make a differentiation between what is a local road in the County and an internal local road, which is a subdivision street, in that it serves only those lots within the development. He explained we made some rules based on if you have a lot that is served by an internal local street it its different that if you have a lot that is along the side of Redwine Road. He added due to character of the area, we want it more restrictive than if you were just out in the open area of the County.

Pete Frisina asked Donna, you are doing some A-R subdivisions, are you guys going to covenant those in some way or do you have any feel for how you are going to do those.

Donna Black responded there will be very light covenants, because if you live on five (5) acres, you should be able to do pretty much whatever you want as long as you are not disturbing your neighbors.

Pete Frisina replied, so in A-R with five (5) acres, I can have unlimited livestock.

Donna Black replied, is that the way it is currently.

Pete Frisina responded yes,

Donna Black replied wow; that can be a lot of cows.

Pete Frisina said that can be horses, pigs, whatever you want.

Donna Black replied does that mean unlimited number of livestock or unlimited types of livestock.

Pete Frisina replied unlimited. If I own an A-R lot that is five (5) acres, and I want to put 50 pigs on it, you can put 50 pigs on it, or house or chickens. He added I don't know you guys are going to deal with that or not in your covenants, but understand under A-R you are unlimited in the amount or livestock animals. He concluded the only thing would be if turned into some kind of health hazard.

Pete Frisina referred to numbers under five (5) and six (6), let me take a look at those. He added maybe the lot differentiation isn't an issue, if I have five (5) acres outside of an internal subdivision, should we limit the number of farm outbuildings that we can have, that would be the question.

Arnold Martin replied I would say no, because it could be in the middle of somewhere.

Pete Frisina replied let's say five (5) acres tract the side of the road, for example, Brooks Woosley Road, is not served by an internal subdivision and probably doesn't have a subdivision name. He said the question is right now, even the lot that is on the side of Brooks Woosley Road is zoned A-R, it has five (5) acres and limited of how many of these right now. If were to say under that pretense farm outbuilding are unlimited, but R (residential) structures are limited. So I will work on that.

Donna Black responded if you think about, you got a horse stable, you got your tractor barn, you got your smokehouse, you got your small equipment storage, etc. She added I am talking farm outbuildings, your chicken house is not going to be in the same building as your tractors, so 3600 square feet and you decide how to divide it up; you got buildings setbacks.

Danny England responded that if you travel through South Georgia, every farm you pass, the house is 1200 square feet while the barn is 4000 square feet.

Donna Black said that you need multiple buildings.

Pete Frisina replied I can tell you from I know there is not too many people doing a lot agriculture unless you are much large acreage than ten (10) acres. He explained I am seeing a lot people that build, they may have 15 acres or 20 acres at the most, they want a large farm outbuilding mainly because they have tractor to mow the land. He added once in a while you have people who have cows. He explained on a smaller lot you're going to find more people raising cattle than any kind of crop farming. He concluded I would say some of the biggest agricultural operations that we have are greenhouses, they grow plant materials and things of that nature.

Donna Black asked what benefit is given to the citizens of the County if you tell somebody they can't have a hay barn, a horse barn and chicken shed. She added if they have five (5) acres, with enormous setbacks, let then spend their 3600 square feet however they want.

Pete Frisina replied we are talking about not even having 3600 square feet.

Donna Black replied that's even better.

Al Gilbert asked what about the guy who had nine (9) acres out in the middle of nowhere we

have really restricted him.

Pete Frisina replied okay, I going to throw a monkey wrench in this. He added we did a GIS analysis of the A-R lots that were in the County. He explained a surprising percentage of them are less than five (5) acres, because the Board blanket zoned the County back in 1980. He noted that A-R prior to 1980 didn't require five (5) acres. He also added after 1980 A-R required five (5) acres, so there a multitude of lots out there that are zoned A-R that are not five (5) acres. He concluded they are grandfathered in, but the question is how much should we looking at those and saying if you are on less than five (5) acres, living in the farm out buildings.

Arnold Martin asked go back to what he said, it's that in an interior subdivision.

Pete Frisina responded right now that is not a provision, so technically if you look at number six (6), and maybe this is how we interpreted it. He added if I have a non-conforming A-R lot and don't have five (5) acres, you don't get the 3600 square feet.

Arnold Martin asked how much do you get.

Brian Haren replied that's a tough one though.

Pete Frisina responded, you don't get the farm outbuilding.

Arnold Martin asked if I have 4.75 acre and it's been A-R forever, and my neighbors got five (5).

Pete Frisina asked Howard Johnson how big was the lot that we are dealing with on Westbridge Road that zoned A-R.

Howard Johnson replied its .799

Pete Frisina responded why we don't look at that too, because I think there is an issue. He explained we did the analysis, I will do it again and we will ask how many lots out there in A-R are non-conforming and what are the ranges. He added we got one (1) that's .7, it's zoned A-R.

Pete Frisina asked how many square feet did they want to add to the house.

Howard Johnson responded 400 to 500 to bring it up to at least the minimum.

Pete Frisina responded the house is not 1200 square feet and there is no place to build without getting a variance because all the setbacks are impacted. He said why do I look at A-R and work on number five (5) and six (6) and come up with something and figure out what to do with the non-conforming uses.

Brian Haren asked going back to the A-R 4.75 acre lot, what can I do on that lot today.

Pete Frisina replied to could have your house, you could have the accessory structures under the R districts, but the way I read this is that you don't get a farm outpost because you are not five acres. Brian Haren stated that R in A-R is the controlling factor.

Pete Frisina stated that these are conditional uses in A-R, it seems to indicate you have to have (5) acres to have a farm outpost I think it need to be looked at. He added I need to dig that up, many A-R lots are out there, how many are non-conforming and what is the ratio of non-conforming and how many are .7 and how many are 4.75 and make some allowances for that.

Arnold Martin asked then would there be a grandfathering in or would something affect the next time the property changes hands.

Pete Frisina replied no, we don't that. I think the day the Board approves something is the day I start enforcing the ordinance the way they approved it.

Pete Frisina said under the non-conforming structure rule you can go back to the Zoning Board of Appeals and ask for a continuation of a non-conforming structure or use. There is an option to go back to say the barns been here for a number of years, the tree fell on it and it I want to put it back, and I have 4.75 acres.

Pete Frisina replied let me look at number five (5) and (6) and I will come up with something else, and try to figure out all this A-R and how to deal with it.

But are you good with the accessory use of allowing the living quarters and only one per lot, it can be under the R district, the residential structures or within this, you don't get two of them.

Donna Black asked to make a comment, she noted that 700 square feet for the guest house is very difficult to find a plan for a guest house that is only 700 square feet because we built one.

Pete Frisina replied you mean a canned plan.

Donna Black responded yes, I thought I was going to have to block off part of the area upstairs above the garage because you get two cars in a garage and a stairway you are over 700 square feet unless you don't count stairway. She added we eventually found one, if's tight, and if you want a little better architecture, you might want to give people a little more room to have that architecture.

Pete Frisina asked what you had in mind.

Donna Black replied at 850, there were a few models.

Danny England asked in your scenario you are counting the bottom floor square footage also.

Donna Black responded no, I was just counting the upstairs but based on the size of the two door garage.

Danny responded 24 x 24 means 24 x 24 studio above it right.

Donna Black replied but you need a stairway to get up stairs, if you count the stairway floor plan.

Pete Frisina replied I think that 700 was put in here not create a situation where it is a tenant space. He added if you take a number that was very low to not to induce people.

Donna Black replied that I understand that you don't want a three (3) bedroom house next to a three (3) bedroom house, but the 700 foot plan that I found is basically the size of a studio apartment, which is one room and a bathroom and a kitchenette, there is no stove.

Pete Frisina replied you are saying 850 would be better,

Donna Black said you might want to look at it, especially if you want a little better architecture.

Arnold Martin said I have a question in the complete reverse of the all of the sizes that we have been dealing with, last week someone introduced me to a developer who has come to the Atlanta area specializing in tiny houses. He asked within the County this where would as tiny house subdivision fit.

Pete Frisina replied we actually have someone that is doing a less than 700 square foot built off-site tiny home that comes in on a trailer that comes in on a trailer chassis.

Donna Black asked if this was manufactured housing.

Pete Frisina replied no, this is a tiny home. He added it will be brought in and they will put a brick base around it. He explained whether or not it sits on a brick foundation or looks like it does, the building department is working with him right now to make sure that it meets code once it gets here because it falls under the DCA and it doesn't get a sticker under DCA. He said manufactured homes have placards and stickers that are DCA approved, which means it has been built to standards. He further explained that we have had manufactured homes that come in two pieces and they have put them together and they create a permanent foundation underneath and it becomes just a house. He added this guy actually found one that will be built off site and it will be considered a tiny home, it is less than 700 square feet and his mother will live there. He also noted that a tiny home will be allowed as a guest house.

Arnold Martin asked what about a subdivision of tiny homes.

Pete Frisina responded good luck, I don't think the County will go below one (1) acre lot. The only place you are going to see a tiny house is a development where there is sewer. That's why you can have small lots and tiny homes.

Arnold Martin replied like a cluster homes.

Pete Frisina replied that's a new innovation, obviously what they are doing over at Pinewood Forest is very innovative and has a lot of new concepts and I don't see a tiny home development in incorporated Fayette County. The smallest house we allow is 1200 square feet. So a tiny home is somewhere between 600 -700 at the most.

Arnold Martin responded if the smallest home we allow is 1200 and if it is not a guest house, then how would they be allowed to a 600 to 700 square foot house.

Pete Frisina replied in A-R the minimum house size is 1200 square feet, you can have a 700 square foot guest house on that same lot as long as the 1200 is your principal structure, so you have an accessory on the property.

Arnold Martin asked what if you had a family that came and they subdivided the family and they did one acre, and the child or parent said I don't need all this space, all I want is an 800 square feet house.

Pete Frisina replied I think the smallest house we allow is one (1) acres is 1200, and I think that is in R-20. So technically you are talking about a 1200 square foot minimum in A-R and R-20. As you go up in the R districts, the minimum house size jumps up.

Danny England asked so the smallest tiny home that Arnold can build is 1200 square feet.

Pete Frisina replied, yes as a principal structure 1200 is the smallest you can build. As a guest house 700 is the largest you can build

Danny England asked if someone came in and wanted to build a 750 square foot house on a trailer chassis and wanted that to be their principle home what do you tell them.

Pete Frisina said I don't know if the City's (Fayetteville) ever worked on it in general, other than Pinewood Forest, they were thinking about that for the City. There may be allowance now under their ordinance to allow it, because my counterpart that works over there had gone to a number of tiny home conferences in the Atlanta area.

Arnold Martin responded it is coming, we are literally fertile ground for that because we have so much land and it a matter of so many other things trying to get ahead of it. That why this guy was introduced to me, Arnold this guy is a developer he is looking around the different counties, what do you think.

Pete Frisina replied I just think the land to home ratio is too big in the County.

Brian Haren asked can we do something like a PUD.

Pete Frisina responded you know that is something that we can talk about. The issue that we have with PUDs is that it makes allowances for things other than single-family and we have had one PUD that wanted to have townhomes and over a period time they tried to work it out. This was the first PUD that we had in the County which was Whitewater Creek, it never worked out because

of the sewage issue. No one wanted to pay for the treatment and all the stuff you had to do to accommodate and little by little that PUD kept going to the process. After numerous time through the process, they said there are doing townhomes, it was too risky.

Al Gilbert noted that we had one proposal that was never submitted officially, but we had a lot of discussion where the developer wanted to create a small town atmosphere like a courthouse square and shops. But the difference would be if Danny England wanted to place his architecture business downstairs, Danny would live upstairs. This was very common in the 1920s and the 1930s, but they never did present it officially,

Pete Frisina replied they submitted the proposal but they withdrew it. Of course that was a component of Whitewater Creek in Highgrove, but again, the sewer thing it hard to get over that.

Brian Haren asked as developers, is there any money in tiny homes.

Donna Black replies depends on how much land you have to put with them.

Pete Frisina replied tiny homes don't work on big land, tiny homes work on little land.

Brian Haren said look at Pinewood Forest where you small homes that back up to common land. That's a cool European concept.

Arnold Martin stated again, I would love for us to get out ahead of that and to take a look, because just as we were talking about, I know that we are not Atlanta, but in Atlanta, they can't build them fast enough and they can't sell them fast enough and these units are selling for 200 to 300 thousand dollars.

Donna Black stated I wonder how much can you get for them here.

Pete Frisina said he would look into but not make any promises, however I don't have a problem with them being used as guest houses. The first guy came to the realization that it was much cheaper to have this structure built off site than to have it stick built on stripes.

Al Gilbert noted that a lot of commercial business do that now. Checker is hauled in on a trailer.

Pete replied that they are modular.

Arnold Martin replied I am getting more and more calls for construction loans for basically guest houses because of the Air BnB phenomenon. They are like hey I sitting on an acre lot, I have a main, I can run a driveway and put another 700 square foot guesthouse back there, I can rent that out.

Pete Frisina responded let me tell you that is specifically prohibited under our tourist accommodation. Chairman Culbreth replied I was just about to ask that question.

Pete Frisina responded it specially says you cannot use an accessory structure for tourist accommodations. If you read the ordinance here it says the guest house should not be used as tenant space. He said, of course when violations come to our attention, we deal with it. He noted to give you an idea of what's going with tourist accommodations we now have a company that's going to data mine all the websites and will give us the locations of tourist accommodations within the County unincorporated. He explained they are supposed to register with us and with the rules and regulations that apply we don't know how many will want to continue to do it.

Al Gilbert noted that if you go through the Druid Hills area of Atlanta and look at home many garage apartments near the Ansley Mall area, it's not necessarily a bad thing.

Pete Frisina replied those were carriage homes because the person that took care of the carriage and the horses lived above it. I agree. I will look at.

Danny England said your right, we should start to think about some type of alternative housing section that covers tree houses, tiny homes, shipping containers, and mother-in-law suites.

Arnold Martin stated that we getting more and more people that area are not from here, that have lived in other parts of the country and the world where they are more advanced in ways as it related to housing, etc. He added there are going to be people who will say I understand it's been this way for a 100 years, how about being in the 21st century.

Al Gilbert said I'll tell you what is happening now too, more and more kids are coming back home after college to live with mom and dad because they don't have the money to live elsewhere.

Pete Frisina said in my opinion, that's not an issue because that's a family situation.

Pete Frisina said about the innovative housing think, I can't discount that is coming. He said the vision of the County is that you have rural / suburban areas and then you have urban areas. He explained I think where we see those kinds of things happen in the confines of an urban area, to me that's where they belong because that's the only place they can be served by the proper infrastructure. He explained the County has maintained a very low density for two reasons; number one (1) we don't have the infrastructure to support dense development, and number two (2) it's the sense of place, the County wants to be suburban and rural, and cities want to be more urban. He concluded in fact, that's what's Fayetteville exactly trying to do in downtown now, is to become more urban; some people are saying we don't want to be urban.

Al Gilbert asked are the getting opposition from the City residents.

Pete Frisina replied oh yeah.

Al Gilbert replied I haven't seen anything in the papers.

Pete Frisina replied just go to some of the meetings.

Donna Black said it's all on Facebook.

Pete Frisina said a lot the City's residents do not want to see the City becoming more urban.

Danny England stated is the same thing we see in the County, it's the concept that it is changing, this what I think downtown Fayetteville should be, I want this big thing that they are talking about building here. He added it's always been the old white house, why don't we save that, but we have all this time to save it.

Pete Frisina said a lot of the citizens are not a 100 percent buy-in, some are, but a lot of them are not.

Brian Haren asked okay, what else.

Pete Frisina replied I am going to look at those sections, figuring out number five (5) and six (6) here, coming up with some ways to look at the farm outbuildings and deal with that. He added we will look at different sizes. He concluded we will look at those that are internally accessed and then try to figure out what do we have in terms of non-conformance.

NEW BUSINESS

Pete Frisina began by stating that the County attorney is looking at the criteria for the public hearings that have to be created or fall into place under the subdivision regulations. If I have an established subdivision and I am adding property to it or I am subdividing lots within it or changing use on a piece of property, I have to go through a public hearing to do that. As you know the one that same through about three (3) months ago was a subdivision was built many years ago, zoned R-40, but they built all the lots as if they were there (3) acres lots. They were built wide enough to allow them to subdivided per the zoning. So I think we went through that process. He explained that my issue that I have is the ordinance in the subdivision regs was basically was put in there with no criteria and nothing to make a decision, in my opinion. My feeling was that the underlying zoning is R-40, that the case they should be allowed to use it as R-40. If it is denied, we are in court.

Pete Frisina said the County attorney has a philosophy which I have asked him to come up with the criteria to back up his philosophy, so when somebody comes in an buys within a subdivision given the idea that every house is going to be three (3) acres in size and every house is going to be setback at 100 feet instead of 40 feet that those are characteristics that the developer created through the platting process. If somebody wants to change those aspects they have to go back to a public hearing to both you guys and the Board of Commissioners to decide whether or not those aspects of should be changed. So one of the issues we've had, and I brought this up last meeting and we have an issue coming up and we have talked to the attorney about it. So one of the character aspects that we talked about is similar, I am zoned R-40 but I want all the lots to be three (3) acres in size. The setback is 40 feet, I want it to be 75 feet. So back in the day, a plat would come in with three (3) acre lots would get approved. The county would approved a 75 foot setback, but you only need a 40 feet. I have taken the position that if a lot within a subdivision has a 75 foot setback on it, I am going to

abide by the plat. What I have an issue with is, what if someone says I want to build based on the zoning. Well, the setback issue is not one of the things that go through a public hearing process. Well, when talking to the attorney, I said we are dealing with a similar character issue that needs to be taken care of. Well guess what's coming up in a couple of weeks. So I just want to give you a briefing on this this. I spoke recently with the County attorney about because the subdivision regulations doesn't give us any guidance on how to handle this, what is your opinion on what we have to do. He said my opinion is that the Planning Commission needs to hear this and make decision whether the setback can be reduced from 75 feet to 40 feet.

Peter Frisina stated we have someone who wants to come in go this process which we really don't have one. So I give you the scenario. The subdivision was approved back in the 1970s. I looked at the rezoning and the conditions, there were no conditions about anything related to rezoning to R-40. The final plat came through and the County Engineer said approved except for setback, he crossed out the setback that was listed and wrote in 75.

Chairman Culbreth asked what law was that based upon.

Pete Frisina replied I don't know.

Brian Haren replied but then again the subdivision was build out against that standard.

Pete Frisina responded to a degree, it was.

Al Gilbert asked are there records from the hearing on that.

Pete Frisina replied, yes, but there is no discussion. That was back in 1972 or 1973, there is nothing in the minutes, and there is nothing that talks about that setback being increased to 75 feet. I also have another aspect of that subdivision, the road came back to a T intersection. So where the T kind of made that intersection a strip of land was left 50 feet wide that says future proposed road, and that 75 foot setback goes along that future road. So, we have an individual who like to reduce that, the ZBA can only reduce the County standards, which is 40 feet. The 75 feet extends beyond out here into the unknown area. We are going to have to bring this person in, to ask whether or not he can reduce that setback. I am basing this on the opinion of the County attorney. I don't know how we are going to do it, so if you have anything that can help us determine how you want to look at it.

Al Gilbert said I can cite the reverse example of that. Remember when Randy Hayes developed Surrey Park. We had changed setbacks at that time and we had conditioned his setbacks to equal setbacks next door or somewhere. You need to be consistent when you are developing an area with a required setback. Think about what it is going to look like when you 40 feet here and 80 here. No, we did not approve that condition. I don't know if you can go back and find it, but there is a consistency, that I think we should require.

Pete Frisina responded let me say this, just understand the situation, the 50 foot strip, isn't big enough to put a road.

Donna Black you can absolutely put a road in 50 feet, and now all of a sudden everybody decided

they needed 60 feet.

Pete Frisina replied 60 feet of right-of way now is the new standard for a road right now.

Donna Black replied but if you really needed a road you can out one in 50 feet.

Danny England replied that in the last meeting we talked about character, particularly with that site down there, I think that we are the Planning and Zoning Commission and typically we deal this zoning, because that is sort of the most black and white thing. Planning is a much more gray nuance thing to sort of look at.

Pete Frisina do you mean platting.

Danny England responded what we talking about is do we uphold the charter of that neighborhood and not allow them to reuse the property into something not appropriate.

Pete Frisina stated they want to reduce it to then go the ZBA to ask to have it reduced to even more. However, if all the front yard setbacks are set at 75 square feet, I think most of the houses are built at 75 feet, I can't say they all are. The actual house is facing the street and meets the 75 setback. There is a proposed road which I don't know can't be built on. This property has never been deeded to the County.

Pete Frisina responded in my opinion, as long as it meets the minimum standards for the zoning.

Chairman Culbreth interjected they can do it.

Arnold Martin, I guess that my point, I understand character and meaning, but I wouldn't want somebody next door to me putting some crazy up.

Pete Frisina but again we are talking in the context of a subdivision with a name, an internal aspect of it. He asked what your feelings in handling this are. He also asked do you want the person to come in and make his presentation. He added would you like the County attorney here.

Danny England and Al Gilbert replied both.

Arnold Martin replied I'd like both but I like to find out if there is any precedent anywhere else where there has been cases of anything that occurred.

Donna Black replied I have seen it.

Pete Frisina so in this case we have public hearings on the first meeting in October. Would you like to shoot for the meeting on the 17th and make sure the attorney here and I will tell this guy to present his case, and ask him to write something up and send it in prior to that giving his reasoning.

Arnold Martin asked does he already live in the house now or does he want to purchase it.

Pete Frisina responded that he already lives there.

Al Gilbert asked does it only have a 50 foot strip

Pete Frisina replied it has a 75 setback.

Al Gilbert stated but you are talking for cutting another road through.

Pete Frisina replied no, he want to build close to where the proposed road is supposed to be, closer than 75 feet.

Al Gilbert replied okay I misunderstood.

Pete Frisina replied technically it is a comer lot without another road, so he has two front yards and he want to build closer to that proposed road than 75 feet, and even closer than 40 feet.

Chairman Culbreth asked where it is located.

Pete Frisina stated Broom-Hall is the name of the subdivision, which is located off Rising Star. It was zoned back in the 70s.

Al Gilbert noted it is the Brooks area.

Pete Frisina asked so do you want to do the meeting on the 17th, I will try to get the attorney and try to get the homeowner to provide a write up. He is trying to build a garage, he needs to get permission from somebody first to reduce it to 75 and then get a variance from the ZBA for an additional reduction.

Donna Black asked what would the setback be if were on the side.

Pete Frisina stated if it were a typical side setback without a road it would be 15 feet.

Donna Black replied but it is not a road, and it has not been dedicated to the County.

Pete Frisina replied it has not been dedicated to the County but it still sitting there. We had to get information from the Road Department, who says we have to have 60 feet of right-of-way which is the new requirement.

Arnold Martin asked who owns all this space.

Pete Frisina replied I think there is a parcel behind the subdivision, that person may own that strip. Since there is only 10 acres back there, I don't if would be cost effective to try to put in a road to get lots off it. I don't know how many lots you can get out of it, because you need road frontage and other items.

Donna Black stated if they are not going to let them put a road in a 50 foot strip it needs not to be considered a future road.

Danny England asked will the ten (10) acres become land locked if we take away the strip. Pete Frisina replied I don't know if that person owns that back lot owns that strip or not.

Chairman Culbreth said it is landlocked.

Danny England does the property have access somewhere else. So it is landlocked without this 50 foot strip.

Pete Frisina replied no, I don't know if that person owns that back lot owns that strip or not. Danny England and Donna Black both replied it doesn't matter, it would be landlocked.

Pete Frisina replied technically yes, it does not have road frontage right now, it's landlocked. He explained technically if that 50 foot strip was owned and part of that ten (10) acres, that's not enough road frontage either for a lot, you need 100 feet of frontage for a lot.

Danny England asked did that exist from 1973.

Pete Frisina replied I don't know when all of this took place and who, what and where it is. The ten (10) acres in the back is ten (10) acres in the back. He said just to let you in this day and age, we will not approve a plat with setback greater that what the County requires. He stated I haven't done that in a long time.

Donna Black asked what who get to decide if he wants to build in the 75, the plat.

Pete Frisina replied if someone want to put a covenant in place, that's fine, but if someone comes in soon and says I want to have the setback be a 100 feet off the road. I would respond not on the plat you are not, because we are not enforcing regulations I can't backup in the ordinance. He added with old ones I feel obliged to do what I have to do.

Donna Black concluded as a citizen and a landowner, I have a quick comment. She said I would encourage you to remember to not give more credence to the people who are surrounding the community at large, or the guy that lives five (5) mile away, over the person that owns the

land that is your constituent is the person who has invested in the land. She added when you start bringing in everybody's opinion in the community in into whatever this person wants to do who has invested in the property. She concluded, I am not talking about variances, but I am talking about making the rules, just remember who had skin in the game and who doesn't. She added thank you .

THE FAYETTE COUNTY PLANNING COMMISSION met on October 17, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance.

Pete Frisina began by stating what we talked about on the sheet was item number five (5) and number six (6). He explained if you have an A-R lot, and you have five (5) to ten (10) acres, you can get one (1) detached farm building, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet. He added if you have a lot size over ten (10) acres, you are unlimited in the number of amount of farm buildings, farm activity and things of that nature. He stated the question that was posed to me is what if I have less than five (5) acres and I am zoned A-R.

Pete Frisina stated technically the way this ordinance reads, under number six (6), if you have less than five (5) acres, you do not get one of these buildings. He said I think the follow up question that I said was let's see how many lots we have out there that are less than five (5) acres, that's on the table I gave you. He said as you can see, based on our GIS system, we are able to say that we have 4,216 A-R lots in the County. He explained if you go to the end of the table, 3,051 are five (5) acres or greater; of the 4,216 lots you have at least 3,051 lots that can meet either number five (5) and/or number six (6); but then you have these other lots, slightly more than 30 percent of the A-R lots that are less than five (5) acres that do get these same buildings.

Peter Frisina stated the question you guys asked me, is there another category in here that we want to come up with, between three (3) to five (5) acres. He explained as you see there are 81 lots that less than one (1) acre, and that's pretty small for an A-R lot, but then there are 387 that are more than one (1) acre but less than two and then so on and so forth.

Arnold Martin asked for clarity Pete, are we to assume the lots that are less than one are carve outs.

Pete Frisina replied yes, they are probably all grandfathered bits and pieces here and there that have been on the ground for an unknown time. He added some could have houses on them, some could be vacant.

Patrick Stough asked wouldn't the addition of any buildings be an expansion of a non-conforming use.

Pete Frisina responded well if you don't have a building, I think this a conditional use, to get this you must meet this conditions. He explained if you are a grandfathered A-R lot and you don't have five (5) acres, we would not grant you an agricultural building, the way it reads right now, in my opinion. He said, so the question is, as you said earlier Arnold what about 4.75 (acres).

Arnold Martin replied based on what we approved before 5.01 or 4.99.

Pete Frisina stated that I wanted to get your feel about what we have out throughout the County. He

explained I guess with the 81 lots are we are out of luck and I don't know if we are able to do much for the less than two, less than three, and less than four acre lots. He said the question is do we want to have some kind of graduated or another third option in here that will allow some agricultural building at some size. He added but then again you have to figure out where is the cut off, it depends on the lots. He explained if you place A-R setbacks on a one (1) acre lot, it's pretty tight. He explained people have the options of doing one or two things: asking for a variance but these are conditional uses but a variance cannot not be used for conditional uses, it would be only for the setbacks or someone could rezone their property but they don't get the agricultural buildings. He concluded now these lots would be able to have residential accessory structures, detached garages, and things of that nature, because those are not conditional uses, so they would get whatever availability they have for detached garages, shed and things of that nature.

Al Gilbert said getting back to one of things that we discussed last time, my problem is when you have a platted subdivision, I don't care if it 4.99 or seven (7) acres, I think you are looking into a different situation than that isolated property owner out by himself. He added that could affect somebody eventually, it could, but people moving into that area where the isolated guy is, he is there and they know he is there.

Pete Frisina replied I am not sure that I follow you.

Chairman Culbreth replied it's urban versus rural.

Danny England replied you mean the A-R subdivision versus A-R discussion we had.

Al Gilbert replied right, when it is in a subdivision of A-R lots, it troubles me to do a building this big in it, but if they are out in an open area, it doesn't bother me. He added I am referring back to the five (5) acres or more, to me is two different situations.

Pete Frisina replied so technically right now if you have an A-R lot that was inside a platted subdivision you could have one of these buildings.

Al Gilbert replied I don't think you should in a platted subdivision, because is that really A-R.

Pete Frisina replied yes it is A-R.

Al Gilbert replied yes, but is that really the intent.

Pete Frisina responded well in my opinion, if is zoned A-R it should get A-R.

Danny England responded I think what we talked about, it was two weeks ago, was in a situation where you have 20 - five (5) acres lot down in the south part of the County. He explained this sort of gets us back to the idea of character where somebody comes in who was one of the original owners in the subdivision. He explained maybe the house down the street changed hands and suddenly they are building barns and there are cows; and you say to yourself that's not what I bought into. He added is there a need to have a finer grain on A-R and make a distinction between the uses in a subdivision and maybe that's in the covenant and maybe it's through zoning, I don't know, but I think that was the conversation we had. He stated if I just buy five (5) acres in Brooks on Mask Road and I build a pole barn, no one really cares since the guy next to me has an airplane hangar and two doors down the guy two has some cows, it sort of works out. He concluded but if I am in a neighborhood that has got an identity to it and you got curb and gutter rolling into the subdivision and I am buying my lot there, maybe it's a different situation in terms of ownership and development, so that was the

conversation we had about maybe making the distinction between those two.

Brain Haren replied I think that the job of the HOA, I really do in a development like that.

Danny England replied maybe it is.

Arnold Martin stated based upon what we are reading now and the way the things are right now currently if you are at 4.99 you are not able to do any of these, not even a guesthouse.

Pete Frisina replied no, these are just three ag buildings, they get residential accessory structures.

Danny England replied but you can't have a farm on 4.99 acres.

Pete Frisina replied you can have a farm you just can't have a barn.

Pete Frisina stated again the question was given those two restraints, and given these arrays of lots that are out there, obviously you have at least 70% of the A-R lots that are going to be five (5) acres or greater, 30 percent are less than five (5) acres and fall into various ranges here. He note you have two graduated things here: five (5) to ten (10) acres – 3600 square feet; and over ten (10) acres, no restrictions. So is there a third, less than five.

Danny England noted you still have contiguous lot area.

Pete Frisina replied, yes, but that does not apply to lots that already exists. If it does not meet the A-R it's not going to meet the two (2) acres contiguous.

Donna Black said by the time you put the agricultural (A-R) setbacks on a one (1) acre lot, there is no room for 3600 square feet.

Pete Frisina replied you are right, that is why I said earlier does a two (2) acre lot with A-R setbacks give you that threshold to build safely, something less than 3600 square feet. We just have to find where to break and create another range. Two (2) acres may be where we conceive the setbacks working to the degree they do. One (1) acre is going be difficult. Three acres (3) will be better, and four (4) acres is better.

Randy Boyd stated that three (3) acres will better, the side yard restrictions are squeezing it in so much. He asked what you would put on one (1) acre to two (2) acre that you will need a barn.

Pete Frisina replied that all these things are all different sizes they are not standard width.

Randy Boyd replied that it looks to me that three (3) to five (5) acres will be better. What can you put on one (1) to two (2) acres that you would need a barn.

Brian Haren suggested that three (3) to five (5) acres gets a single structure up maximum 2600 square feet. I reduced this by 1000 square feet from 2500.

Al Gilbert stated what about reducing the square footage by 25 percent which will be 2600.

Arnold Martin stated that he wanted clarity about the stats, he asked if these are all straight A-R lots or are some of them in subdivisions.

Pete Frisina responded that all the lots are zoned A-R, we don't care where they are.

Brian Haren said that 2600 also means that you keep to get 700 square foot heated guesthouse.

Pete Frisina responded what we are doing with that part is we have a residential accessory structure section that allows for a 700 square foot guesthouse, we have these A-R regs that states you can't have a 700 square foot guesthouse.

He said we are basically saying within a barn or something of that nature, because I can tell you the barns that are being built in this County right now are not meant for animals; you can live in them since they are nicer than anything an animal would need. He added in that context I see these things becoming more and more sophisticated, so we still will allow you to have one (1) guest house on your property of 700 square feet. He explained it can be part of an ag building or part of a residential accessory structure, but you don't get two (2) of them, you still get one. He noted there is a relationship back to the section under the residential accessory structure (110-79). He concluded throughout this process you get one (1) guest house, which we are not going to prohibit from going into one of these buildings, which is what we had before.

Brian Haren replied that is reasonable.

Arnold Martin replied that is very reasonable, which is more to the point that this is the direction the County is going to. He stated probably about six (6) months ago, I got a request to do a condo-barn. He concluded it is a barn structurally on the outside, but on the inside it was nice, it was very hard (financing) so they ended up having to go to the AgriBank.

Pete Frisina said some of these auxiliary structures people are building and that's where they kind of go and they deviate from the barn. He added I have got people building (structures) where they want to keep expensive cars which don't have dirt floors.

Pete Frisina said I will create another category in here with three (3) to five (5) acres, limiting it to the 2600 square feet, which is a third (3rd) option.

Donna Black asked permission to make a comment, she said that as citizen, not as a developer, it seems to me that ag zoning is ag zoning, you meet your setbacks then you can have your ag building and what is the harm if someone builds a barn on a three (3) acre lot instead of a five (5) acre lot. She added less government should be less government, as you put in these increments of what you can and what you can't do and more and more controls, I don't know that helping anyone other than making it difficult for you to administer, you are not protecting anyone, you are preserving rural character by not letting people build barns.

Pete Frisina replied to Donna Black so you are in favor allowing it.

Donna Black replied if it is zoned agricultural and the 3600 square feet is what your standard is and if it fits on your lot you should get your ag building. She concluded it's not going to fit on your lot, so that solves your problem.

Pete Frisina replied there's your suggestion.

Arnold Martin but once again, down to one (1) acre is ridiculous, but that does not mean it is not

doable.

Donna Black replied let me put it his way, this rule that you are making is reducing the options that people have with the property they paid for.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 7, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Pete Frisina began by stating that we talked about the farm outbuilding as a conditional use. He noted number seven (7) is what we talked about, the cut-off was five acres, under five (5) acres you didn't get a detached farm outbuilding or auxiliary structure. He explained so we looked at a lot of three (3) to five (5) acres allowing 2600 square feet. He said we did have a suggestion from Donna Black and also Patrick Stough who said maybe we should look at something less than three (3) acres, so I put something together. He added let's say you did anything less than three (3) or less than five (5) which would go all the way down, you don't cut off at the three (3) acre mark, or maybe create a third category. He explained in terms of A-R, a permitted use within A-R is livestock and that is not tied to acreage. He added so technically, if I had a non-conforming lot of three (3) acres, I technically get to have livestock. He concluded now how many people do we know that have livestock on three (3) acres, I don't know, but technically it could happen.

Arnold Martin replied all the way down to one (1) acre. Pete Frisina replied all the way down to half-acre.

Al Gilbert replied but with horses now, you can have up to eight (8).

Pete Frisina replied not in A-R, if you are zoned residential you have to have three (3) acres for the first horse and an acre for every horse after that.

Arnold Martin replied this goes back to that guy from a year and a half ago with the chicken discussion on how many chickens you can have, but that was based on residential.

Pete Frisina replied yes, we now allow chickens in residential. He added so far so good, no one has complained one way or the other. He explained a lot of times, people wanted to get into the free egg movement and they have the chickens for a while then realize its more work than they thought and they don't get any more chickens, so that could be the issue. He noted technically, I spelled that out to see if we either want to look at something less than five (5) acres have a certain size or maybe creating a third category of less than three (3), three (3) to five (5), and five (5) to ten (10).

Arnold Martin stated if I recall I thought it was Donna Black who brought up something that basically proved that once you get down to less than two acres is it almost impossible to put in the farm buildings.

Pete Frisina replied that was actually Randy Boyd's point. He added Donna Black's point was why restrict if they can fit it let them do it, I do see merit in that. He added but then Patrick Stough said then you may want to consider something that allows them on an A-R lot even if there is less than three (3) acres. He noted we are not done with all of these items, so we get to work with this for another month or two. He asked so would you think if we put in: less than three (3) acres then 1800 square feet, three (3) to five (5) then 2600 square feet, and then five (5) to ten (10) acres then 3600 square feet, and ten (10) acres or larger then no restrictions. He concluded by asking is that too much, too many categories.

Arnold Martin replied personally, that's is a lot to try to keep up with and I always try to hear or see the

two sides to the coin, but to Donna Black's point if you have less than five (5) do what you want, was that her point.

Pete Frisina replied her point was why are you cutting it off on three (3), why are you saying that one (1) and two (2) acre lots can't have something too.

Arnold Martin replied I guess my concerns is just keeping up with all the categories, it seems like more of a burden on your office or someone who will have to literally have to keep up with how many acres you have, then check the size of the structure, it just seems like a lot.

Brian Haren responded what are we afraid of in not allowing it.

Pete Frisina replied that the philosophy of the zoning ordinance, that was established many years ago. He said that restriction was key, slowly we are coming out of it, but that has still been the overall overriding intent is not letting them overburden a lot. He explained that's why initially in residential, you can have two residential structures they could be not be bigger than 900 square feet each, in a residential area because you did not want it overshadowing the principal structure. He noted we have gotten away from that a little bit, now we are saying you can have 1800 square feet. He added we don't care how you split it up, you get up to two, we measure the footprint, whether it is one (1) story or two (2) story, we don't care. He concluded we are coming out of that a little at a time, but there has always been this basis of restriction for accessory structures in a residential setting whether it be A-R or residential. He added is that the right way to go, I can't say.

Brian Haren asked do we instead apply these restrictions to just A-R subdivisions. He added can we say that if it is not in an A-R subdivision, we don't care about it, but if you are in an A-R subdivision we got concerns about it. He concluded just like any other subdivision we are concerned about setback and buffers.

Pete Frisina replied but the setbacks are the same within the subdivision as outside. He said so I don't know if the setbacks are the issues. He added I don't think that is a bad idea, it's just that A-R had existed pretty much problem-free, whether or not it is on the side of the road or within a subdivision. He noted I haven't had a lot of issues with A-R subdivisions nor having any real problems. He concluded in fact, we have a lot of activity within a subdivision, in fact I am not sure they built a greenhouse.

Chanelle Blaine replied yes, they did.

Pete Frisina replied it didn't create an issue for anybody. It was not a small greenhouse.

Al Gilbert replied I have said this several times but what has always struck me is the night our County attorney Mr. McNally said you got five (5) acres and you are A-R, you tell me why I can't have the same rights as anybody in A-R, give me a reason. He added so I still ask that question, what your reason is.

Pete Frisina replied, if we were having people in A-R subdivisions, having issues and problems, I think you got some real input to say let's alleviate it. He added it just doesn't seem to be the case right now.

Arnold Martin responded to both of those points, why couldn't we just say if you are in A-R, regardless of three (3) or five (5) acres or whatever, if it fits, just have it across the board, because we don't have any problems.

Pete Frisina replied well up until now if you were under five (5) acres you didn't get a barn. He stated

that is what I am saying, we are now opening up the area now for more building. He said is it going to be a bad thing, I don't know, not until someone builds something and then someone gets upset about it. He explained now in most of your A-R subdivisions, all those lots are five (5) acres, because of the time when they were developed. He added if you look at the spreadsheet, you have 387 lots in A-R less than two (2) acres; less than three (3) acres are 318 lots; He noted I think it is about 30 percent of A-R lots are less than five (5) acres. He also noted the two (2) biggest sections are less than two (2) and less than three (3) acres. He concluded so the other thing we can do is instead of having three (3) sections under number seven (7), why don't go with two (2) to five (5) acres, is that okay and see how it works.

Arnold Martin responded as it was said you can't put anything on two (2) acres for any additional 2600 or 3600 square feet anyway.

Pete Frisina replied you may be able to get it in, because they are all different shapes and sizes and configurations. He noted we are coming from a point where we didn't allow anyone to do anything in this vein under five (5) acres, that was the conditional use. He said the question is, do we want to open it up and how far and taking number seven (7) down to two (2) acres a good compromise for the time being.

Brian Haren replied I think so.

Arnold Martin replied Pete in the last meeting, you said the types of barns that people are now putting up and accessory structures and it seems on a couple of acres you can't even see the last acre in the back, it's usually not clear, and so if you put another house or structure back there you wouldn't even know it. He said I agree, I think two (2) acres to five (5) acres and let's see how it goes, then pull it back.

Pete Frisina replied some of them are very nice, so on number seven (7) we will say lot two (2) to five (5) acres will allow 2600 square feet.

Arnold Martin responded also five to ten should be 3600.

Pete Frisina replied that's always been there, once you get past ten (10), it is pretty much open to do whatever you want.

Brian Haren asked if I have less than two (2) acres, what do I get.

Pete Frisina replied you don't get one these, but do you still get your residential accessory structures.

Arnold Martin asked so what if someone wanted to add a two-car garage.

Pete Frisina replied that's not related to this. He explained these are your agricultural buildings; barns, horse stables, greenhouses and auxiliary structures. He said the auxiliary structures was something we added many years ago that when many people asked why I can't have a sculpture studio, or a recording studio bowling etc. He added in the past if you wanted to have an outbuilding it has to be tied to a bonafied agricultural use, so to allow other uses, auxiliary structure was added.

Arnold Martin asked if a tractor trailer driver who owns his own rig can park on his own (2) acre A-R lot.

Pete Frisina responded the truck should not be on two (2) acres.

Arnold Martin asked if they want to park the truck there, are they allowed. Pete Frisina responded the ordinance says in A-R it needs to be ten (10) acres.

Arnold Martin replied interesting, so guess in Residential it is not allowed at all.

Pete Frisina replied I will change that number seven (7) to two (2) to five (5) and leave it at 2600 square feet. He said of course number eight (8) you have already seen it, still allows for 700 square feet. He added under the R-85, I think I let you know that we changing the lot width from 125 feet to 175 feet and the side setback from 50 feet to 30 feet which was a typo.

Pete Frisina stated starting with the transportation corridor overlay zone on page two (2), I struck out item number two (2) because that area is no longer within the unincorporated County anymore, it had been fully annexed.

Pete Frisina stated to go to item number six (6). He read aloud the sections when he underlined. He explained the issue that we have here, excluding the incorrect dates, is I have an existing structure and if I want to enlarge it , the idea here was we are not going to make one- half of it fit one architectural character and the other half fit another. He noted the rule that if you enlarge it by 50 percent, the entire building can mimic what was already there. He also noted if you enlarge it by more than 50 percent then you have to redo everything. He said, in my opinion that is going to be difficult, to tell you the truth. He explained if someone is going from a building with a flat roof and then all of a sudden is required to put on a pitched roof on the entire building, it is likely they will have to start over with a new building. He said I don't know what a good way of dealing with this is. He added I can tell you that we dealt with someone who approached us about an existing building (convenience –type store) with enough room to build a new building next door. He asked does it make sense to try to get half of a development to look different than what's already there. He concluded that is the issue I have, even if it is a secondary building.

Brian Haren replied, no we have these architectural standards to control what happened in the past. We decided what was in the past didn't look right for the County. Why continue to encourage that kind of architectural behavior, if you will. I would say if is an existing building and you just want to expand the existing structure, yeah okay we are not going to make you redo it to bring it up to code so to speak. But if you are putting a new structure on the property, yes it's going to have to adhere to the current architectural standards.

Pete Frisina responded if it is not an expansion.

Brian Haren replied yes, if it not an expansion, maybe it will nudge you to bring your old building up to the current architectural standard.

Pete Frisina responded that's not likely.

Brian Haren replied I know but we come up with these standards for a reason.

Pete Frisina stated that's not how we do it right now. He said what I will probably do on item number six (6) is say if you are expanding an existing building you can build within the same character. We are not going to care if is 50 percent or what percent it is, just allow them to build it out. But if you have a building that is done with a certain architectural character that was whatever when it was built and you want to build Building two (2), it going to have the new architecture.

Brian Haren responded yes.

Pete Frisina stated I am good with that if everyone is good that. If I have a development and I built one building under one (1) architectural standard and now I want to come in a build a second building, the second building has to meet the new standards. If I want to take the existing building and expand it, I have to maintain the existing standard that were there before. So I will remove the 50 percent rule. That sounds good, so now I don't have to worry about the expired exemptions.

Pete Frisina stated so let's go on the Page 3, which is in the same vein. The Georgia 85 Corridor needs to be tied to new development and not existing buildings. So for instance, there is Kenwood Business Park, if I come back 1000 feet from Highway 85, I am now in the back of Kenwood Business Park, and I am going to make someone back there develop with a totally different standard and no one is going to see it from the highway. It's just not going to happen and it makes no sense to try to go in and retrofit older buildings with the new standards when every building in there is basically the same metal building. So what I am saying is that all undeveloped property and properties being totally redeveloped. If someone comes in and scrapes down and these are fronting on the highway, I am not going back in to the middle of Kenwood Business Park. If one of these older centers along the frontage of highway came in and took the entire thing down and we will then look at the standards.

Again, if they starting adding more storage buildings or whatever down there, I think they should just go ahead and build as is, especially in this corridor. If you look at the corridor you don't have too much that is not developed. I think someday the amusement park may someday expand to the property north, I think the amusement park bought that property.

So there is a huge swath of undeveloped land which make sense to apply it to those properties.

Al Gilbert asked was any of this during the time we were doing any of the blanket rezoning up there Pete.

Pete Frisina replied I am not sure, I think the blanket zoning came way before because this didn't go into effect until 2007.

So are we good to just say all we want to do is touch up the undeveloped property that has not been developed yet and if someone takes it all the way down to the ground, we will apply it.

Arnold Martin asked do you have to say that and define redeveloped. Pete Frisina asked do you think I need to add some clarification there.

Arnold Martin replied I mean just what you just said, just bring it down to the foundation,

Pete Frisina responded or just to take the entire build down to the foundation or build new, okay I can add some verbiage in there.

Pete Frisina stated on the next Page 4, I added something that we have allowed for residential structures, it didn't allow metal here, and what I am saying it will now allow metal as long as you get the horizontal pattern which always looks better to me, in my opinion. Gives them one more option. Again we have the same thing here under number three (3) with the 50 percent. I will work on that, because that is in about every overlay zone.

Pete Frisina stated on the next page five (5), I am just clarifying that the General State Route Overlay excludes everything but these that are in place for other areas, that is just a clarification there. Okay it's the same on page six (6) under number six (6). Although the General State Route Overlay came after some of the other overlays, I want to move it at the first one, at the beginning of this. It will be the first of the State Overlay district and all of the others will be secondary.

Pete Frisina starting with Conservation Subdivision on Page 1, so when we redid the land use plan we created an additional land use category. We used to have a land use category of one (1) to two (2) acre density, everybody got a one.

So my recommendation is that we come up with a concept for that based on a three (3) acre density, follow the same pattern, a yield plan to figure out how many three (3) acre lots you can get. The two (2) acre density is based on a R-70 concept, and we base the three (3) acre concept on an R-80. So the question I have for you guys,

Brian Haren asked under item number seven (7), are you just booting the

Pete Frisina stated okay going on to Page two (2), I took the reference to the trails under watershed out and I added another a category here. I don't see any reason why we shouldn't allow a detention pond in the conservation area, it not that big of a deal. Someone might be able to use it as an amenity to some degree but I don't see any reason that we need to not allow that to be in the conservation area.

Brian Haren asked what is the difference between a detention pond and a retention pond. Arnold Martin replied I was about to ask the same thing.

Pete Frisina responded people don't do retention, means it stays on the site forever, it is all detention.

Arnold Martin replied whenever I see a new subdivision, I used to hear the builders refer to it as a retention pond.

Pete Frisina replied they are not really correct, retention means it stays on site and then soaks into the ground, normally that is not what happens, and mainly there is some kind of outlet. He explained all you are doing is detaining the water to maintain the velocity theoretically before it was cut, so it is really all detention. He said tying it back, all improvements must meet the watershed, if you look at the section that starts with "said fields" it really was part of number six (6) under section E on Page 6, He concluded I am pushing it down here and I let watershed deal with it.

Al Gilbert asked who is now doing our watershed.

Pete Frisina responded Environmental Management, Brian Keller has now taken over the Department. He said we don't do floodplain, watershed or anything like that, it's all done by Environmental Management. He concluded under EST it is the same change.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 21, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance.

Pete Frisina began the discussion by noting that he was starting with the C-S zoning district. He said that when we did the land use plan amendments in 2017, it changed the land use categories. He explained instead of having a land use category of Residential One (1) to Two (2), and Residential Two (2) to Three (3), we segregated all those, now we have the land use category of Residential One (1), a land use category of Residential Two (2) and a land use category of Residential Three (3) and they are all separate, those are your minimum densities for those districts. He continued by stating that the C-S zoning district was really setup for two (2) acre density, it is based on a R-70 zoning layout for the yield plan, which means you take a piece of property, you are in a two (2) acre density area on the land use plan, you do your yield plan based on R-70, which tells you how many lots you can get based on the constraints of the site, you then get to take the number of lots and reduce the lots sizes down to one (1) acre. He said that's how we came up with the split between conservation area and developed area. He explained you take 50 percent mathematically of what's going to be taken up by lots, you add another ten (10) percent to that for the roads and infrastructure and then you maintain 40 acres for conservation. He said it's a very standard, boiler-plate kind of conservation ratio, I didn't invent it. He concluded it is the one we use, which is the standard.

He noted when we changed the land use plan at a three (3) acre area, we didn't have an option for a conservation subdivision within the three (3) acre area. He explained so what I am doing here is trying to take the C-S zoning district, and make it applicable. He added if you want to do it in a one (1) acre land use area, we wouldn't stop you, you could do it in a two (2) acre land use area, and now we are making provisions for it to happen in a three (3) acre density land use area. He also explained you can see under section A, it is mentioned, it states a conservation subdivision is intended for designated low density residential, Rural Residential One (1), Rural Residential Two (2), and Rural Residential Three (3) as indicated on the land use plan.

Pete Frisina noted if you drop down to the next section, it basically says the same thing. He explained that wherever you have to use R-70 to do the yield plan in the two (2) acre area, you will instead use an R-80 to do the yield plan in a three (3) acre area. He further explained that the R-70 and the R-80 are fairly similar and we thought that was a good concept, so that what's we will use for the yield within a three (3) acre area. He also explained if you go one to Page 2, Section F, that is where the crux of it is and we spoke of this last time, to keep things consistent, the C-S is based on a two (2) acre density and you are allowed to go down to one (1). He said the EST is

based on a five (5) acre density and we will allow you to go down to 2.5. He concluded so my question is, in this three (3) acre thing, do you want to keep the math consistent at 1.5 or do you want to allow one (1) and then figure out some other ratio?

Arnold Martin asked did we already agree to the 1.5 acre.

Pete Frisina replied okay let's keep the math simple.

Randy Boyd asked Pete, what will be the frontage on that lot that you create, the one (1) and a half-acre.

Pete Frisina replied the frontage will be same lot widths, 150 feet on an arterial, 150 feet on a collector, and 125 interior. He said I would not want to go to 130 feet, so it still will be similar. He explained the way it is written now is the lot area per dwelling unit and I just kept the same language, where there is essential sanitary sewer or central water it is a one (1) acre only within the area designated as the one (1) acre or the rural two (2). He said where neither the sanitary sewer nor central water is available you have to do one and a half acre, it is the same things within the one or the two. He added then section C is within the three (3) acres within the rural residential area, its just 1.5. Does that make sense? Does that keep it simple?

Arnold Martin replied it does, but I want to ask Randy in dealing with your clients does these changes negatively affect them in any way.

Randy Boyd replied it doesn't in fact that conservation, I told Pete, is an excellent way because 20 years ago the Governor back then came up with a greenspace program and we had a guide called the Blue Book, which was quite thick of boring math of how to do calculations, but it also has about 20 design criteria. He explained that it emphasized smaller lots clumped together instead of the many streets which utilized all of the property, so you take the yield plan, which can be done in all three (3) of these zoning categories, and then you can clump them together. He noted if you ever want to see a great one (conservation subdivision) look at Edgewood on Highway 85, which had three (3) different pods and a lot of open space, its gives you the opportunity to protect the property lines and protect streams which is the best way to design a piece of property. He concluded the staff's idea of going C-S for one (1) and the EST for the 1.5 acre and the 2.5 acre makes all the sense in the world, it is a greater design tool to have open space.

Pete Frisina replied technically we put this in place because of the greenspace program which was funded by the State so there were certain things you have to put in place if you wanted the money.

Al Gilbert replied at that time, all the good useable land had been developed, so we asked the question what we could do with all the land that was not so good. He added we could lower the cost of development to the builder or developer, and that was part of what was discussed was the fact that it was much easier to do 50 - one (1) acre lots than 100 - two (2) acre lots. He added you look around especially the north end of the county it's not the greatest of property to be developed, so this was a way of maybe lessening the impact of not so great property.

Pete Frisina replied the other selling point was while it costs the developer less to put all that

infrastructure in it, it also costs the county less to maintain it, because it was less of it. He added the density stayed the same.

Arnold Martin asked how does this compare to the surrounding counties, have they adopted the same thing.

Pete Frisina replied most counties, I can't say for sure, have something similar.

Al Gilbert replied well I own some property in Rockdale, they have one (1) which is on sewer you can do three (3) lots to the acre and they call it conservation zoning.

Pete Frisina replied this concept was patterned after the 40 / 60 split which has been the mean.

Pete Frisina noted in terms of the dimensional aspects, that's what you have now. He explained you go back under E and look at what's allowed in the conservation area, we interjected some watershed kind of things and I talked with Environmental Management, so we are going to say that you have met the requirements of the Watershed Ordinance and let them cover it. He added the only thing we've added here is I don't see why the stormwater facilities can't be within in the conservation area, the ponds, etc, because most of the conservation areas are close to the water anyway and they are in the low spot. He added I am adding that as one of the uses that can be within that 40 percent. He said the other things that I noted are it limited the covered picnic facility to 900 square feet, so I went into the ordinance and the only other place is that it still exists under the C-S and the EST zoning districts. He asked I just wonder if that is still a valid restraint on an open-air picnic pavilion that we want to keep under these two (2) districts.

Arnold Martin responded so are we saying limit it to 900 square feet.

Pete Frisina replied that is what it is so the question is do we want to maintain that.

Danny England responded can I say keep it as it is.

Pete Frisina replied okay.

Randy Boyd asked Pete, what size houses are you proposing on this one.

Pete Frisina replied 2100 square feet.

Randy Boyd responded that is very fair.

Pete Frisina replied that has not changed, that is still the same, so really all you are doing is adding a similar component in here that is going to be one and half acre instead of one (1), and based on a yield plan of three (3) instead of two (2). He added I kept everything else pretty much the same; lot width are the same, setbacks are the same, minimum house size is the same.

Randy Boyd replied that with land costs the way they are, along with development cost runs the price of that lot up. He added it's very hard really now to develop something and put a street in

and it's so expensive and your lots are probably 100K to 125K if you go with the rule of thumb that the lot is 20 percent and you multiply that by 5, then you are at 650K. He added nobody is going to build a 2100 square foot house, it doesn't make sense.

Pete Frisina responded you will have to go much larger. He concluded that is all I have for C-S.

Pete Frisina said the next thing we are looking at is the transportation overlay, I think we talked about this. He said to look at Page 2, there are some items which have a sunset date which has long passed. He then read aloud item number six (6), which stated when an existing structure does not conform to the current architectural standard is enlarged, the enlargement does not have to meet the new standard but does have to match to standards of the existing non-conforming structure. He asked if the members are still okay with that.

Brain Haren replied yes.

Pete Frisina explained that the current verbiage stated that if you enlarge the non-conforming structure, you can enlarge it, but if the enlargement was more than 50 percent then you would have to bring the entire building architecturally into compliance and there was a sunset date created back in 2007 which ended in 2015. He added whenever that comes in play, it stays the same now.

Pete Frisina said on Page 3, we talked about the North 85 Corridor, which is difficult because it is developed and we are only going to apply these standard to the undeveloped properties being totally redeveloped, ie, where all the principal existing structures have been demolished / removed, so that is your criteria when you will apply it. He said the only development that we have had since 2007, complies to this, and I think that is Storage Xtra, I don't think we have had anything beyond that. He added everything else came in before or is really old. He concluded under the architectural standards, I have that same provision here.

Pete Frisina stated that under the General State Route Overlay, I want to move item number three (3) up to front so that it will become item number one (1), and will list the zonings that are to be excluded from the State Route Overlay.

Pete Frisina on Page six (6), is the same verbiage, but wherever it says primary structure, I am changing it to say principal structure. He stated again on Page 12, it's the same verbiage about the non-conforming and the date which is on-going. He added this last thing on the last page is Planned Residential Development, and one of the things that I have pondered is number two (2) and this is under the PRD which was developed back in the early 80's, Permitted Residential Uses: Planned residential zones may contain single-family dwellings, 2-family dwellings, townhomes or a combination thereof. He concluded I question that we will every have the capacity to serve duplexes, townhomes in the County.

Randy Boyd replied you can't unless you can have sewer.

Pete Frisina responded so I think that maybe we should take that out. He asked the members what are your feelings on that. He noted the original Whitewater Creek was the first PUD in the County, it was 1300 acres split by Redwine Road, with about an equal amount on each side of the road, the

original plan was to have two (2) 18-hole golf courses on either side of the road. He said each of the 18-hole golf course was to be surrounded by townhomes. He explained the golf course was where all of the effluent were to go, and they were going to have sewage treatment for the townhomes, and all the drain fields for the group sewage systems were to be the golf courses. He noted they built one golf course on one side of the road, came back and said they are not building a second golf course, and we would like to take the townhomes that are over there and convert those to single-family homes. He added they did that and then sometime later and came back and decided we are not going to build townhomes on the other side either and we would like to take those numbers and get as many single-family homes we can build. He noted it was first approved with a certain number of townhomes and a certain number of single-family homes you get.

Al Gilbert replied in the Whitewater part it must have had three (3) or four (4) different owners, and every time a new owner acquired it, they came to change the PUD to change the development.

Arnold Martin asked historically, how was that approved back then for townhouses if we didn't have sewer.

Pete Frisina replied they were going to build a package plant and use the golf course for the effluent and it would all be underground.

Al Gilbert replied Rivers Edge has spray application under the golf course.

Pete Frisina replied the golf course would be how you will dispose of the effluent and it will be treated to a point at higher level than a septic system. He explained that would be a septic treatment facility, treated to a higher level and either sprayed or put in with the underground irrigation.

Randy Boyd replied such a system would be a dream, since there is not such a system in the County.

Pete Frisina replied that's never happened so I am thinking that it is nice that it is in there, but I don't know it will ever happen, in my opinion. He said the concept of a PUD is that you should have some flexibility, again it is supposed to be density-neutral but we don't have the infrastructure to support it but I am thinking we should take it out.

Brian Haren replied should we leave it in and if somebody can engineer some system that works they can.

Arnold Martin said I going to play devil's advocate here, there is constantly whether it is this County or the surrounding counties, the issue of affordable housing, not necessarily cheap housing but less than 400K, etc. He added if by chance, someone is able to come up with a way, if we eliminate this, is it not saying that we are 100 percent opposed to any type of affordable housing in this community.

Pete Frisina replied the way the County has looked at that is that the County is made up of two areas, the rural/suburban areas of the county and the urban area of the cities. He explained you have that ability to have that kind of smaller lots /small development where they have sewer. He

added cities should supply a base of affordable housing based on that alone. He concluded technically, if you are in an area that is in high demand a small house on a small lot still can be very expensive.

Arnold Martin replied yes, just go to Atlanta.

Pete Frisina responded it doesn't always mean that if you have a small lot or small house that's going to be affordable, most of the time the market is going to drive what is affordable. He added the only time to really make something happen, I read a recent newspaper article from one of the city council members in Fayetteville which said the government's got to control it to make it truly affordable and to maintain that as affordable, that is a hard thing to do.

Arnold Martin replied take it out.

Chairman Culbreth replied do we leave it in.

Pete Frisina replied I was thinking take it out, in my opinion, no one has ever done it.

Randy Boyd responded Pete do you remember about ten (10) years ago, at an afternoon meeting, a crowd suggested doing something like this, the Board of Commissioners were outraged at the crowd. He added it was a Del Web development.

Pete Frisina replied I now remember that's exactly who it was.

Al Gilbert replied that was over in the hospital area.

Danny England replied that's what I was thinking, that would be a place where this would maybe make sense.

Al Gilbert stated that Pinewood (Studios) did not even exist back then.

Randy Boyd responded this will work if you tied on the City of Fayetteville sewer. He added we did a subdivision about 10 to 12 years ago that touched Peachtree City and they needed some sewer capacity and we tied a C-S subdivision on to their sewer.

Pete Frisina replied well the subdivision got approved and then they asked for a sewer after the fact.

Randy Boyd replied right, it tied onto the sewer in the school's system.

Pete Frisina replied because it was there and it was adjacent.

Randy Boyd so there is a possibility that this could happen in the County but you have to tie on to either Tyrone, Fayetteville or Peachtree City sewer system.

Pete Frisina replied anytime they get sewer they are going to annex, in my opinion.

Randy Boyd responded well the City said no they wouldn't let us annex that property, but they would let us tie into their sewer.

Pete Frisina responded that the sewer was already run there by PCDC for the school, so that's how they got it.

Randy Boyd responded but there are properties now that touch cities that you can still do this.

Pete Frisina but you have to annex into the City.

Randy Boyd responded sometimes they won't unless it is within 200 feet then they have to.

Arnold Martin said to the point about the pavilion, not many people are knocking our door down to make the change, none so just leave it. He added my thought is leaving a small door open just in case, but seeing that no one is beating the door down and then revisit it, but that is just my opinion.

Pete Frisina replied what will happen is you will revisit it when some requests it.

Danny England stated we are providing a possibility for it to happen but it is on the developer to find a solution that works rather than us providing a barrier to it happening by saying well you can't do it. He added because they would have to ask for permission and prove that it works. He concluded right now, we can say have at it, as long as you can make it work.

Pete Frisina responded making it work is going to be the hard part.

Arnold Martin replied that may be the deterrent.

Pete Frisina responded so I think what would happen under the County's regulations, if somebody were to propose an on-site sewer system, it has to be given to the County to run. He added it has to be built to County standards, and given to the County once it is built.

Pete Frisina asked the members what is the consensus, they responded leave it.

Randy Boyd responded as desperate as these builders are for these lots now, the Fayette County land is not there, somebody may come forward with an idea.

Pete Frisina replied to me, it somewhat had a little bit of feasibility when you are talking about 1300 acres. He added I don't know if we will see anything that big again.

Randy Boyd replied no, I don't think there is any piece of property that's fits that and vacant that I know.

Pete Frisina concluded that we will leave it in. and see what will happen.

Pete Frisina stated that I've got some things that I am working on which I will cover next. He explained the Post Office about six (6) or seven (7) years ago decided that within a subdivision the individual lots can no longer have mail boxes. He noted the term that is used is CBU's or Cluster Box Units and we don't have any regulations in place for these things. He said the only thing we tell somebody is that the Post Office mandates that you have to have them and our only rule is that you can't place them in the right-of-way. He concluded we ask them to show on the plat so we know where there are, so I want to show you where this is going.

Pete Frisina asked so do you see the box units, (on large overhead screen), that is enough box units for a 43-lot subdivision. He noted this is probably the first one we have had where they wanted something over it so you are not standing in the pouring down rain when you are getting the mail. He explained I am working on some regulations now because the building department is saying this maybe the first one of many and now all of a sudden it not just boxes sitting there you will have to have some kind of structure.

Brian Haren replied you also need parking don't you.

Pete Frisina responded technically you don't but I am working with the Road Department, they want to do something to, so what we are going to require that is a piece of property set aside owned by the homeowner association or something like that. He explained it maybe a 10 x10 piece of property, it could be a 10 x 20 piece of property, whatever it maybe to hold that and any structures associated with a sheltering structure fit within that 10 x10 or 10 x15 area. He added that is what we are going to do because at some point someone is going to have to maintain and take care of it.

Arnold Martin replied it's the HOA right.

Al Gilbert replied but HOA come and go.

Pete Frisina responded even the boxes have to be maintained and they are required by the Post Office. He added so it's a group thing, even if you are doing only the boxes, we want that to be sitting on the commonly-owned piece of property.

Chairman Culbreth asked how universal did the Post Office make this.

Pete Frisina replied from here on, no any individual home in a subdivision will get a mailbox.

Chairman Culbreth replied is this County-wide or every county.

Pete Frisina replied the rule applies nationwide.

Arnold Martin noted that I have seen many of these in new subdivisions throughout Gwinnett County. He added the one thing that I haven't known is what is the minimum number of units that is required to have this.

Pete Frisina replied I am not sure, it's still up to the Post Office. He added you are not going to build a subdivision street and put three lots on it.

Arnold Martin replied many times here in Fayette we have a ten (1) home small subdivision that are luxury homes.

Danny England asked if that is 40 units and you have four (4) boxes, that's ten per box.

Pete Frisina responded if you are doing a subdivision that is on the side of the street, without internal streets, you don't have to have this, but if doing a subdivision with an internal road network, the Post Office requires that you have boxes.

Danny England said if you have a cul-de-sac and it's a straight shot, I guess that is okay.

Pete Frisina responded I can't say they are the same, some of them are on the side of the road and sometimes they might put two in there, and sometimes they don't have a covering over them.

Chairman Culbreth asked a Mykell Williams, a visitor and a college student majoring in Political Science at Kennesaw State University if she had any questions.

She asked what made the Post Office make the decisions of incorporating boxes in the subdivisions.

Danny England replied there is the delivery cost and there is the security, those are the main two reasons.

Pete Frisina replied they don't have to drive to every house then, when you talk about security there are some issues with that.

Danny England replied well that is still better than simply driving up and taking the mail out of anyone's mailbox.

Chairman Culbreth asked who is liable.

Pete Frisina noted that some of the boxes have gotten broken into and all of the mail was taken because all you have to do is pop the back open.

Arnold Martin asked the question of how are packages handled.

Pete Frisina responded there are large package boxes in the bottom.

Danny England replied the mail carrier places a key in your box for the larger package box.

Pete Frisina stated that he read some reports today, I was with a staff member from Environmental Management and we found some instances where someone came through, opened them all up and took all of the mail at once. He said I am working on that and if we ever get an industrial park or a business park we might to have to do the same thing but I don't know yet how to make up the regulations for that since that may be built different. He added now I have talked to the Road

Department about what they want. He explained there is nothing that stops you from pulling up on the side of an internal local street, stopping your car, and walking over and getting your mail. He explained there is nothing that stops you from pulling up in front of house inside a subdivision, but what they may want to have a decel lane where they can pull off and pull up and do that. He concluded they (Road Department) would like to require that and I said fine, what are you going to require, how big, how long it, what is the taper, etc.

Danny England replied the one at River Walk they moved the boxes where you drive in behind it and drive back out.

Pete Frisina replied the County has taken the approach that it can't be in the right-of-way.

Danny England replied it's not right-of way, instead of the box setting back you pull on the street, instead of that alleyway being off of the entrance, you actually drive behind it and then drive back out.

Pete Frisina asked did Rocky Fork do that, have you (Randy Boyd) been up there. Rocky Fork had a lot that was not used as a lot so they were able to push it back and you drive in behind them and there are maybe two spaces there and then you drive out.

Brian Haren replied so the Post Office has no design standard.

Pete Frisina responded the only design are those boxes and those boxes are manufactured.

Brian Haren replied so you do have to design a space for the delivery person to pull off safely.

Pete Frisina said this is basically it, right now, and the one that you see in the picture, is on the side of the road. He said from a zoning perspective, we are going to require that it will be a common area. He explained under one of sections in the zoning ordinance it allows us create non-conforming lots for these kind of things and it can be the just the corner and it just takes up a little bit of a regular lot. He concluded if they have a developed recreation area they just may put it there and it may not be on the side of the road, this could be just like a club house or pool house.

Brian Haren asked does the Post Office have to approve this, are they part of the approval process.

Pete Frisina replied the developer submits to them how many boxes they need and here's where I want to put them within the subdivision, I think that's all they look at, as long as you provide all the boxes they need and they maybe have to drive to at least one maybe two places from my understanding. If you go online you can find the companies that build these boxes to Post Office standards.

Arnold Martin asked have you seen anything that would indicate that they are going into existing neighborhoods.

Pete Frisina replied no, it is not retroactive.

Randy Boyd stated that I have seen these (mailboxes) put in place and there only room for two cars, and I was telling Chanelle, you don't typically congregate there, they are going to pull up, get their mail and then leave.

Pete Frisina responded technically they should always be on the evening side of the road, but they don't always go there. He said the other thing I mentioned to someone at the Road Department is decide how far from the intersection do you want it.

Randy Boyd replied you want it in probably a few hundred feet.

Pete Frisina responded well you don't want it right on the end, you want on a T-road inside the subdivision, you really don't want to have people stopping in the intersection. He explained under this Section 110-170 there are some allowances within the subdivision to create some things and they don't to meet the minimum lot size. He added one of the things I saw in there was a tot lot, we can create a tot lot with the subdivision and you don't have to meet the minimum requirements, I am going to look at that, it needs to be clearer. He noted what I think I will probably do is, it says that a tot lot can only have those kind of things like playground equipment for small children, I will probably add benches and I think I will make the maximum size for that a quarter-acre, 10,000 square feet is a pretty good amount of area.

Pete Frisina said we have another recreational area within a subdivision that is called developed recreational area, that's where you put the pool, tennis courts, etc. He explained So I had another co-worker ask me okay you have the one developed residential area which has to be a one (1) acre lot, and you have this and the smaller tot lots, but about something in-between. He asked what if all they want is a couple of picnic tables and something like this. He noted technically, that falls under developed recreational area, you going to have to put that on a one (1) acre lot. Now again, I think that is the other place that 900 square feet in a developed residential subdivision, and an open space pavilion is limited to a 900 square feet. He asked the question is whether or not you want to have an intermediate pocket park.

Brian Haren responded yes.

Pete Frisina even the tot lot could maybe have a small pavilion and a couple of picnic tables. All it says within the tot lot right now is for playground equipment and it has to maintain a 15 foot setback internally. So do you want me to look at that see whether or not we can add a picnic table a small shelter at the tot lot?

Chairman Culbreath replied see if you can tell us the highest and best use of the space.

Brian Haren stated I think pavilions are a great idea, but I would not restrict them to just a tot lot, maybe an amenities areas or something like

Pete Frisina replied I hear what you are saying but I am speaking about within a tot lot. He added could we have a small little shelter?

Danny England replied maybe a dog park, a pavilion, a playground.

Pete Frisina stated okay, I think that is it. I will be working on some other stuff.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 2, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance.

Pete Frisina began by stating that the first item is this section that we have been talking about is the Mail Cluster Box Units, CBUs is term that everybody uses. He said I think you have seen this before, there are no changes to the first paragraph but they have to be put on a separate small lot which is allowed under Section 110-170, which allows us to create smaller that conforming lots for enhancements to a subdivision. He explained that mailboxes and that sort of thing is what we are using this for and it can be owned by the homeowners association and it can have a shelter structure but that shelter structure would need to fit in that a aforementioned lots whatever that lot size may be 10x10, 10x20 and there will be no setback within that small little lot.

He then said if you drop down to the next section 110-170, Brian Keller helped me with the concept of going from a tot-lot to calling it a pocket-park, he gave me that idea. He explained under this section, we are changing tot-lot to pocket park, we have included the mail cluster box units and in the pocket park and I think we concluded that we should not exceed $\frac{1}{4}$ acre, because what we don't want is for someone to create a lot that is a $\frac{1}{2}$ acre or $\frac{3}{4}$ acres and then we are stuck with a lot that someone comes back to us in a another period of time in the future and wants to build on it. He added we are pretty happy that a $\frac{1}{4}$ acre will preclude anyone wanting to build on it. He said as far as playground equipment, benches, picnic facilities, I think what we came up with is that everything else is limited to a 900 square foot pavilion, like the residential amenities areas which do have to meet the minimum standards of one (1) acre in a one (1) acre subdivision and we will allow up to a 400 square foot small covered picnic pavilion with the pocket park, and that's the basic changes we have in that section.

Brian Haren asked just for clarification, it states that a CBU should be placed on a lot under the ownership of the homeowners' association in a residential subdivision or a property owner's association, so does that mean that every subdivision must have a homeowners' associations.

Pete Frisina replied that under the new laws for stormwater facilities, yes. He said that's why you see that under Section 100-170. He explained when the new stormwater laws went into place, the infrastructure has to be placed on a separate piece on property, and they can no longer be placed in someone's back yard, because the issue is that if person gets stuck with that stormwater facility in their back yard, it is their responsibility. He added that those regulations rolled down to us, I think that they may have come from the North Metropolitan Water District. He said the County requires stormwater facilities to be on commonly-owned property, because everyone has to share in the expense. He explained that why we followed the same pattern with the CBUs, because they have to be maintained, especially if you are going to build one of those covered structures. He concluded if someone runs over one those these mailboxes, it up to HOA to put it back in place, it's at their expense, the Post Office does not pay for them, they just mandate it.

THE FAYETTE COUNTY PLANNING COMMISSION met on March 19, 2020 at 7:00 P.M. in

the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Discussion of the Zoning Ordinance.

Pete Frisina began by saying now we move onto the Zoning Ordinance starting with Section 110-60. He added this is the companion language that we are putting into the Zoning Ordinance that we had at beginning of the subdivision regs that talks about the hierarchy of ordinances. He explained this is basically saying that once you got into the subdivision portion of development that when you are under the subdivision regs and development regs then those items will control over the zoning.

Pete Frisina said that on Page 2 under paragraph (e), the 2nd paragraph that should be all in red. He added that was a paragraph that we added back in 2018, for some reason the ordinance did not contain it when the Board signed it. He explained it was corrected and re-signed and for some reason Municode has not picked it up even though it has been sent in two (2) or three (3) times, so I am going to make an amendment that it go back in. He noted that we have been using it as it has been there. He concluded I don't see any reason to go through every little thing. If you see something or want to make a change or want to give me information, please do so.

Chairman Culbreth asked when do you plan to take this to the Board of Commissioners.

Pete Frisina replied I was told in a meeting on Monday trying to scope out what we doing and I mentioned to the County administrator, that I have amendments I want to put through in April. So I have to advertise for the Planning Commission on April 2nd and for the Board on April 21st. He said since the meeting was on a Tuesday, he told me to go ahead and advertise. He noted if we can make it happen, we will make it happen.

Arnold Martin asked what about the public not being able to attend, based on the new normalcy.

Pete Frisina replied they can attend. He said I can tell you right now, I know there is one person that will want to be at the meeting to say that she is in favor of the amendment that helps her. He added there is possibly a 2nd person that will say I am in favor of an amendment that helps me, so I anticipate only two (2) people being there. He said I have thought about this and if we really have an issue, you guys can sit at the podium and people can stand in the doorway via a wireless microphone if anyone wants to speak.

Chairman Culbreth replied they can also send a note.

Pete Frisina stated that on Section 110-128, R-85 there was a mistake in the Ordinance that the side yard setback was set at 50 feet, I am making a recommendation that it go to 30. He added so I talked to the County Clerk and she said that she already had it changed to 25 feet. He explained in our Zoning Ordinance you have R-85 and then the one below it is R-80, now R-80 has a 30 foot side yard, so should the R-85 be at least 30 feet, if the one below it is more.

Danny England asked what the other differences are.

Pete Frisina said I think the only other difference is that under R-80, you have a front yard setback of

75 feet on a major road and 50 feet on a minor, 50 foot rear and a 30 foot side. He explained in R-85 you have a 100, 75 or 50 foot setback on the front and 25 on the side and a 50 on the rear but the minimum house is bigger. He added we are also changing that lot width from 125 to 175. He concluded so you do so I think we should make that 30.

Danny England replied I think so.

Peter Frisina stated now looking under the C-H section, number six (6), I noticed that when I looked back in the Ordinance, it says that all service repairs and diagnostics shall be conducted within an enclosed building. He explained but if you go back to under the Conditional Uses, but if you have a convenience store, you can have an emissions test location not in a building. He added so I am going to put here something to the effect either saying except as otherwise provided herein and put emissions or something so there is not a conflict or at least it is acknowledged.

Pete Frisina stated if you look at 110-149, this something that we discussed but I know don't if I ever made these changes for you to see. He said we have a zoning district called the Planned Entertainment Farming, another rural preservation district that we drew up many years ago. He noted one person actually did it, didn't like it and went back to A-R. He explained one of their complaints at that time was that the minimum 100 acre requirement was too high. He said the verbiage about an active farm is not even used anymore, which was taken from the old Census of Agriculture, so I taken all of that out. He also noted the other thing was they could have a restaurant but they complained that without being able to serve alcohol it wasn't viable for them. He farther explained now I don't like the Zoning Ordinance dictating where alcohol can be, we have an alcohol ordinance. He noted a sit-down restaurant will allow the service of alcohol but the ordinance says it has to be served when you are sitting at a table, it's not a bar setting or anything like that.

Pete Frisina stated this zoning category requires 100 acres first, so it a 100-acre PUD. He explained the whole idea is you are creating another entertainment category but at a much larger scale. He further explained this was patterned after the Thames Farms out on McDonough Road where they were still moving in this direction to some degree under the in A-R, under the event thing. He added at that time, they were doing a lot of tours, they had bus load of schools kids coming out there, that's how they were making their money. He came to us and said we want to be some kind of entertainment kind of venue. He explained so we put this together with them in mind and that they were going to have all of these things: greenhouses, shrubbery sales, a farmers market, pick your own produce, horse stables and hours back riding, petting zoo, picnic area and fishing. He concluded but again, they said if we had a restaurant, bakery and/ or catering, we would be able to sell alcohol. I am saying lets the alcohol ordinance deal with it.

Arnold Martin stated I never read the alcohol ordinance is there no overlap.

Pete Frisina replied with this the Zoning Ordinance said you could do not it, period. He explained that's why I say let's take it out. He added I think the setbacks need to be reduced, they are too great. He said I think the parking should be established through the zoning process under the standards of the letter of intent because whether or not you need paved or gravel in a situation like this, we need to make a determination at that time. He added all parking and service area shall be in the rear of restaurant, I think we should just work with site, since it a PUD. He concluded because if it supposed

to be a farm, why not make it look like one, in my opinion. He added this is what I am putting through, if you guys have any issues, just let me know.

Arnold Martin asked is this the first time that something like this has been requested.

Pete Frisina replied again, I had discussions with them after the fact, they got out of that business a long time ago.

Arnold Martin replied my kids went there about 18 years ago.

Pete Frisina responded but they never fully utilized this stuff, they decided it was too much hassle, so they went back to A-R, but those are the two (2) things they spoke about. He added they had a banquet facility and a wedding.

Chanelle Blaine said and they wanted to be able to have alcohol.

Pete Frisina said they thought the 100 acres was too much. He added well, maybe 50 acres is too much, I don't know.

Pete Frisina asked do you think if 50 is too great.

Danny England replied well, 50 is a lot of land.

Arnold Martin replied that is a lot, my thought is based on everything that is moving in here, all of the different venues that want to want to do things, 25 acres is still a very a very large parcel. He added personally, I would be okay with 25, that's a lot of land.

Chairman Culbreath replied I agree.

Danny England replied remember you can only do as much as the site will allow. He explained if you have 25 and I have 50, you might be able to get more out of your 25 acres if it carefully planned. He added so we need to set some kind of minimum, so that we don't have someone trying to build a ferris wheel on five acres.

Pete Frisina responded if you have 25 acres, that still is a fairly good amount. He added if someone came in and said all I am doing is a restaurant, we would say what is the Planned Entertainment Farming aspect, you got to have more than just that. He said the other thing is the setbacks are too great. He explained that the 75 and the 50 are A-R setbacks, the 100 is along an arterial street in A-R, and they are very similar. He further explained those are A-R setbacks, are we comfortable with living with those for the Planned Entertainment Farming. He concluded I guess the other thing to think about is to probably add some language that says you have to have x number of these things.

Arnold Martin asked if someone didn't have the things, what would be the advantage of them wanting this designation.

Pete Frisina replied to get the restaurant.

Danny England replied farm to table.

Pete Frisina replied I will give this one more thought, this one is not pressing, if you feel that you want to keep working on it, we can always pull it.

Arnold Martin stated that was my only question on it, just to have an understanding.

Pete Frisina replied well you get the gift shop and the restaurant, most of these other things are all A-R uses. He added now the question is farmers' markets, but it only for crops grown on the premises.

Danny England replied I saw that, but it that really that important.

Pete Frisina replied it was at the time. He said I tell you what, why don't we work on this a little more and pull it and let's give that some thought. He added to me, people want to have farmers markets, if people are growing in the area.

Chanelle Blaine replied they do want to come just like the lady with the sprouts that she grows out of her garage.

Pete Frisina relied let's just pull this one.

Pete Frisina stated that under the M-1, the only thing that I was adding in that section is both of our concrete plants are in M-1, but they have never been listed so I put those under light manufacturing and I added gravel and/or mulch production and/or distribution, because we are dealing with someone that wants to do that with the old plants. He noted that I also added self-storage facility under conditional use. He added as you remember, we created that category for the internal storage facility which we did for the Highway 54 West Overlay. He then explained the internal thing was not put in for the other districts. M-1 and C-H allows for the external type of mini-warehouse, so I took that same concept and put it into both M-1 and C-H and designated them both self-storage (external access) and self-storage (internal access) using the same requirements for this one, so that puts it into three (3) different categories. He concluded the only place you can to that in O-I is on Highway 54 West.

Pete Frisina stated under Section 110-169, I added this sentence to the paragraph under the A-R weeding / event facility. *A business office and/or structure for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility.* He explained that when I say business office, I envision a stand-alone building but if they want to use a part of their home, I think that will be fine. He added so I think the one (1) that we dealt with Daisy Hill out on Highway 54, what they really wanted to do and why it was prudent for them to go to O-I which (1) they could and (2) they could get actually get a pouring license was they didn't want to use the house as residential at all.

Pete Frisina said so the question is, if someone now came and bought an A-R piece of property, and they didn't really want to actually live there and they want to use the house for a business office or they wanted to live there and use it, I think either one (1) would be fine. He explained it is just that anything that is used as the business portion of it, would have to meet any kind of fire and building

codes. He said for example, if they were living in a portion of it and part of it was where somebody got dressed for an event, and that would have to meet those standards.

Pete Frisina stated that under Section 110-169, in the section about farm outbuildings we made up a new category. He explained if you are A-R and you have less than five (5) acres we are going to allow you to have a smaller AG building. He added we are going to allow in both the accessory structure and the farm outbuilding, between the two, still allow one (1) guesthouse. He concluded you can't use both, you still get one (1).

Arnold Martin asked will it be the same square footage.

Pete Frisina replied yes, everything still is 700 square feet.

Pete Frisina stated the thing I added for all self-storage facilities since we have two (2) facilities in the County that already have them is they can have one (1) on-site single-family dwelling unit within the storage facility, whether it is stand-alone or whether is part of the office, I don't care, given the fact that two (2) already have it.

Pete Frisina then I think we talked about the mailboxes, (CBUs) that is a new thing we are doing.

Pete Frisina referred to Section 110-170 Non-Conformances, Page 3, under paragraph (l). He said I am going to take out *county-initiated* because that is not always the case. He explained now when someone comes in for rezoning that has some kind of non-conforming structure on it there are certain aspects in the ordinance which allows you have that, under O-I for instance some of the overlays say if you have an existing structure it can stay. He said in others we make people get variance when it get rezoned, if there is not a provision for something to stay. He added there was a policy many years ago, we let people rezone and we didn't care if something was conforming on it, we just said it was already there, not an issue. He concluded so anyway I think I am going to take *county-initiated* out of there and leave it as rezoning.

Peter Frisina stated under the conservation portion of the C-S zoning district, it says you have to a conservation easement for a C-S zoning district. He added EST is the companion district and it says a conversation easement or a deed restriction. He said I don't think a deed restriction is appropriate, so I am taking deed restriction out, it will be conservation easement only.

Pete Frisina stated I didn't go through everything, because you have seen it all a hundred times. He added I want to let you know the changes that I have made or looked at. I am going to pull the Planned Entertainment Farm out and I am going to work on that later. He explained I am going to advertise and hopefully we will be able to have a meeting on April 2nd, unless something changes, and then it will go to the Board on the April 21st. He concluded my understanding is the Board intends on meeting on the 21st because there are a lot of things that have to done and they cancelled maybe two (2) meetings.

THE FAYETTE COUNTY PLANNING COMMISSION met on April 2, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Consideration of amendments to Chapter 110. Zoning Ordinance.

Pete Frisina stated I have just a few minor changes that I want to pass out to you. He noted the first item is in the C-H zoning district where we are amending to allow auto and vehicle repair in C-H. He added that presently all service repair and diagnostics must be conducted indoors. He said we had discussed an exception for emission testing, because in this day and age almost all emissions testing is done outdoors.

Pete Frisina said the other change is under the Section 110-170 (l) *Nonconforming structures*. He said he added a qualifying date of May 24, 2012 for rezonings in this section as that is when regulations pertaining to these rezoning were approved. He said this section would not apply to anything rezoned prior to that date.

Pete Frisina said there are some changes made in Section 110-170 (q) *Legally existing structures*. He explained the paragraph above under P, number two (2), actually belongs in this section, so it has been moved and the section has been renumbered accordingly.

Arnold Martin asked where are all of these regulations stored, are they in a large file online. What if someone was looking for a regulation in a subdivision, could they look it up.

Pete Frisina said all of the County's full code is on Municode. He noted that for a period of time recent amendments are shown on the front page of the Municode. He said about every six (6) months, the Code gets updated.

Vice Chairman Danny England asked if there is a motion.

Brian Haren made a motion to recommend approval of amendments to Chapter 110 of the Zoning Ordinance. Arnold Martin seconded the motion. The motion passed 3-0. John Culbreth and Al Gilbert were absent.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #3**

Wording for the Agenda:

Approval of staff's recommendation to transfer ownership of a 2013 Dodge Charger to the Prosecuting Attorney's Council of Georgia to be used in the Griffin Judicial Circuit.

Background/History/Details:

On November 14, 2019, a 2013 Dodge Charger (asset #25707, VIN 2C3CDXAT9DH560415) was declared surplus by the Board of Commissioners and transferred from the Sheriff's Office to Fleet Maintenance.

The District Attorney's Office would like to acquire this vehicle to be used in the Griffin Judicial Circuit (See attached request).

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to transfer ownership of a 2013 Dodge Charger to the Prosecuting Attorney's Council of Georgia

If this item requires funding, please describe:

No financial transaction will be involved.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Fayette County Justice Center
One Center Drive
Fayetteville, GA 30214
(770) 716-4250
Fax (770) 716-4857



SUPERIOR COURTS
Fayette County
Spalding County
Pike County
Upson County

MARIE G. BRODER
DISTRICT ATTORNEY
GRIFFIN JUDICIAL CIRCUIT

May 6th, 2020

Mr. Steve Rapson
Fayette County Manager
140 Stonewall Ave.
Suite 100
Fayetteville, Ga 30214

RE: Transfer Fayette County vehicle to the Prosecuting Attorney's Council of Georgia to be used in the District Attorney's Office of the Griffin Judicial Circuit

Dear Mr. Rapson,

After communicating with Mr. Bill Lackey, it has come to our attention that an older Fayette County Sheriff's vehicle may be available for the District Attorney's Office to acquire (Titled to: *Prosecuting Attorney's Council of Georgia*). If this vehicle is available to be transferred, it would be greatly appreciated as we are in need of reliable vehicles.

My office has been in contact with Mr. Lackey and he does have the information needed to transfer this vehicle to the Prosecuting Attorney's Council of Georgia on our behalf.

If you need any additional information, please feel free to contact me at any time.

Sincerely,

A handwritten signature in blue ink that reads 'Marie G. Broder'. The signature is written in a cursive, flowing style.

Marie G. Broder
Acting District Attorney- Griffin Judicial Circuit

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau

Item #4



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

May 14, 2020

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the May 14, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Commissioner Eric Maxwell offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice-Chairman Charles Oddo moved to accept the agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

Roy Bishop asked why the traffic lights on State Route 92/Veterans Parkway/ Westbridge Road were still covered and not operational. Mr. Bishop stated that he felt that the turning lanes were missing yield signs, which would be needed. Ms. Bishop concluded asking about what had been sprayed along the right-of-way on Westbridge Road near his home a week prior.

Stephanie Cohen with the Fayette Humane Society expressed her support of Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release.

(A copy of Mrs. Cohen's letter of support was provided as a part of the agenda packet)

CONSENT AGENDA:

Vice Chairman Oddo moved to accept the Consent Agenda as written. Commissioner Charles Rousseau seconded. The motion passed 5-0.

- 1. Approval of the April 21, 2020 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 2. Consideration of a request to approve Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release.**

Fayette County Animal Shelter Director Jerry Collins stated that this ordinance was the result of the extensive and thorough evaluation of the Trap, Neuter, Vaccinate and Release (TNVR) program. Mr. Collins stated that the goal was to develop a program that worked for everyone- the animals, the Animal Shelter, and the animal advocates, as a result, a permanent ordinance and policy on how to conduct TNVR activities was created. Mr. Collins thanked the Board for their support.

Commissioner Gibbons moved to approve Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release. Vice-Chairman seconded. The motion passed 5-0.

- 3. Consideration of staff's request to acquire all fee simple right-of-way, easements and appraisals for the Georgia Department of Transportation (GDOT) bridge replacement project on Ebenezer Church Road over Whitewater Creek (GDOT PI 0008598 and SPLOST No. 17TAA), as depicted on the Right of Way Plans approved by GDOT on April 8, 2020.**

Fayette County Public Works Director Phil Mallon stated that the Georgia Department of Transportation (GDOT) would be paying for all of the design, Fayette County was responsible for right-of-way acquisition and then Georgia Department of Transportation (GDOT) would be responsible for construction.

Vice-Chairman Oddo moved to approve request to acquire all fee simple right-of-way, easements and appraisals for the Georgia Department of Transportation (GDOT) bridge replacement project on Ebenezer Church Road over Whitewater Creek (GDOT PI 0008598 and SPLOST No. 17TAA), as depicted on the Right of Way Plans approved by GDOT on April 8, 2020. Commissioner Gibbons seconded. The motion passed 5-0.

Chairman Ognio expressed his appreciation for Georgia Department of Transportation (GDOT) for their assistance and support with this project, Chairman continued stating that this project was saving Fayette County \$4.5 million.

- 4. Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Henri Cruse, for tax year 2019.**

County Attorney Dennis Davenport stated that Mr. Henri L. Cruse, Jr. submitted a tax refund request, for tax year 2019. Mr. Davenport stated that Mr. Cruse purchased his property in August of 2019 and paid past due taxes for 2019 in February 2020. However, payment of tax liability on behalf of the previous owner does not cause Mr. Cruse to become an eligible tax refund recipient. Mr. Davenport stated that each tax year the assessors must identify the owner of each parcel of real property in the County as of January 1. Mr. Davenport stated that that party is assessed for taxes, based upon the value of the property. Mr. Davenport stated that on January 1st Mr. Cruse was not the property owner nor the party assessed for the taxes. Mr. Davenport stated that as a result this request for a partial refund of 2019 taxes to Mr. Cruse is recommended for denial.

Vice-Chairman Oddo moved to deny a disposition of tax refund, as requested by Henri Cruse, for tax year 2019. Chairman Ognio seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He stated that the update included details regarding the Stars Mill project, the intersection at SR 92 project, the East Fayetteville bypass project, the Dogwood Trail project, and the Morning Dove Drive culvert replacement project.

Mr. Rapson stated in response to Mr. Bishop questions that the second Georgia Department of Transportation (GDOT) inspection was schedule to be returned May 19, if approved, a minimum 7-day notice would be issued. At that time the covering could be removed and the traffic light could become fully operational. Mr. Rapson also advised Mr. Bishop that the Road Maintenance crew had been spraying weed control and growth retardant.

Mr. Rapson expressed his appreciation for the Fayette County Census team, advising citizens that Fayette County was the #1 responsive county in the State of Georgia at 71%.

Mr. Rapson advised all that the County would be re-opening to the general public on Monday May 18th. Mr. Rapson stated that the reopening would have safety protocols in place to include additional signage, temperature screenings as well as social distancing measures. Mr. Rapson stated that the 250 employees who were teleworking would be phased back into the office over a four-week period. Mr. Rapson stated that the Public Health Emergency was still in place thru June 12th. Mr. Rapson stated that 43 employees had previously been identified as high-risk, along with a few additional employees based on the extended Governors Executive Orders. Mr. Rapson stated that these employees would continue to telework until it had been deemed safe for them to return to the office. Mr. Rapson advised the Board that the June 9th Board of Commissioner Meeting was previously scheduled for a Tuesday due to a training conflict, in light of COVID-19 all training was cancelled. Mr. Rapson asked if the Board would like to move the June 9th Board of Commissioner Meeting to June 11th which would be the typical Thursday. Mr. Rapson was excited to announce to the Board that the Fayette County Clerk Tameca White had recently gotten engaged,

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items for Executive Session. One (1) item of Threaten Litigation, and the review of the Executive Session Minutes for April 9, 2020.

COMMISSIONERS' REPORTS:

Vice-Chairman Oddo

Vice-Chairman Oddo moved to move the June 9, 2020 Board of Commissioners Meeting to June 11, 2020. Commissioner Gibbons seconded. The motion passed 5-0.

Vice-Chairman Oddo extended his gratitude and appreciation for Animal Shelter Director Jerry Collins Jerry Collins, the Fayette County Humane Society, and all who assisted in developing the Trap, Neuter, Vaccinate and Release (TNVR) ordinance and policy, he added that he knew the extensive work, effort, and dedication it took to complete over the past 3 years. Viice-Chairman Oddo congratulated all the 2020 graduates. Vice-Chairman Oddo extended a Happy Memorial Day to all.

Chairman Ognio

Chairman Ognio encouraged all citizens who had not completed their census survey to go online and complete it, the goal is for Fayette County to reach 100% responsiveness. Chairman Ognio stated that he had a future agenda item he would like to bring before the Board that would involve providing park passes to Fayette County business owner who live outside the County.

Chairman Ognio stated that these businesses bring in tax dollars to the County and this would give these individuals the ability to park at the County parks without being charged.

Commissioner Rousseau stated that he would be interested to know if other counties have a similar initiative or program.

Chairman Ognio advised citizens that early voting would start Monday May 18, 2020. Chairman Ognio reiterated Vice-Chairman's appreciation for the hard work in developing the Trap, Neuter, Vaccinate and Release (TNVR) ordinance and policy. Chairman Ognio extended a Happy Memorial Day to all.

EXECUTIVE SESSION:

One (1) item of Threaten Litigation, and the review of the Executive Session Minutes for April 9, 2020.

Vice-Chairman Oddo moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:12 p.m. and returned to Official Session at 7:00 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the May 14, 2020 Board of Commissioners Meeting. Commissioner Rousseau seconded. The motion passed 5-0.

The May 14, 2020 Board of Commissioners Meeting adjourned at 7:00 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of May 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #5**

Wording for the Agenda:

Consideration to allocate an additional \$1,000,000 towards the Department Public Health building project and to finance the remaining shortfall over a ten-year period via the Public Facilities Authority utilizing \$200,000 from the \$275,000 existing health department allocation.

Background/History/Details:

Staff has continued to work with the Department Public Health on their request on a new building that would provide a single location for health, WIC and environmental health services. Benefits for such a building include better accessibility to health resources to our residents, increased staffing and resources via new State Funded positions, better workspace efficiency and expansion of basic services.

Fayette County and the DPH have each committed to providing \$1,000,000 towards this effort along with WIC \$436,000.

This recommendation was presented to the Health Advisory Board for their review and consideration at their May 12, 2020 meeting and was approved for recommendation to the Commission. The proposal has the County allocating an additional \$1,000,000 and financing the remaining shortfall over a ten-year period utilizing \$200,000 from the \$275,000 existing health department annual allocation.

The resulting reduction of the contribution to finance the shortfall would be possible given the new revenue streams from future operations based upon the additional staff and billing associated with those enhancements.

What action are you seeking from the Board of Commissioners?

Approval to allocate an additional \$1,000,000 towards the Department Public Health building project and finance the remaining shortfall over a ten-year period via the Public Facilities Authority utilizing \$200,000 from the \$275,000 existing health department allocation.

If this item requires funding, please describe:

County would allocate an additional \$1,000,000 from General Fund Unassigned Fund Balance and to finance the remaining \$1,829,000 shortfall over a ten-year period utilizing \$200,000 from the \$275,000 proposed health department allocation.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Revenue Bonds of \$1,860,000 would generate an annual 10 year payment of approx. \$200,000.

Fayette County, Georgia

FY2021 Proposed Dept of
Public Health Building

Public Health Building Proposal

Two Story; 35,100/SF Building; Justice Center Next Senior Center; Estimated Cost \$5,200,000; based upon \$150/SF

Funding Committed

▪ Fayette Health Department	\$1,000,000
▪ Fayette County BOC	\$1,000,000
▪ USDA/WIC Infrastructure Grant	\$436,000
▪ Proposed Fayette County BOC	\$1,000,000
Grand Total Committed	\$3,436,000

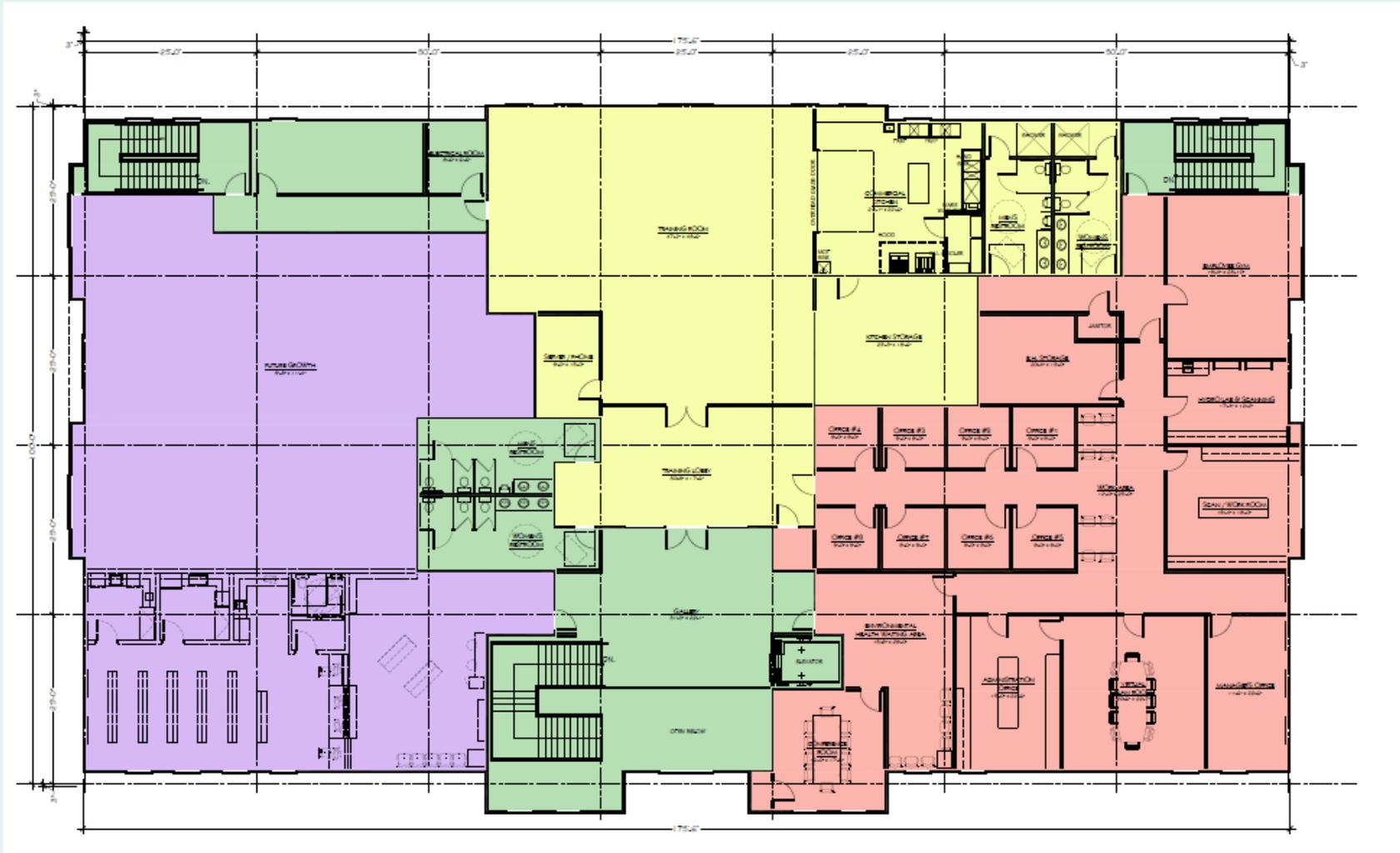
Shortfall Requiring Financing **\$1,829,000**

Public Facilities Auth. 10-Yr Financed **\$200,000**

Public Health Building Proposal First Floor



Public Health Building Proposal Second Floor



Public Health Building Proposal

- **Estimated 10-Year Debt Service Payment \$200k**
 - Funded through reduction in annual contribution from Fayette County to the Department of Public Health

- **USDA/WIC Infrastructure Grant \$872k**
 - Initial Contribution \$436k
 - Remaining \$436k will be allocated \$43,600 over 10 years

- **Public Health Board**
 - Approved concept May 12th Special Called Meeting

Public Health – Impact Analysis

WIC Impact Analysis

FTE	Staff Description	Value FTE State Paid	Est Revenue Generated
1.00	WIC Nutritionist	\$53,460	\$0
1.00	WIC Nutritionist	\$53,460	\$0
1.00	Administrative Clerk	\$40,500	\$0
1.00	Administrative Clerk	\$40,500	\$0
0.50	Breast Feeding Coordinator	\$24,300	\$0
0.50	Breast Feeding Coordinator	\$24,300	\$0
5.00		\$236,520	\$0

Voucher Program	Fayette Co.	Generated
WIC Vouchers Redemption	\$91,010	\$0

Occupancy Lease (Overhead/Operating Costs)	Generated
WIC Capital Lease Contribution (10 yrs)	\$43,600
WIC Lease (22% Est. 5,750 SF Occupancy)	\$51,260

Subtotal WIC Impact	\$327,530	\$94,860
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Base Salary + State Benefit Load (62%)

Health Dept. Impact Analysis

FTE	Staff Description	Value FTE State Paid	Est Revenue Generated
1.00	Nurse	\$80,498	\$50,000
1.00	Nurse	\$80,498	\$50,000
2.00		\$160,996	\$100,000

Self Pay Program	Est Yrly	Generated
Incremental Nurses	\$130,000	\$26,000

3rd Party Insurance	Est Yrly	Generated
Clinical Traffic Increase	\$65,000	\$13,000

Travel Clinic	Est Yrly	Generated
Designated Nurse	\$30,231	\$6,046

Subtotal Health Dept. Impact	\$386,227	\$145,046
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Public Health – Impact Analysis

Environmental Health Impact Analysis

New Program/Training	Est Yrly	Generated
Training Restaurant Workers	\$25,000	\$25,000
Subtotal Env. Health Impact	\$25,000	\$25,000
Grand Total Impact	\$738,757	\$264,906

The projected \$264,906 new revenue replaces the \$200,000 reduction in the existing county contribution.

Base Salary + State Benefit Load (62%)

FY2019 Public Health Contribution \$275,360 10050110-572016

Enhanced Staffing – (7) New Positions: (2) WIC Nutritionists; (2) WIC Admin Clerks, (2) Nurses and (1) Breast Feeding Coord.

State Contribution – Staffing	\$397,516
Indirect County Contribution	\$91,010
Revenue Generated	\$264,906

Public Health – Impact Analysis

Other Direct/Indirect Benefits:

Co-locating all health functions increases foot traffic and programs.
Enhanced staffing levels for all health related services.
Increase healthcare work space and operational efficiency.
WIC and Hypertension/Diabetes program expansion.
Better client access and ability to provide confidential services.
Increase capacity and provides for future program growth.
Increase capacity at Stonewall for future growth.
Provides space for developing on-site training.
Increases self-pay and third-Party Insurances revenue.
Creates ability to market travel vaccines and laboratory services.
Increases ability to handle larger WIC caseload.
Ability to staff Travel Clinic fulltime.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #6**

Wording for the Agenda:

Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Darrell Sims to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms. The Recreation Commission reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Selection Committee consisting of the Cameron LaFoy, Chairman of the Public Arts Committee, Charles McCollum, Chair of the Recreation Commission, and Anita Godbee, Director of Parks and Recreation reviewed the applicants information and opted not to interview the two candidates as both appeared well qualified for the two vacant positions. Based on the information received, the Selection Committee recommended to appoint both applicants to the Recreation Commission.

This seat was previously held by Nancy Holland.

What action are you seeking from the Board of Commissioners?

Approval to appoint Darrell Sims to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, via email at twhite@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, March 27, 2020.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Darrell Sims

ADDRESS 110 Fayette Brook Way
Jonesboro, GA 30238

TELEPHONE (cell) 404-388-4638 (home) _____

EMAIL ADDRESS darrell.sims@comcast.net

Darrell Sims
Signature

3/13/2020
Date



APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

1. How long have you been a resident of Fayette County? *24 1/2 years*
2. Why are you interested in serving on the Fayette County Recreation Commission? *To further advance Fayette County's recreational leagues*
3. What qualifications and experience do you possess for appointment to the Recreation Commission? *I served on the FC Baseball for 4 years as an executive board member. I was part of a board that brought the association out of debt and an increase in participation from years past*
4. List your recent employment experiences to include name of company and position.
MOBA Corporation (13 years) - Manufacturing/Service Manager
5. Do you have any past experience relating to the Recreation Commission? If so, please describe.
Attended meetings as an FC Baseball board member
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? *NO*
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many? *Yes, 1*
8. Are you willing to attend seminars or continuing education classes at county expense? *yes*
9. What is your vision of the county's future related to the duties of the Recreation Commission? *To build up the participation in all rec leagues*
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? *NO*
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
NO
12. Describe your current community involvement. *None presently. I have taken a year off after serving my term on the baseball board*
13. Have you been provided a copy of the county's Ethics Ordinance? *yes*
14. Is there any reason you would not be able to comply with the Ethics Ordinance? *NO*

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the Parks and Recreation Selection Committee's recommendation to re-appoint Michael Gumbinger to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms. The Recreation Commission reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Selection Committee consisting of the Cameron LaFoy, Chairman of the Public Arts Committee, Charles McCollum, Chair of the Recreation Commission, and Anita Godbee, Director of Parks and Recreation reviewed the applicants information and opted not to interview the two candidates as both appeared well qualified for the two vacant positions. Based on the information received, the Selection Committee recommended to appoint both applicants to the Recreation Commission.

What action are you seeking from the Board of Commissioners?

Approval to re-appoint Michael Gumbinger to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



RECEIVED
 MAR 20 2020
 BY: VO

APPLICATION FOR APPOINTMENT
 Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca White, County Clerk, via email at twhite@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, March 27, 2020.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME James Gumbinger

ADDRESS 1410 Hill Ave

Fayetteville, GA 30215

TELEPHONE (cell) (770) 362-6374 (home) —

EMAIL ADDRESS jgumbinger@gmail.com

James Gumbinger
 Signature

3/18/2020
 Date



APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

1. How long have you been a resident of Fayette County? *20+ years*
2. Why are you interested in serving on the Fayette County Recreation Commission?
I would like to continue serving to increase the need for recreation facilities in the county.
3. What qualifications and experience do you possess for appointment to the Recreation Commission? *Currently serving on the commission. I was a PE teacher and Athletic Director for 35 years.*
4. List your recent employment experiences to include name of company and position.
Duchtown Middle School. PE/Health teacher. Athletic Director. Coach
5. Do you have any past experience relating to the Recreation Commission? If so, please describe.
Currently serving
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
NO
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?
yes
8. Are you willing to attend seminars or continuing education classes at county expense?
yes
9. What is your vision of the county's future related to the duties of the Recreation Commission?
*To help all the associations run smoothly.
To pursue the addition of a multipurpose building in Fayette County.*
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?
NO
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
NO
12. Describe your current community involvement.
On Recreation Commission. Promote the game of pickleball. Volunteer at Dogwood church with the orchard.
13. Have you been provided a copy of the county's Ethics Ordinance?
yes
14. Is there any reason you would not be able to comply with the Ethics Ordinance?
no

James Michael Gumbinger

140 Hill Ave.

Fayetteville, GA 30215

(770) 362-6374

Education:

2012	National Interscholastic Athletic Administration Association Certified Master in Athletic Administration	
2010	Concordia University Master's Degree Athletic Administration	Irvine, CA
1994-1995	West Georgia University Middle Grades Certification, 3.67GPA	Carrollton, GA
1972-1976	Florida Bible College Bachelor of Arts-Biblical Education 3.5 GPA Played Baseball and Football for four years. Team captain junior and senior years. Dorm head with full scholarship senior year.	Hollywood, FL.
1968-1972	Dixie Hollins High School 3.5 GPA Member of Future Teachers of America	St. Petersburg, FL.
Experience:		
2017	Retired from Henry County Schools	
2005-20017	Dutchtown Middle School P. E. Teacher Athletic Director Fastpitch Softball Coach Volleyball Coach	McDonough, GA
1996-2005	Austin Road Middle School P.E. and Health Teacher Athletic Director Fastpitch Softball Coach Founded F.C.A. club	Stockbridge, GA.
1995	Stockbridge Middle School P.E. and Health	Stockbridge, GA.
1992-1994	Delta Airlines Supply Attendant Duties included: Stocking, pulling and delivering of aircraft parts.	Atlanta, GA.

1986-1991

Community Bible Church*Morrow, GA.**Formerly, Clayton Community Church*

Church Administrator

Duties included: Managing all hourly personnel, overseeing the accounting department, supervising the maintenance of the buildings and grounds, heading up several volunteer groups.

1976-1986

Community Christian Academy*Morrow, GA.**Formerly, Clayton Christian School*

P.E., Math, Science and Bible Teacher

Athletic Director

Coached various sports

Supplementary:

Professional

Board of Directors for Georgia Athletic Directors Association

CMAA certification from NIAAA

Only middle school Athletic Director with this certification in the state on Georgia

Personal

Born April 10, 1954; married 49 years; two children and three grandchildren.

Hobbies

Pickleball and golf; active in church and coaching.

References

Available upon request.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #8**

Wording for the Agenda:

Consideration of staff's recommendation to approve Contract #1431-P, Task Order #27 in the amount of \$234,595 for Construction, Engineering, and Inspection (CEI) services for 19TAF Fayette County Resurfacing Project FY 2019.

Background/History/Details:

The purpose of this Task Order is to ensure that all state and federal requirements associated with the construction and delivery of the projects are satisfied by proper inspection, testing, documentation, record keeping, payment processing and other items deemed necessary. Fees for work provided will be charged on a Not to Exceed time and material basis specific to 19TAF GDOT PI 0016058 – FY 2019 (FA-100A).

Staff is recommending to approve Contract #1431-P, Task Order #27 in the amount of \$234,595 for CEI services for 19TAF Fayette County Resurfacing Project FY 2019.

Fayette County's estimated costs for the CEI services are \$116,115 for 19TAF. Reimbursement from the municipalities will be governed by the previously executed Intergovernmental Agreement.

What action are you seeking from the Board of Commissioners?

Approval to execute Task Order #27 in the amount of \$234,595 for Construction, Engineering, and Inspection (CEI) services for 19TAF Fayette County Resurfacing Project FY 2019.

If this item requires funding, please describe:

Funding is available for Task Order in 2017 SPLOST - Fayette Co. Resurfacing Prog. FY2019 (19TAF) project – Paved Roads, Gravel Roads & Bridges (17TAC) project; and SPLOST Contingency. Reimbursement from the municipalities will be governed by executed IGA.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted Burgess *TB*
 From: Natasha M. Duggan *ND*
 Date: May 28, 2020
 Subject: Contract #1431-P: Transportation Engineer of Record
 Task Order #27: Fayette County Resurfacing Program – FY 2019, CEI and Material Testing Services

The current Transportation Engineer of Record, Croy Engineering, has issued Task Order 27 for Construction, Engineering, and Inspections (CEI) Services for the 19TAF Fayette County Resurfacing Projects FY 2019. Funding for this task order is available from the 2017 Special Local Option Sales Tax program.

Specifics of the proposed Task Order are as follows:

Contract Name	#1431-P: Transportation Engineer of Record	
Contractor	Croy Engineering, LLC	
Task Order	27 – Fayette County Resurfacing Program – FY 2019, CEI and Material Testing Services	
Not to Exceed Amount	\$234,595.00	
Budget:		
Fund	322	2017 SPLOST
Org Code	32240220	Road SPLOST
Object	541210	Other Improvements
Project	19TAF	Resurfacing
Available	\$2,882,320.57	As of 5/14/2020

Task Order

Contract Number: 1431-P

Task Order Number:27

Contract Name: Transportation Engineer of Record

Contractor: Croy Engineering

This Task Order is issued by Fayette County, Georgia in accordance with the above-named Contract and as described in the accompanying of the task(s).

Task Order Description:

To include: Task Order #27 – Fayette County Resurfacing Program – FY 2019, CEI and Material Testing Services
Fayette County Project Number: 17TAC
GDOT PI 0016058
ARC TIP FA-100A
Surface Transportation Block Grant (STBG)

Fayette County’s Task Order Manager:

Name: Courtney Hassenzahl Phone: 770-305-5229 Email: chassenzahl@fayettecountyga.gov

Task Orders Not-To-Exceed Price: \$234,595

Task Order #27

CONTRACTOR:

FAYETTE COUNTY, GEORGIA:

Signature: 

Signature: _____

Print Name: Chris Rideout

Print Name: _____

Title: Program Manager

Title: _____

Date: 10/03/2019

Date: _____

Proposal to Fayette County for Task Order #27 Fayette County Resurfacing Program FY 2019 CEI and Material Testing Services

Submitted to:

Fayette County
Fayette County Georgia Administrative Complex
140 Stonewall Ave. West, Suite 203
Fayetteville, Georgia 30214

Phil Mallon
Email: pmallon@fayettecountyga.gov
Phone: (770) 320-6009

Submitted by:

Croy Engineering
200 Cobb Parkway North
Building 400, Suite 413
Marietta, Georgia 30062

Chris Rideout
Email: crideout@croyengineering.com
Phone: (770) 971-5407

October 3, 2019

A. Introduction

The project is for resurfacing 11.45 centerline miles of roads within Fayette County and its jurisdictions. The roads were selected based on pavement evaluations. Per the Georgia Department of Transportation (GDOT) Functional Classification Map, all of the roads are classified as Major Collectors or above. Funding for this project is through the Surface Transportation Block Grant (STBG) program and covers fiscal year 2019 (July 1 to June 30th). Listed below are the roads segments included in this Task Order.

Croy understands this is a federal-aid project and that the primary purpose of this Task Order is to assist the County to ensure that all state and federal requirements associated with the construction and delivery of the project are satisfied by proper inspection, testing, documentation, recordkeeping, payment processing and other items deemed necessary.

GDOT PI 0016058 – FY 2019

<u>Road Name</u>	<u>Begin</u>	<u>End</u>	<u>Length (mi)</u>
Grady Avenue	SR 85	SR 54	0.93
Sandy Creek Road	Fayetteville (Limits)	SR 74	4.24
Peachtree Pkwy S	Peachtree City (Limits)	Redwine Road	0.35
Hampton Road	SR 92	County Line	0.93
Robinson Road	SR 54	Peachtree City (Limits)	<u>5.00</u>
<i>Total</i>			<i>11.45</i>

This project is being performed under Croy Engineering, LLC’s (Croy) Transportation Engineer of Record (#1431-P) contract with Fayette County. Fees for work provided will be charged on a time and material basis and include:

- Construction, Engineering and Inspection Services; and
- Material Testing.

B. Scope of Work

Croy's scope of work for this Task Order includes the items described below.

Task 1. Construction Engineering and Inspection (CEI) and Material Testing services

Croy will provide construction management, CEI and material testing services for construction of this project. The following tasks are included:

- Prepare for and conduct a Pre-Construction meeting.
- Provide a field representative to oversee the construction phase of the project.
- Maintain a daily report including a description of the work completed, measure and document the quantities, document the weather, and document the progress with photos.
- Review and approve submittals.
- Process Contractor Requests for Information (RFI).
- Process Materials Quality Assurance Forms.
- Review and certify that Davis-Bacon wage determination is being met.
- Verify that Disadvantaged Business Enterprise (DBE) requirements are satisfied.
- Process Pay Requests.
- Coordinate any construction issues with the Contractors, Owners, Architects, Engineers, or any third-party companies.
- Monitor the Contractor's traffic control and notify the Contractor of any deficiencies.
- Monitor the Contractor's erosion control and BMP's and notify the Contractor of any deficiencies.
- Coordinate the scheduling of material testing services with the geotechnical companies.
- Coordinate any utility conflicts with the Contractor and utility companies.
- Review material testing reports and coordinate any deficiencies with the Contractor.
- Interact with homeowners adjacent to the project and the general public as necessary.
- Conduct final inspection with County Staff and prepare punch list.
- Maintain project files.
- Prepare for and attend GDOT and/or FHWA audits (including close-out).
- Material Testing – Contour (Scope attached)

Note: Croy Engineering, along with Contour Engineering, are GDOT prequalified in all the necessary area classes to perform the above described scope of services. These include: 6.01 A&B, 6.02, 6.03, 6.04 A&B, 6.05, 8.01, 9.01, 9.02, and 9.03. Please see attached prequalification forms for reference.

Deliverables: Notice to Proceed Letter to Contractor, Contractor Pay Applications, and Punch List

C. Project Cost

Croy’s project cost for the scope of work defined herein is \$234,595 and is based on an overall estimated construction contract time of 145 days. This work will be completed as an hourly not to exceed fee project. Invoicing will be progressive and will be submitted monthly for work completed to date less previous payments. If construction activities for any road surpass the estimated duration of construction outlined in this task order, Croy Engineering will provide CEI services on a time and material basis using the rates established in Croy’s Contract with Fayette County for Engineering Services (#1431-P).

Municipality	Road Name	Duration of Const. (working days)	CEI Budget	Testing Contour	Total
Fayette County	Sandy Creek Rd.	55	\$57,900	\$21,550	\$79,450
	Peachtree Pkwy.	5	\$6,180	\$7,000	\$13,180
	Hampton Rd.	10	\$12,360	\$11,125	\$23,485
Fayetteville	Grady Ave.	10	\$11,240	\$11,125	\$22,365
Peachtree City	Robinson Rd.	65	\$69,140	\$26,975	\$96,115
PROJECT TOTALS		145	\$156,820	\$77,775	\$234,595

Croy shall track charges cumulatively against the NTE value but invoices shall be prepared specific to GDOT PI 0016058 – FY 2019 (FA-100A).

D. Project Schedule

Croy Engineering understands that this project is funded for Fiscal Year 2019. It is anticipated that the paving activities will occur in early 2020. Croy Engineering will work with Fayette County to meet project deadlines.

July 12, 2019



200 Cobb Parkway North
Building 400, Suite 413
Marietta, Georgia 30062

Attention: Mr. Chris Rideout
Vice President, Transportation

RE: Proposal for Construction Materials Testing Services
Contract 1 – Fayette County Road Rehabilitation Project
Fayette County, Georgia
Contour Proposal No.: T19CRO-323

Dear Chris,

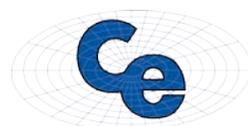
Contour Engineering, LLC (Contour) appreciates the opportunity to submit this proposal to provide Construction Materials Testing Services for this project. The scope of the project includes rehabilitation (milling, patching, overlay, striping, etc.) of portions of the existing asphalt along 5 roads in Fayette County, Georgia:

1. Sandy Creek Road – Rehabilitation of approximately 21,800 linear feet.
2. Grady Avenue – Rehabilitation of approximately 4,900 linear feet.
3. Robinson Road – Rehabilitation of approximately 26,000 linear feet.
4. Peachtree Parkway – Rehabilitation of approximately 1,830 linear feet.
5. Hampton Road – Rehabilitation of approximately 4,680 linear feet.

The anticipated duration of this project is 7 months. We anticipate that our scope will include asphalt observations and testing, and GDOT technical specifications will be used for this project.

QUALIFICATIONS

Contour Engineering, LLC has provided geotechnical engineering and construction material testing services on numerous projects for government agencies, civil engineers, commercial developers, educational facilities, and industrial clients. Our principal engineers have over 175 years of combined engineering experience. Contour Engineering consists of qualified and experienced staff with registered professional engineers and scientists, soil and environmental scientist and technicians, and geologists. Our laboratory is AASHTO and Corps of Engineers certified and is equipped with asphalt, concrete and soil testing equipment to perform the necessary laboratory services in house, on site or at our main location.



SCOPE OF SERVICES**General**

- Provide daily field reports, weekly reports and laboratory reports to the owner and contractor in a timely manner.
- Report any deficiencies in a timely manner to the owner and contractor.
- Review plans and specifications prior to construction.
- Coordinate all testing services with the General Contractor and Project Team.

Asphalt Pavement

- Perform laboratory extraction/gradation tests.
- Periodically check asphalt temperatures.
- Periodically check delivery tickets for correct mix.
- Core asphalt for thickness and density determinations.

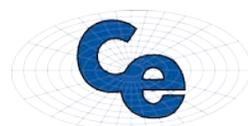
Project Management and Engineering Support: Our services will include general project management and coordination, including staffing, dispatch, and engineering field support when necessary. Our cost includes time for document preparation, typing and transmitting, as well as job set-up time.

RECOMMENDED BUDGET

Based on the provided information, assumed construction schedule for each road project, and our experience with similar projects, Contour recommends establishing the following budgets to perform the outlined scope of services.

Sandy Creek Road	\$ 21,550
Grady Avenue	\$ 11,125
Robinson Road	\$ 26,975
Peachtree Parkway	\$ 7,000
Hampton Road	\$ 11,125

*Please see the attached Exhibit A for a breakdown of our estimated fee for each road project. Any additional services requested and rendered beyond the assumed schedule as outlined in Exhibit A will be billed in accordance with the attached Schedule of Unit Fees.



CLOSING

We appreciate the opportunity to submit this proposal and look forward to working with you on this project. Should you have any questions concerning the contents of this proposal, please do not hesitate to contact our office.

Sincerely,
Contour Engineering, LLC



J. Doug Coffey, Jr., P.E.
Principal Engineer

Attachments: GDOT Certifications
 EXHIBIT A – 5 Separate Costs
 Schedule of Unit Fees
 Standard Agreement for Services and General Terms

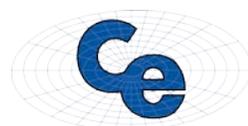




EXHIBIT A - #1					
Estimated Cost for Construction Materials Testing and Special Inspection Services					
Sandy Creek Road					
Contour Proposal Number: T19CRO-323					
Project Tasks		Unit Rate	Remarks	Units Estimated	Estimated Cost
FIELD TESTING & INSPECTIONS					
Asphalt Inspections & Monitoring		\$65.00	20 visits @ 9 hours/visit	180	\$11,700.00
Principal Engineer, P.E. (HR)		\$175.00	Review and Sign Offs	5	\$875.00
Project Manager (HR)		\$100.00	Scheduling, report review, etc.	10	\$1,000.00
Trip Charge (per trip)		\$50.00	Trips	20	\$1,000.00
				SUBTOTAL	\$14,575.00
LABORATORY TESTING					
Asphalt Extraction/Gradation Tests		\$200.00	Laboratory Testing	4	\$800.00
Asphalt Coring		\$600.00		2	\$1,200.00
Asphalt Core Density/Thickness Testing		\$50.00	Laboratory Testing	20	\$1,000.00
Principal Engineer, P.E. (HR)		\$175.00	Review and Sign Offs	5	\$875.00
Project Manager (HR)		\$100.00	Scheduling, report review, etc.	10	\$1,000.00
Trip Charge (per trip)		\$50.00	Trips	6	\$300.00
Sample Transport (HR)		\$60.00		30	\$1,800.00
				SUBTOTAL	\$6,975.00
TOTAL ESTIMATED FEE:					\$21,550.00

All services provided on a part-time/on-call basis will need to be scheduled 24 hours in advance.

Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .

Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.

Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.



EXHIBIT A - #2				
Estimated Cost for Construction Materials Testing and Special Inspection Services				
Grady Avenue				
Contour Proposal Number: T19CRO-323				
Project Tasks	Unit Rate	Remarks	Units Estimated	Estimated Cost
FIELD TESTING & INSPECTIONS				
Asphalt Inspections & Monitoring	\$65.00	10 visits @ 9 hours/visit	90	\$5,850.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	3	\$525.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	5	\$500.00
Trip Charge (per trip)	\$50.00	Trips	10	\$500.00
			SUBTOTAL	\$7,375.00
LABORATORY TESTING				
Asphalt Extraction/Gradation Tests	\$200.00	Laboratory Testing	2	\$400.00
Asphalt Coring	\$600.00		1	\$600.00
Asphalt Core Density/Thickness Testing	\$50.00	Laboratory Testing	10	\$500.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	4	\$700.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	8	\$800.00
Trip Charge (per trip)	\$50.00	Trips	3	\$150.00
Sample Transport (HR)	\$60.00		10	\$600.00
			SUBTOTAL	\$3,750.00
TOTAL ESTIMATED FEE:				\$11,125.00

All services provided on a part-time/on-call basis will need to be scheduled 24 hours in advance.

Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .

Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.

Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.



EXHIBIT A - #3					
Estimated Cost for Construction Materials Testing and Special Inspection Services					
Robinson Road					
Contour Proposal Number: T19CRO-323					
Project Tasks		Unit Rate	Remarks	Units Estimated	Estimated Cost
FIELD TESTING & INSPECTIONS					
	Asphalt Inspections & Monitoring	\$65.00	25 visits @ 9 hours/visit	225	\$14,625.00
	Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	5	\$875.00
	Project Manager (HR)	\$100.00	Scheduling, report review, etc.	15	\$1,500.00
	Trip Charge (per trip)	\$50.00	Trips	25	\$1,250.00
				SUBTOTAL	\$18,250.00
LABORATORY TESTING					
	Asphalt Extraction/Gradation Tests	\$200.00	Laboratory Testing	5	\$1,000.00
	Asphalt Coring	\$600.00		3	\$1,800.00
	Asphalt Core Density/Thickness Testing	\$50.00	Laboratory Testing	25	\$1,250.00
	Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	5	\$875.00
	Project Manager (HR)	\$100.00	Scheduling, report review, etc.	10	\$1,000.00
	Trip Charge (per trip)	\$50.00	Trips	8	\$400.00
	Sample Transport (HR)	\$60.00		40	\$2,400.00
				SUBTOTAL	\$8,725.00
TOTAL ESTIMATED FEE:					\$26,975.00

All services provided on a part-time/on-call basis will need to be scheduled 24 hours in advance.

Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .

Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.

Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.



EXHIBIT A - #4				
Estimated Cost for Construction Materials Testing and Special Inspection Services				
Peachtree Parkway				
Contour Proposal Number: T19CRO-323				
Project Tasks	Unit Rate	Remarks	Units Estimated	Estimated Cost
FIELD TESTING & INSPECTIONS				
Asphalt Inspections & Monitoring	\$65.00	5 visits @ 9 hours/visit	45	\$2,925.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	2	\$350.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	3	\$300.00
Trip Charge (per trip)	\$50.00	Trips	5	\$250.00
			SUBTOTAL	\$3,825.00
LABORATORY TESTING				
Asphalt Extraction/Gradation Tests	\$200.00	Laboratory Testing	2	\$400.00
Asphalt Coring	\$600.00		1	\$600.00
Asphalt Core Density/Thickness Testing	\$50.00	Laboratory Testing	6	\$300.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	3	\$525.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	6	\$600.00
Trip Charge (per trip)	\$50.00	Trips	3	\$150.00
Sample Transport (HR)	\$60.00		10	\$600.00
			SUBTOTAL	\$3,175.00
TOTAL ESTIMATED FEE:				\$7,000.00

All services provided on a part-time/on-call basis will need to be scheduled 24 hours in advance.

Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .

Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.

Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.



EXHIBIT A - #5				
Estimated Cost for Construction Materials Testing and Special Inspection Services				
Hampton Road				
Contour Proposal Number: T19CRO-323				
Project Tasks	Unit Rate	Remarks	Units Estimated	Estimated Cost
FIELD TESTING & INSPECTIONS				
Asphalt Inspections & Monitoring	\$65.00	10 visits @ 9 hours/visit	90	\$5,850.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	3	\$525.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	5	\$500.00
Trip Charge (per trip)	\$50.00	Trips	10	\$500.00
			SUBTOTAL	\$7,375.00
LABORATORY TESTING				
Asphalt Extraction/Gradation Tests	\$200.00	Laboratory Testing	2	\$400.00
Asphalt Coring	\$600.00		1	\$600.00
Asphalt Core Density/Thickness Testing	\$50.00	Laboratory Testing	10	\$500.00
Principal Engineer, P.E. (HR)	\$175.00	Review and Sign Offs	4	\$700.00
Project Manager (HR)	\$100.00	Scheduling, report review, etc.	8	\$800.00
Trip Charge (per trip)	\$50.00	Trips	3	\$150.00
Sample Transport (HR)	\$60.00		10	\$600.00
			SUBTOTAL	\$3,750.00
TOTAL ESTIMATED FEE:				\$11,125.00

All services provided on a part-time/on-call basis will need to be scheduled 24 hours in advance.

Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .

Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.

Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.



UNIT SCHEDULE OF FEES

Construction Materials Testing and Special Inspection Services

Contract 1 - Fayette County Road Rehabilitation Project

Contour Proposal No.: T19CRO-323

Project Tasks	Unit	Rate
FIELD TESTING SERVICES (SOIL, CONCRETE, ASPHALT)		
Earthwork Observations and Density Testing	Hour	\$60.00
Concrete Sampling and Testing	Hour	\$60.00
Asphalt Observations and Testing	Hour	\$65.00
Reinforced Concrete Inspections	Hour	\$85.00
Subgrade Evaluations	Hour	\$85.00
ENGINEERING SERVICES		
Staff Engineer	Hour	\$85.00
Project Manager	Hour	\$100.00
Project Engineer (P.E.)	Hour	\$125.00
Principal Engineer (P.E.)	Hour	\$175.00
LABORATORY TESTING (SOIL)		
Standard Proctor Test (ASTM D698)	Each	\$120.00
Modified Proctor Test (ASTM D1557)	Each	\$135.00
Proctor Check Point, per point (GDT-67)	Each	\$40.00
Atterberg Limits (ASTM D4318)	Each	\$75.00
Dry Sieve Analysis (ASTM D422)	Each	\$75.00
Wash 200 (ASTM D1140)	Each	\$65.00
Moisture Content (ASTM D2216)	Each	\$15.00
Organic Content (ASTM D 2974)	Each	\$25.00
Specific Gravity of Soils (ASTM D854)	Each	\$35.00
California Bearing Ratio (ASTM D 1883)	Each	\$350.00
LABORATORY TESTING (CONCRETE)		
Laboratory Mix Design Verification, per mix	Each	\$550.00
Compressive Strength Test for 4" or 6" Cylinders (ASTM C39)	Each	\$14.00
Compressive Strength Test Report	Each	\$5.00
LABORATORY TESTING (ASPHALT)		
Thickness/Density of Cored Specimen	Each	\$50.00
Bulk Specific Gravity	Each	\$200.00
Extraction / Gradation (Bitumen Content), per test	Each	\$200.00
Asphalt Field Coring	Day	\$600.00
NPDES Monitoring		
Weekly/Event Inspections	Visit	\$250.00
Turbidity Samples	EA	\$250.00
GENERAL		
Secretarial	Hour	\$40.00
Other reimbursables	EA	Cost + 15%
Trip Charge	EA	\$50.00

- 1.) All services provided on a part-time/on-call basis and will need to be scheduled 24 hours in advance.
- 2.) Overtime is defined by time in excess of 8 hours per day, Saturdays, and before 8:00 AM and after 5:00 PM .
- 3.) Overtime is billed at 1.5 times applicable rate. A minimum of 4 hours per trip will be billed for any services rendered during construction.
- 4.) Any services provided on Sundays or Legal Holidays will be billed at 2 times applicable rate.

**STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION
NOTICE OF PROFESSIONAL CONSULTANT QUALIFICATION**

You are qualified to provide Consulting Services to the Department of Transportation for the area-classes of work checked below. Notice of qualification is not a notice of selection.

NAME AND ADDRESS	DISPOSITION DATE	EXPIRATION DATE
CROY Engineering, LLC 200 NORTH COBB PKWY.,BLD.400,STE.413, MARIETTA, GA 30062-3559	March 8, 2018	July 13, 2020
SIGNATURE		
		
1. Transportation Planning <input checked="" type="checkbox"/> 1.01 State Wide Systems Planning <input checked="" type="checkbox"/> 1.02 Urban Area and Regional Transportation Planning <input type="checkbox"/> 1.03 Aviation Systems Planning <input checked="" type="checkbox"/> 1.04 Mass and Rapid Transportation Planning <input checked="" type="checkbox"/> 1.05 Alternate System and Corridor Location Planning <input type="checkbox"/> 1.06 Unknown <input checked="" type="checkbox"/> 1.06a NEPA Documentation <input type="checkbox"/> 1.06b History <input type="checkbox"/> 1.06c Air Studies <input type="checkbox"/> 1.06d Noise Studies <input checked="" type="checkbox"/> 1.06e Ecology <input type="checkbox"/> 1.06f Archaeology <input type="checkbox"/> 1.06g Freshwater Aquatic Surveys <input type="checkbox"/> 1.06h Bat Surveys <input checked="" type="checkbox"/> 1.07 Attitude, Opinion and Community Value Studies <input checked="" type="checkbox"/> 1.08 Airport Master Planning <input checked="" type="checkbox"/> 1.09 Location Studies <input checked="" type="checkbox"/> 1.10 Traffic Studies <input type="checkbox"/> 1.11 Traffic and Toll Revenue Studies <input type="checkbox"/> 1.12 Major Investment Studies <input checked="" type="checkbox"/> 1.13 Non-Motorized Transportation Planning	3. Highway Design Roadway (continued) <input checked="" type="checkbox"/> 3.09 Traffic Control System Analysis, Design and Implementation <input checked="" type="checkbox"/> 3.10 Utility Coordination <input type="checkbox"/> 3.11 Architecture <input checked="" type="checkbox"/> 3.12 Hydraulic and Hydrological Studies (Roadway) <input checked="" type="checkbox"/> 3.13 Facilities for Bicycles and Pedestrians <input type="checkbox"/> 3.14 Historic Rehabilitation <input type="checkbox"/> 3.15 Highway Lighting <input type="checkbox"/> 3.16 Value Engineering <input type="checkbox"/> 3.17 Design of Toll Facilities Infrastructure	
2. Mass Transit Operations <input checked="" type="checkbox"/> 2.01 Mass Transit Program (Systems) Management <input checked="" type="checkbox"/> 2.02 Mass Transit Feasibility and Technical Studies <input type="checkbox"/> 2.03 Mass Transit Vehicle and Propulsion System <input type="checkbox"/> 2.04 Mass Transit Controls, Communications and Information Systems <input type="checkbox"/> 2.05 Mass Transit Architectural Engineering <input type="checkbox"/> 2.06 Mass Transit Unique Structures <input type="checkbox"/> 2.07 Mass Transit Electrical and Mechanical Systems <input checked="" type="checkbox"/> 2.08 Mass Transit Operations Management and Support Services <input checked="" type="checkbox"/> 2.09 Aviation <input type="checkbox"/> 2.10 Mass Transit Program (Systems) Marketing	4. Highway Structures <input type="checkbox"/> 4.01a Minor Bridges Design <input type="checkbox"/> 4.01b Minor Bridges Design CONDITIONAL <input type="checkbox"/> 4.02 Major Bridges Design <input type="checkbox"/> 4.03 Movable Span Bridges Design <input type="checkbox"/> 4.04 Hydraulic and Hydrological Studies (Bridges) <input type="checkbox"/> 4.05 Bridge Inspection	
3. Highway Design Roadway <input checked="" type="checkbox"/> 3.01 Two-Lane or Multi-Lane Rural Generally Free Access Highway Design <input checked="" type="checkbox"/> 3.02 Two-Lane or multi-Lane with Curb and Gutter Generally Free Access Highways Design Including Storm Sewers <input checked="" type="checkbox"/> 3.03 Two-Lane or Multi-Lane Widening and Reconstruction, with Curb and Gutter and Storm Sewers in Heavily Developed Commercial Industrial and Residential Urban Areas <input checked="" type="checkbox"/> 3.04 Multi-Lane, Limited Access Expressway Type Highway Design <input checked="" type="checkbox"/> 3.05 Design of Urban Expressway and Interstate <input checked="" type="checkbox"/> 3.06 Traffic Operations Studies <input checked="" type="checkbox"/> 3.07 Traffic Operations Design <input checked="" type="checkbox"/> 3.08 Landscape Architecture	5. Topography <input checked="" type="checkbox"/> 5.01 Land Surveying <input checked="" type="checkbox"/> 5.02 Engineering Surveying <input checked="" type="checkbox"/> 5.03 Geodetic Surveying <input type="checkbox"/> 5.04 Aerial Photography <input type="checkbox"/> 5.05 Aerial Photogrammetry <input type="checkbox"/> 5.06 Topographic Remote Sensing <input checked="" type="checkbox"/> 5.07 Cartography <input type="checkbox"/> 5.08 Subsurface Utility Engineering	
	6. Soils, Foundation & Materials Testing <input type="checkbox"/> 6.01a Soil Surveys <input type="checkbox"/> 6.01b Geological and Geophysical Studies <input type="checkbox"/> 6.02 Bridge Foundation Studies <input type="checkbox"/> 6.03 Hydraulic and Hydrological Studies (Soils and Foundation) <input type="checkbox"/> 6.04a Laboratory Materials Testing <input type="checkbox"/> 6.04b Field Testing of Roadway Construction Materials <input type="checkbox"/> 6.05 Hazard Waste Site Assessment Studies	
	8. Construction <input checked="" type="checkbox"/> 8.01 Construction Supervision	
	9. Erosion and Sedimentation Control <input checked="" type="checkbox"/> 9.01 Erosion, Sedimentation, and Pollution Control and Comprehensive Monitoring Program <input type="checkbox"/> 9.02 Rainfall and Runoff Reporting <input checked="" type="checkbox"/> 9.03 Field Inspections for Compliance of Erosion and Sedimentation Control Devices Installations	

**STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION
NOTICE OF PROFESSIONAL CONSULTANT QUALIFICATION**

You are qualified to provide Consulting Services to the Department of Transportation for the area-classes of work checked below. Notice of qualification is not a notice of selection.

NAME AND ADDRESS	DISPOSITION DATE	EXPIRATION DATE
CONTOUR ENGINEERING, LLC 1955 VAUGHN RD., SUITE 101, KENNESAW, GA 30144-7808	June 8, 2017	April 11, 2020
SIGNATURE		
<i>Hual Patel</i>		
1. Transportation Planning - 1.01 State Wide Systems Planning - 1.02 Urban Area and Regional Transportation Planning - 1.03 Aviation Systems Planning - 1.04 Mass and Rapid Transportation Planning - 1.05 Alternate System and Corridor Location Planning - 1.06 Unknown - 1.06a NEPA Documentation - 1.06b History - 1.06c Air Studies - 1.06d Noise Studies - 1.06e Ecology - 1.06f Archaeology - 1.06g Freshwater Aquatic Surveys - 1.06h Bat Surveys - 1.07 Attitude, Opinion and Community Value Studies - 1.08 Airport Master Planning - 1.09 Location Studies - 1.10 Traffic Studies - 1.11 Traffic and Toll Revenue Studies - 1.12 Major Investment Studies - 1.13 Non-Motorized Transportation Planning	3. Highway Design Roadway (continued) - 3.09 Traffic Control System Analysis, Design and Implementation - 3.10 Utility Coordination - 3.11 Architecture - 3.12 Hydraulic and Hydrological Studies (Roadway) - 3.13 Facilities for Bicycles and Pedestrians - 3.14 Historic Rehabilitation - 3.15 Highway Lighting - 3.16 Value Engineering - 3.17 Design of Toll Facilities Infrastructure	
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COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to award Bid #1781-B, Fayette County Resurfacing Program FY 2019 to the lowest responsive and responsible bidder, C.W. Matthews Contracting, Co., Inc., for the amount of \$2,766,965.47 (2017 SPLOST 19TAF), contingent upon concurrence from the Georgia Department of Transportation (GDOT).

Background/History/Details:

On May 11, 2017 the Board approved staff to submit an application to the Atlanta Regional Commission(ARC) in response to their open solicitation for Transportation Improvement Program (TIP) projects. In a follow-up action on July 13, 2017, the Board approved Resolution No. 2017-12, which committed the County's required local match (a minimum of 20%) to the project. The application was for a multi-jurisdictional resurfacing project for roads in unincorporated Fayette County, Peachtree City, Fayetteville and Tyrone. On April 21, 2020 the Board approved to accept 2017 Transportation Improvement Program (TIP) grant award for SPLOST project 19TAF Fayette County Resurfacing Program FY 2019. The project includes 11.45 miles of resurfacing between Fayetteville, Peachtree City and Fayette County. The project has been advertised for bids in accordance with all federal requirements and staff is recommending award as noted above.

The estimated cost for construction for the County's roads is \$1,120,233.46 (\$896,186.77 federal share / \$224,046.69 local share). Reimbursement from the municipalities will be governed by a previously executed Intergovernmental Agreement.

This contract will resurface three county roads: Sandy Creek Road, Peachtree Parkway, and Hampton Road (from SR 92 to County line), totaling 5.52 miles.

What action are you seeking from the Board of Commissioners?

Approval to award Bid #1781-B, Fayette County Resurfacing Program FY 2019 to the lowest responsive and responsible bidder, C.W. Matthews Contracting, Co., Inc., for the amount of \$2,766,965.47 (2017 SPLOST 19TAF), contingent upon concurrence from the Georgia Department of Transportation (GDOT).

If this item requires funding, please describe:

Funding is available in 2017 SPLOST - Fayette Co. Resurfacing Prog. FY2019 (19TAF) project – Paved Roads, Gravel Roads & Bridges (17TAC) project; and SPLOST Contingency. Reimbursement from the municipalities will be governed by executed IGA.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess 
 From: Natasha M. Duggan 
 Date: May 28, 2020
 Subject: Contract #1781-B: Fayette County Resurfacing Program FY2019

The Purchasing Department issued Invitation to Bid #1781-B: Fayette County Resurfacing Program FY2019 to secure a contractor for a multi-jurisdictional resurfacing project for roads in unincorporated Fayette County, Fayetteville, Peachtree City, and Tyrone. The project includes 11.45 miles of resurfacing between Fayetteville, Peachtree City and Fayette County.

Notice of the opportunity was emailed to 14 companies. Another 275 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91395 (Paving and Resurfacing, Highway and Road) and 91396 (Paving and Resurfacing, Streets, Major and Residential). The offer was also advertised through Georgia Local Government Access Marketplace, Channel 23, Fayette News, and the Fayette County Website. In compliance with Federal regulations, we emailed nine companies from the Small Business Administration's list of small, minority, and women's business enterprises.

Two (2) Companies submitted bids. (Attachment 1).

Public Works recommends awarding to the lowest responsive and responsible bidder C. W. Matthews Contracting, Co., Inc. A Contractor Performance Evaluation is attached. (Attachment 2) The reference check provided positive feedback.

In compliance with Federal Regulations, we queried the system for Award Management to assure that C. W. Matthews Contracting, Co., Inc. is not currently suspended or debarred by the Federal Government. The query showed that they are in good standing.

Specifics of the proposed contract are as follows:

Contract Name	#1781-B: Fayette County Resurfacing Program FY2019	
Contractor	C. W. Matthews Contracting, Co., Inc.	
Not to Exceed Amount	\$2,766,965.47	
Budget:		
Fund	322	2017 SPLOST
Org Code	32204220	Road SPLOST
Object	541210	Other Improvements
Project	19TAF	Resurfacing
Available	\$2,882,320.57	As of 5/14/20

#1781-B Fayette County Resurfacing FY 2019 Tally Sheet

	Sandy Creek Road	Grady Avenue	Robinson Road	Peachtree Parkway	Hampton Road	Total Bid
E. R. Snell	\$ 883,002.30	\$ 359,762.23	\$ 1,360,138.82	\$ 162,866.57	\$ 192,931.38	\$ 2,958,701.30
C. W. Matthews	\$ 779,595.35	\$ 297,026.28	\$ 1,349,705.73	\$ 160,071.86	\$ 180,566.25	\$ 2,766,965.47

*Red indication error in calculation

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION**COMPLETE ALL APPLICABLE INFORMATION**

Company Name: C. W. Matthews Contracting, Co., Inc.	Contract Number: 1714-B
Mailing Address: PO Box 970	Contract Description or Title: Resurfacing McDonough Road and Ramah Road
City, St, Zip Code: Marietta, GA	Contract Term (Dates) From: Awarded 10/10/2019
Phone Number: 770-422-7520	Task Order Number: n/a
Cell Number: n/a	Other Reference: For Award of 1781-B: Fayette County Resurfacing Program FY2019
E-Mail Address: mikek@cwmatthews.com	

DEFINITIONS

OUTSTANDING - Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products					X
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: <i>Brady Klingler</i>	Date of Evaluation: 5/15/20
Print Name: Brady Klingler	Department/Division: ROAD
Title: Asst. Road Director	Telephone No: 6037

STATE OF GEORGIA

COUNTY OF FAYETTE

ROAD RESURFACING AGREEMENT

This Agreement entered into this 20th day of May, 2020 between the Town of Tyrone, the City of Peachtree City and the City of Fayetteville municipal corporations lying wholly within Fayette County, Georgia, acting by and through their Mayors and Councils, and hereinafter referred to as the “City/Cities”, and FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter referred to as “the County” to provide for certain road resurfacing within the corporate limits of the Cities, hereinafter referred to as the “Agreement.”

W I T N E S S E T H:

WHEREAS, local roads are an essential part of a community’s infrastructure system providing access to both local properties and regional thoroughfares; and

WHEREAS, the cost to maintain local roads is a significant burden to local governments; and

WHEREAS, State and Federal grant programs for infrastructure maintenance are available and are more successfully obtained by those localities wherein cooperation among local governments and agencies can be found; and

WHEREAS, Fayette County has applied for, and has been awarded funding for two resurfacing projects through the Surface Transportation Block Grant Program (STBG) by the Atlanta Regional Commission (ARC) and the Georgia Department of Transportation (GDOT) for 18.9 centerline miles of roads within Fayette County and its Cities; and

WHEREAS, Fayette County, the City of Fayetteville, the City of Peachtree City, and the Town of Tyrone have each selected roads to include in the grant projects, based on GDOT

Functional Classifications and pavement evaluations; and

WHEREAS, construction funding for the projects through the STBG is split between fiscal years 2019 and 2020, commencing on July 1, 2018 running through June 30, 2020; and

WHEREAS, the estimated construction cost for the projects is \$3,620,389 million for FY 2019 and \$3,891,805 million for FY 2020; and

WHEREAS, each City and the County has established the scope of work and associated construction cost estimates for the roads within its jurisdiction; and

WHEREAS, a competitive selection process was used by Fayette County to identify and contract with Croy Engineering, LLC. for design, permitting, management, letting and provision of construction engineering and inspection services for the projects, in accordance with GDOT's Plan Development Process; and

WHEREAS, no right-of-way acquisition nor utility relocation is required for the projects; and

WHEREAS, all costs for preconstruction engineering (PE) shall be paid by the Cities and the County; and

WHEREAS, all costs for construction engineering and inspection (CEI) shall be paid by the Cities and the County; and

WHEREAS, construction costs shall be paid using Federal Aid and local money using an 80/20 ratio for all costs up to the approved Federal Aid amount; and

WHEREAS, the Cities and County shall pay one hundred percent (100 %) of all construction costs above the approved Federal Aid amount; and

WHEREAS, Fayette County is the sponsor for the projects and the projects shall be locally let by Fayette County for construction.

NOW THEREFORE, for and in consideration of the premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Cities and the County, the Cities and the County do hereby agree as follows:

1.

DISTRIBUTION OF COSTS

A. PRECONSTRUCTION ENGINEERING SERVICES.

Fayette County shall not seek federal aid for work associated with preconstruction engineering (PE). The estimated costs for PE services are provided in Exhibit A, attached hereto and hereby incorporated herein. The actual costs for PE services that are common to all roads that are to be addressed under the terms of this agreement, hereinafter referred to as Project Roads as named in Exhibit A, shall be determined by allocating the pro-rata share of these costs to each City and the County based upon the number of centerline miles of Project Road located within the City and/or County. If additional work is required for a particular Project Road then those fees shall be one hundred percent (100%) paid by the City and/or County in which that Project Road is located.

B. CONSTRUCTION ENGINEERING AND INSPECTION SERVICES.

Fayette County shall seek federal aid for construction engineering and inspection (CEI) services, if it becomes eligible. Currently CEI costs are programmed to be fully funded through City and/or County funds. The estimated costs for CEI services are provided in Exhibit A. The actual costs for CEI services will be tracked and invoiced on a per-Project Road basis. Each City or County shall be one hundred percent (100%) responsible (less federal aid, if awarded) for fees expended for a Project Road within its jurisdictional limits.

C. STATE OVERSIGHT SERVICES.

The Georgia Department of Transportation (GDOT) may require reimbursement for the costs associated with State oversight during construction. These estimated costs are shown in Exhibit A

(see “GDOT Ovst” column). Should such reimbursement be necessary, the actual fees expended by each City and/or the County to cover these costs shall be determined by allocating the pro-rata share of these costs to each City and the County based upon the number of centerline miles of Project Road that City and/or County has within its jurisdictional limits.

D. CONSTRUCTION COSTS.

- i. Federal aid shall be used to fund up to eighty percent (80%) of the cost of construction of the Project Roads. For Fiscal Year 2019 the Federal Aid expenditure on Project Roads shall not exceed \$2,896,311. For Fiscal Year 2020 the Federal Aid expenditure on Project Roads shall not exceed \$3,113,444. The remaining twenty percent (20%) of the cost of Project Roads plus one hundred percent (100%) of any costs in excess of the maximum federal aid expenditure described in this paragraph, shall be paid by the City/County in which the Project Road lies. All federal aid shall be distributed for Project Roads among the Cities and/or County according to the cost estimates listed in Exhibit A attached hereto.
- ii. City and/or County construction costs, including but not limited to those required for the twenty percent (20%) match, plus any construction costs above the approved federal-aid match, shall be one hundred percent (100%) paid by the City or County having the Project Road within its jurisdictional limits.
- iii. All construction costs shall be tracked and invoiced based upon the Project Road.

2.

SCOPE OF AGREEMENT

- A. The limits and scope of the work anticipated by the terms of this agreement shall not be increased or expanded.
- B. Fayette County shall advertise for bids, award construction contract to the contractor, and administer the contracts for the implementation of the road resurfacing project. The projects shall be administered and delivered following the GDOT Plan Development Process.

C. Each City and the County shall be individually responsible for the following activities for and within the limits of its own jurisdiction:

- i. Execution of contracts, agreements and related documents required for the Road Projects;
- ii. Preparation of road logs;
- iii. Providing Right-of-Way certification;
- iv. Providing Materials Quality Assurance Forms;
- v. Providing ADA compliance letters;
- vi. Designating areas and quantities for patching and milling;
- vii. Providing notification to their citizens;
- viii. Serving as “Owner” for work within their jurisdiction; and
- ix. Performing the final inspection and acceptance of the work.

D. All parties agree that the selected Contractor shall be responsible for all construction activities, including but not limited to the following:

- i. Traffic Control;
- ii. Patching and/or Full Depth Reclamation (FDR);
- iii. Single surface treatment;
- iv. Milling - variable depth;
- v. Tack (bituminous);
- vi. Paving (9.5 mm Type 2 or other);
- vii. Hauling;
- viii. Temporary Striping;
- ix. Thermoplastic Striping & Reflective Pavement Markings (RPMs);
- x. Grading (shoulder filling); and
- xi. Permanent Stabilization (grassing, fertilization, matting, mulch, etc.).

E. Fayette County’s project manager shall work in conjunction with Croy Engineering to ensure

all preconstruction engineering (PE) requirements are identified and completed in a timely manner. This may include written and verbal communication with the City of Fayetteville, Peachtree City, the Town of Tyrone; GDOT; ARC and any other necessary party.

3.

DISTRIBUTION OF EXCESS FUNDS

Each City and/or the County shall be responsible for a minimum of twenty percent (20%) of the cost of construction of the Project Roads within its jurisdictional limits, regardless of the actual construction costs. Should extra federal funds become available from one or more Project Roads, they may be reallocated to Project Roads where actual costs are running above previously estimated costs. If required, the allocation shall be equitable among the Cities and/or County impacted by the unanticipated cost increase.

4.

CONSULTING FEES

Consulting fees will be charged on a time and material basis. These fees will be invoiced in accordance with the provisions of Paragraph 7 and may include, but are not limited to:

- A. Completion of Preconstruction Engineering (PE) activities;
- B. Development of Bid Package and Specifications;
- C. Bidding assistance;
- D. Construction management; and
- E. Construction Engineering and Inspection (CEI) services.

5.

COST ESTIMATES

The fees shown in Exhibit A are estimates of the project costs. Actual costs/fees may be more or less than shown therein. Fayette County shall notify each City before costs are incurred that exceed

the estimated values set forth in Exhibit A.

6.

TITLE

A. The Cities and the County agree that the roads or road segments identified in Exhibit "A" are part of the road systems of the listed City or County and, as such, shall be completely and solely within the jurisdiction and control of the City/County listed on Exhibit A. The resurfacing of the roads within any City/County is at the direction of the City/County listed in Exhibit A. No City/County assumes any interest in the title of any portion of the Project Road outside of that listed in Exhibit A. Under no circumstance shall any portion of any Project Road within a City be deemed a County road. Unless otherwise agreed, the maintenance and repair of the portion of the Project Road(s) within any City, other than the roadwork contemplated herein, shall be the sole responsibility of the City/County listed in Exhibit A.

B. The Cities and County warrant that they own or have rights to resurface the portion of the Project Road(s) within the limits of the Cities/County and further warrant that the performance of work on the portions of the Project Road(s) within the Cities/County will not violate any restrictions, covenants, local or state law.

7.

INVOICING

Upon completion of the road work, the County will invoice the appropriate City for its share of the costs as set forth above and in accordance with Exhibit A and Paragraph 1 of this agreement. Each City shall submit the payment due within thirty (30) days of receipt of the invoice from the County.

8.

INDEMNIFICATION

To the fullest extent permitted by law, the Cities agree to and hereby do defend, hold harmless and indemnify the County and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by the County that arise out of, or result from, the work associated with the Project Roads set forth in Exhibit A, and which are not incurred or suffered due to the negligence of the County.

To the fullest extent permitted by law, the County agrees to and hereby does defend, hold harmless and indemnify the Cities and their officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by the City that arise out of, or result from, the work associated with the Project Roads set forth in Exhibit A, and which are not incurred or suffered due to the negligence of the City.

9.

CONFLICT BETWEEN TERMS

Any additional terms and conditions which may exist between the parties may be found in Exhibit "A." To the extent that there may exist a conflict between the terms and conditions in this Agreement and the terms and conditions in Exhibit "A," the parties agree that any terms and conditions in Exhibit "A" supersede any terms and and conditions within this Agreement.

10.

ENTIRE AGREEMENT

This Agreement is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

11.

SEVERABILITY

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

12.

CHOICE OF LAWS

This agreement shall be construed, controlled and enforced in accordance with the laws of the State of Georgia. Any and all disputes arising out of or in any way related to this Agreement shall be submitted to the State or Superior Court of Fayette County Georgia and the parties expressly consent to the venue and jurisdiction therein.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

IN WITNESS WHEREOF, the parties herein have set their hands and seals on the date first above written.



(SEAL)

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: [Signature]
Randy Ognio, Chairman

Attest:

[Signature]
Tameca P. White, County Clerk

Approved as to form:

[Signature]
County Attorney

TOWN OF TYRONE

(SEAL)

By: [Signature]
Eric Dial, Mayor

Attest:

[Signature]
Dee Baker, Town Clerk

Approved as to form:

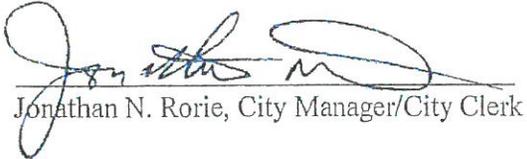
[Signature]
Town Attorney

(SEAL)

CITY OF PEACHTREE CITY

By: 
Vanessa Fleisch, Mayor

Attest:


Jonathan N. Rorie, City Manager/City Clerk

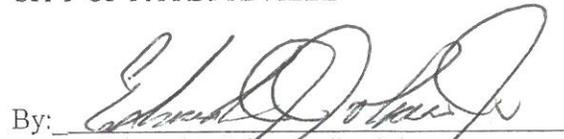
Approved as to form:


City Attorney

(SEAL)



CITY OF FAYETTEVILLE

By: 
Edward J. Johnson, Jr., Mayor

Attest:


Anne Barksdale, City Clerk

Approved as to form:


City Attorney

IGA EXHIBIT A

Fayette County Resurfacing Program FY 2019 (GDOT PI 0016058)

Street	Length (Miles)	Local PE ¹	Local CEI ¹	Local CST ²	Local GDOT Ovst ³	Local Total	Federal Aid CST	CST Total	Project Total
Fayetteville Roads									
Grady Avenue from SR 85 to SR 54	0.93	\$6,111	\$22,365	\$45,678	\$930	\$75,083	\$182,710	\$228,388	\$257,794
<i>Fayetteville Totals</i>	<i>0.93</i>	<i>\$6,111</i>	<i>\$22,365</i>	<i>\$45,678</i>	<i>\$930</i>	<i>\$75,083</i>	<i>\$182,710</i>	<i>\$228,388</i>	<i>\$257,794</i>
Fayette County Roads									
Sandy Creek Road from SR 74 to City limit	4.24	\$27,860	\$79,450	\$187,653	\$4,240	\$299,203	\$750,613	\$938,266	\$1,049,816
Peachtree Pkwy from Redwine to City limit	0.35	\$2,300	\$13,180	\$34,462	\$350	\$50,291	\$137,847	\$172,308	\$188,138
Hampton Rd from SR 92 to County line	0.93	\$6,111	\$23,485	\$54,825	\$930	\$85,351	\$219,299	\$274,124	\$304,650
<i>Fayette County Totals</i>	<i>5.52</i>	<i>\$36,270</i>	<i>\$116,115</i>	<i>\$276,940</i>	<i>\$5,520</i>	<i>\$434,845</i>	<i>\$1,107,759</i>	<i>\$1,384,699</i>	<i>\$1,542,604</i>
Peachtree City Roads									
Robinson Road from SR 54 to City limit	5.00	\$32,854	\$96,115	\$401,461	\$5,000	\$535,429	\$1,605,842	\$2,007,303	\$2,141,272
<i>Peachtree City Totals</i>	<i>5.00</i>	<i>\$32,854</i>	<i>\$96,115</i>	<i>\$401,461</i>	<i>\$5,000</i>	<i>\$535,429</i>	<i>\$1,605,842</i>	<i>\$2,007,303</i>	<i>\$2,141,272</i>
FY 2019 Totals	11.45	\$75,235	\$234,595	\$724,078	\$11,450	\$1,045,358	\$2,896,312	\$3,620,390	\$3,941,670

PE = Preconstruction Engineering; CEI = Construction Engineering & Inspection; CST = Construction; Ovst = Construction Oversight

1 - Costs are NTE based on written quote; 2 - estimates, actual cost to be based on quote; 3- estimate, actual cost based on GDOT charge

IGA EXHIBIT A

Fayette County Resurfacing Program FY 2020 (GDOT PI 0016083)

Street	Length (Miles)	Local PE ¹	Local CEI ¹	Local CST ²	Local GDOT Ovst ³	Local Total	Federal Aid CST	Total CST	Project Total
Fayetteville Roads									
Beauregard/Redwine Roads from SR 85 to City limit	2.24	\$20,413	\$43,520	\$119,376	\$2,240	\$185,548	\$477,503	\$596,879	\$663,052
<i>Fayetteville Totals</i>	<i>2.24</i>	<i>\$20,413</i>	<i>\$43,520</i>	<i>\$119,376</i>	<i>\$2,240</i>	<i>\$185,548</i>	<i>\$477,503</i>	<i>\$596,879</i>	<i>\$663,052</i>
Peachtree City Roads									
Peachtree Pkwy South from SR 54 to City limit	4.40	\$40,096	\$87,390	\$573,985	\$4,400	\$705,871	\$2,295,941	\$2,869,926	\$3,001,812
<i>Peachtree City Totals</i>	<i>4.40</i>	<i>\$40,096</i>	<i>\$87,390</i>	<i>\$573,985</i>	<i>\$4,400</i>	<i>\$705,871</i>	<i>\$2,295,941</i>	<i>\$2,869,926</i>	<i>\$3,001,812</i>
Tyrone Roads									
Tyrone Road from Anthony to Handley Rd	0.81	\$7,381	\$28,570	\$85,000	\$810	\$121,761	\$340,000	\$425,000	\$461,761
<i>Tyrone Totals</i>	<i>0.81</i>	<i>\$7,381</i>	<i>\$28,570</i>	<i>\$85,000</i>	<i>\$810</i>	<i>\$121,761</i>	<i>\$340,000</i>	<i>\$425,000</i>	<i>\$461,761</i>
FY 2020 Totals	7.45	\$67,890	\$159,480	\$778,361	\$7,450	\$1,013,181	\$3,113,444	\$3,891,805	\$4,126,625

PE = Preconstruction Engineering; CEI = Construction Engineering & Inspection; CST = Construction; Ovst = Construction Oversight

1 - Costs are NTE based on written quote; 2 - estimates, actual cost to be based on quote; 3- estimate, actual cost based on GDOT charge

Fayette County Resurfacing Program FY 2019 (GDOT PI 0016058) (2017 SPLOST 19TAF)

Street	Length (Miles)	Local PE ¹	Local CEI ¹	Local CST ²	Local GDOT Ovst ³	Local Total	Federal Aid CST	Estimated Construction Costs	Estimated Total Project Cost
Fayetteville Roads									
Grady Avenue from SR 85 to SR 54	0.93	\$6,111	\$22,365	\$59,405	\$930	\$88,811	\$237,621	\$297,026	\$326,432
<i>Fayetteville Totals</i>	<i>0.93</i>	<i>\$6,111</i>	<i>\$22,365</i>	<i>\$59,405</i>	<i>\$930</i>	<i>\$88,811</i>	<i>\$237,621</i>	<i>\$297,026</i>	<i>\$326,432</i>
Fayette County Roads									
Sandy Creek Road from SR 74 to City limit	4.24	\$27,860	\$79,450	\$155,919	\$4,240	\$267,469	\$623,676	\$779,595	\$891,145
Peachtree Pkwy from Redwine to City limit	0.35	\$2,300	\$13,180	\$32,014	\$350	\$47,844	\$128,057	\$160,072	\$175,902
Hampton Rd from SR 92 to County line	0.93	\$6,111	\$23,485	\$36,113	\$930	\$66,639	\$144,453	\$180,566	\$211,092
<i>Fayette County Totals</i>	<i>5.52</i>	<i>\$36,270</i>	<i>\$116,115</i>	<i>\$224,047</i>	<i>\$5,520</i>	<i>\$381,952</i>	<i>\$896,187</i>	<i>\$1,120,233</i>	<i>\$1,278,139</i>
Peachtree City Roads									
Robinson Road from SR 54 to City limit	5.00	\$32,854	\$96,115	\$269,941	\$5,000	\$403,910	\$1,079,765	\$1,349,706	\$1,483,674
<i>Peachtree City Totals</i>	<i>5.00</i>	<i>\$32,854</i>	<i>\$96,115</i>	<i>\$269,941</i>	<i>\$5,000</i>	<i>\$403,910</i>	<i>\$1,079,765</i>	<i>\$1,349,706</i>	<i>\$1,483,674</i>
FY 2019 Totals	11.45	\$75,235	\$234,595	\$553,393	\$11,450	\$874,673	\$2,213,572	\$2,766,965	\$3,088,245

PE = Preconstruction Engineering; CEI = Construction Engineering & Inspection; CST = Construction; Ovst = Construction Oversight

1 - Costs are NTE based on written quote; 2 - based on bid proposals, actual cost to be based on time and materials; 3- estimate, actual cost based on GDOT charge

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration and approval of proposed Change Order #2 of \$700,000 from Contract #1428-P, Public Safety Radio System, to fund microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees from the existing Contingency/Enhancements in the contract.

Background/History/Details:

Contract #1428-P with EF Johnson for \$14,964,675.53 was initially approved and signed in November 2018. The EF Johnson contract was a "not to exceed" award which included an allocation for future 911 system contingency/enhancements of \$2,750,000 as part of the contract.

Previously approved Change Order #1 allocated \$768,277.85 for Subscriber Radios & Accessories. Proposed Change Order #2 allocates \$700,000 for microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees - see Appendix A for details.

The proposed Change Order for \$700,000 for microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees was presented to the 911 Advisory Board for their review and consideration at their May 8, 2020 meeting and was unanimously approved for recommendation to the Commission.

What action are you seeking from the Board of Commissioners?

Approval of proposed Change Order #2 of \$700,000 for Contract #1428-P, Public Safety Radio System, to fund microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees from the existing Contingency/Enhancements in the contract.

If this item requires funding, please describe:

There are funds available from the 2017 SPLOST approved in Contract 1428-P (Public Safety Radio System) for this purpose.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Contract #1428-P, Public Safety Radio System, will have a remaining \$1,281,722.15 balance in Contingency/Enhancements.



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: May 28, 2020

**Subject: Contract #1428-P: Public Safety Radio System
 Change Order #2: Tower Remediation, Site Improvements & Other Needs**

Fayette County, Georgia operates a Public Safety radio system which serves the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office and Marshal's Office, and Fire and Emergency Medical Services.

On November 8, 2018 the Board of Commissioners awarded Contract #1428-P to E.F. Johnson Company to upgrade the radio system to include a trunked simulcast P25 system that will support first responders within Fayette County, P25 dispatch consoles, construction of a microwave network, purchase of P25 subscriber units (mobiles, portables and control stations), and site construction or improvements for towers or tower enhancements. Pricing for the contract was as follows:

<u>Price Component</u>	<u>Not-to-Exceed</u>
System & Infrastructure	\$4,691,104.42
Subscriber Radios	2,776,181.11
Contingency/Enhancements	2,750,000.00
15 Year Maintenance & Support	<u>4,747,390.00</u>
Total 15 Year Cost of Ownership	<u>\$14,964,675.53</u>

On August 22, 2020 the Board approved Change Order #1, which reduced the Contingency/Enhancements line-item by \$768,277.85 to adjust subscriber radio and accessory costs.

It is proposed to issue Change Order #2, which will reduce the Contingency/Enhancements line-item by an additional \$700,000.00. This will use 2017 SPLOST funds to provide for additional needs such as microwave path studies, State Route 54 structural analysis preparation, mobile radio gateways, tower site improvements, tower remediations, and similar necessities. Specifics of the proposed Change Order are as follows:

Contract Name	1428-P: Public Safety Radio System
Change Order Number	#2: Tower Remediation, Site Improvements & Other Needs
Vendor	E.F. Johnson Company
Price Adjustments:	
Current Contract Amount	\$14,964,675.53
Contingency/Enhancements	(\$700,000.00)
Specific Identified Needs	<u>700,000.00</u>
Net Contract Amount	\$14,964,675.53

Change Order No. 2

Project Name: Contract #1428-P: Fayette County Public Safety Radio System

Agreement: System Sales Agreement by and between Fayette County, Georgia ("County") and E.F. Johnson Company ("EFJohnson") dated November 9, 2018 ("Agreement")

The modifications described below constitute Change No. 2 to the Agreement for the above-referenced project. Change No. 2 includes the addition equipment and services to be used against the 911 Contingency/Enhancements fund provided in Attachment C of the Agreement.

Definitions in the Agreement apply to this Change Order No. 2 ("Change Order").

Modification 1-1, Purchase of Equipment and Services

Description: Addition of equipment and services as detailed in Appendix A to this Change Order.

Price for Modification: \$700,000.00

New Price for 911 Contingency/Enhancements Subtotal in Attachment C

\$1,981,722.15 (balance from Change Order No. 1) - \$700,000.00 = \$1,281,722.15

Agreement Time: No change

Description:

The parties have agreed to additions of equipment and services to be used against the 911 Contingency/Enhancements fund provided in Attachment C of the Agreement as detailed in Appendix A to this Change Order. Payment terms for the Price for Modification set forth in Modification 1-1 of this Change Order are net 30 days from date of shipment or completion of services, as applicable. EFJohnson has the right to make partial shipments and/or partial completion of services with respect to this Change Order, which shipment and/or completion of services shall be invoiced separately and paid for when due.

General

Each party acknowledges that it has read this Change Order, understands it, and agrees to be bound by its terms and conditions.

EXCEPT AS PROVIDED IN THIS CHANGE ORDER, ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT REMAIN IN FULL FORCE AND EFFECT.

Original Agreement Price:	\$	14,964,675.53
Previously Approved Change Orders:	\$	-
This Change Order Amount:	\$	-
<u>Current Agreement Price:</u>	<u>\$</u>	<u>14,964,675.53</u>

Contract #1428-P: Fayette County Public Safety Radio System

Fayette County, Georgia

Authorized Signatory: _____ **Date:** _____

Printed Name: _____ **Title:** _____

E.F. Johnson Company

Authorized Signatory: _____ **Date:** _____

Printed Name: _____ **Title:** _____

APPENDIX A

The County instructs EFJohnson to perform the tasks summarized in Table 1 below. As indicated, a portion of the tasks are firm fixed pricing and the remainder are based on estimated pricing contingent on the final required analysis to be conducted by EFJohnson for each task. As these remaining tasks are defined, firm fixed pricing will be established to be reconciled by written agreement at the completion of all tasks. The reconciliation will align invoicing with costs not to exceed this total amount. Invoices will be issued at the completion of the individual task(s).

Table 1

Item	Task	Price	Comments	Fixed Pricing or Estimates
1	Path Studies	\$6,451.20	These were additional studies require from the orgianl studies because of change at SR54. Work Completed & Subcontractor paid.	Fixed
2	SR54 Structural Analysis Preparation		These are costs for documentation normally provided by the tower owner that is used to perform the structural analyses included in the project. Since the documents were not available, we contracted with B&V to create the needed documents for the analysis.	Fixed
	Tower Mapping	\$4,127.00		
	Foundation Mapping (No Rebar)	\$4,932.00		
	Geotechnical Survey and Report	\$6,462.00		
	Foundation Reinforcement Investigation	\$3,332.00		
3	Mobile Radio Gateways (MRGW) and supporting equipment	\$38,147.50	Based on design review discussions, the team has decided to move the console backup control stations from dispatch to the prime site.	Fixed
4	Peachtree Geotechnical Survey and Report	\$8,048.30	Costs for documentation	Estimate
5	Prime site material / labor for amateur radio antennas	\$6,000.00	Quote coming from Radio One	Estimate
6	Per Site Improvements			
	Brooks	\$9,500.00	Grounding, Ice Bridge repairs	Estimate
	Peachtree City	\$5,000.00	Grounding	Estimate
	Porter Road	\$4,900.00	Grounding, repair corrosion on connectors	Estimate
	Prime	\$10,500.00	Grounding, repair corrosion on connectors	Estimate
	SR54 (Hospital)	\$15,500.00	Grounding, repair Ice bridge and missing conductors	Estimate
	Swanson Road	\$9,500.00	Grounding, and missing conductors	Estimate
	WestBridge	\$4,900.00	Grounding, repair broken jumpers	Estimate
	Tyrone Downtown	\$9,500.00	Shelter Installation	Estimate
	1205042 CC Woolsey	\$6,700.00	Shelter inspection and further site upgrades.	Estimate
	1044307_Crown Atlantic	\$0.00		Estimate
7	Tower remediations			
	Tower remediations 1	\$80,000.00	With 10 sites, we have made what we hope to be a reasonable estimate of 50% of the towers requiring remediation. B&V structural team reviewed average modification costs on 100 sites as \$80,000 per site.	Estimate
	Tower remediations 2	\$80,000.00		Estimate
	Tower remediations 3	\$80,000.00		Estimate
	Tower remediations 4	\$80,000.00		Estimate
	Tower remediations 5	\$80,000.00		Estimate
8	Per Site Application Fees			
	Structural Analysis (10 Sites)	\$25,000.00	This is rolled up estimates based on early information from the B&V site applications efforts. All sites may not require all fees, and some may be reduced.	Estimate
	Site Inspection (10 Sites)	\$21,500.00		Estimate
	Pre AM Study (10 Sites)	\$20,000.00		Estimate
	Post AM study (10 Sites)	\$20,000.00		Estimate
	Services	\$10,000.00		Estimate
9	Miscellaneous Engineering Fees	\$50,000.00		Estimate
Total Change Order		\$700,000.00		

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #11**

Wording for the Agenda:

Consideration of proposed Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications.

Background/History/Details:

The Initial contract with Carbyne for \$192,000.00 was approved and signed in May 24, 2018. This contract provided for the replacement of the 911 phone system (8 standard stations and 1 supervisor station). Administrative calls were moved to Carbyne on January 27, 2020. 911 calls are slated to move to Carbyne on June 27, 2020.

Change Order #2 funds year-one of start-up costs for the additional 12 Carbyne workstations to enhance our existing and future 911 operations; creating 4 new positions in the Emergency Operations Center (EOC), 3 positions in our administrative offices and 5 positions for our Mobile Communications Unit (MCU); purchasing KVM switches, headsets, licenses, and other needs in support of the additional workstations and purchasing heavy duty 24/7 chairs to enhance our existing and future 911 operations.

The proposed enhancement was presented to the 911 Advisory Board for their review and consideration at their May 8, 2020 meeting and was unanimously approved for recommendation to the Commission. The future annual \$93,500 for operating and maintenance cost will be funded in future 911 operating budgets.

What action are you seeking from the Board of Commissioners?

Approval of proposed Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications, purchasing KVM switches, headsets, licenses, and other needs in support of the additional workstations and purchasing heavy duty 24/7 chairs to enhance our existing and future 911 operations.

If this item requires funding, please describe:

There are funds available from the 2017 SPLOST approved in Contract 1428-P (Public Safety Radio System) for this purpose.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Contract #1428-P, Public Safety Radio System, will have a remaining \$1,116,735.15 balance in Contingency/Enhancements.



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: May 28, 2020

**Subject: Contract #1477-S: Carbyne Public Safety Ecosystem
 Change Order #2: Add 12 Carbyne Workstations**

On May 24, 2018 the Board of Commissioners approved Contract #1477-S for the Carbyne Public Safety Ecosystem. The contract was awarded for an initial five-year term, with two one-year renewals terms available.

The contracted system included eight standard workstations and one supervisor console for the Call Handling environment. The Department of 911 Communications has determined that 12 additional workstations will be needed: four in the Emergency Operations Center, three in administrative offices, and five in the mobile command post.

The current contracted price for the Carbyne agreement is \$192,000.00 per year. The contractor, Carbyne, Inc., has agreed to include the additional workstations for the initial price of \$164,987.00 (and an additional \$93,500.00 per year thereafter. This includes hardware, software licensing, incidentals, and heavy-duty 24/7 chairs. After the one-year expenditure increase of \$164,987.00 the annual price would be as follows:

Initial Contract Amount	\$192,000.00 per year
Change Order #1: cLive Feature Requirements	-0- technical adjustments – no cost
Change Order #2 (Proposed): 12 workstations	<u>93,500.00</u> per year
Total Adjusted Price	\$285,500.00 per year

The workstations will be an allowable expenditure of 2017 SPLOST funds. It is recommended that \$164,987 of 2017 SPLOST funds from the Contingency/Enhancements component of EF Johnson Contract #1428-P, Public Safety Radio System, be used to fund the initiation of the 12 workstations.

Change Order

Fayette County, GA 9-1-1
140 Stonewall Ave West
Fayetteville, GA 30214
(770) 461-4357

Date: _____
Project Name: Carbyne c-Live
Original Contract No: _____
Change Order No: _____

Description

Fayette County, GA 9-1-1 desires to add an additional 12 Carbyne c-Live workstations to its Call Handling environment. Three (3) workstations will be located in administrative offices four (4) will be in the Emergency Communications Center (EOC) and (5) workstations in the mobile command post. Exact locations have yet to be determined for administrative placement. No additional functionality will be added to these workstations outside the scope of the 9-1-1 center. The above-mentioned workstations will be able to answer 9-1-1 calls and be part of the ring-all system.

Requested by _____

Cost to Fayette County:

Hardware	\$ <u>54,535.00</u>
Licensing and Maintenance	\$ <u>6,952.00</u>
Software and Maintenance (6 years)	\$ <u>561,000.00</u>
Labor	\$ <u>10,000.00</u>
Total	\$ <u>632,487.00</u>

The above pricing reflects a 50% discount based on the workstation’s utilization as back-up in the case of overflow or the case of a disaster situation.

Any cost accrued beyond the scope of this Statement of Work will be the responsibility of Carbyne.

Any change to the Statement of Work by the County of Fayette will be the financial responsibility of Fayette County.

Fee Schedule:

Due within 30 days of signed contact.	\$ <u>164,987.00</u>
Year 2	\$ <u>93,500.00</u>
Year 3	\$ <u>93,500.00</u>
Year 4	\$ <u>93,500.00</u>
Year 5	\$ <u>93,500.00</u>
Year 6	\$ <u>93,500.00</u>

Schedule

Installation and “Go Live” for these additional 7 workstations will not occur until the existing c-Live environment, already installed at the Fayette County, GA 9-1-1 center is transitioned to a live environment for 9-1-1 calls. It is anticipated that this will occur in June 2020. If that

schedule is maintained, the additional 12 workstations will be installed by the end of **July 2020**. It is anticipated that testing and acceptance of the 12 new workstations will occur in **August 2020**. Exact dates are still to be determined between Carbyne and Fayette County, GA 9-1-1.

Responsibilities

The following allowances will be provided to Fayette County, GA **not to exceed \$56,300**:

- Obtain Eventide licenses
- Provision, install and mount monitors and KVM switches
- Provision and Install Windows workstations with Windows 10 OS according to Carbyne specifications
- Provision mice and keyboards
- 24/7 Ergonomic Dispatcher chairs
- Provide headsets (connector type TBD)

Any unused allowance money will be applied as a credit to Fayette County in the following year's billing.

Fayette County will be responsible for:

- Provisioning and Installation of horizontal cabling (Comms Room to new c-Live positions)
- Labor to install and setup all allowed equipment.

The following items are the responsibility of Carbyne:

- Provision and install Cisco phones and accompanying licenses
- Provision UCCX licensing
- Provision NexTalk TTY licensing
- Providing audio arbitration (mixing) for Carbyne Instant Recall Recorder (IRR) & Cisco phones - note that there will be no Web Relay Data Communications Channels (DCC) since there are no radios
- Providing an additional Power over Ethernet (POE) switch (if capacity of existing switch is full)
- Install patch cabling (PC-to-phone and rack patching etc.)
- Provide Genovation keypads

Contingencies

The following contingencies must be met prior to this Change Order being executed:

- c-Live must be successfully cutover to live 9-1-1 traffic in June 2020

Signatures

Steve Rapson – Fayette County, GA County Administrator



Rob Clark - Carbyne North America General Manager

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request: **Item #12**

Wording for the Agenda:

Consideration of proposed Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 Carbyne workstations under Contract #1477-S, Carbyne Public Safety Ecosystem.

Background/History/Details:

Contract #1428-P with EF Johnson for \$14,964,675.53 was initially approved and signed in November 2018. The EF Johnson contract was a "not to exceed" award which included an allocation for future 911 system contingency/enhancements of \$2,750,000 as part of the contract. Change Order #1 (previously approved) allocated \$768,277.85 for Subscriber Radios & Accessories and Change Order #2 (proposed separately) allocates \$700,000 for microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees.

Change Order #3 proposes to reduce the Contract #1428-P, Public Safety Radio System, contingency/enhancements in order to fund the proposed increase under the Contract #1477-S, Carbyne Public Safety Ecosystem (proposed separately) contract for the year-one start-up costs of the additional 12 Carbyne workstations (Pending agenda item) enhancement.

Proposed Change Order #3 was presented to the 911 Advisory Board for their review and consideration at their May 8, 2020 meeting and was unanimously approved for recommendation to the Commission.

What action are you seeking from the Board of Commissioners?

Approval of proposed Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 positions under Contract #1477-S, Carbyne Public Safety Ecosystem.

If this item requires funding, please describe:

There are funds available from the 2017 SPLOST approved in Contract 1428-P (Public Safety Radio System) for this purpose.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.*

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Contract #1428-P, Public Safety Radio System, will have a remaining \$1,116,735.15 balance in Contingency/Enhancements.



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: May 28, 2020

**Subject: Contract #1428-P: Public Safety Radio System
 Change Order #3: Reduce Contingency/Enhancements Component**

Fayette County, Georgia operates a Public Safety radio system which serves the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office and Marshal's Office, and Fire and Emergency Medical Services. Contract #1428-P, awarded to E.F. Johnson Company to upgrade the radio system, included a Contingency/Enhancement component of \$2,750,000.00. Change orders have been approved or proposed for use of a portion of these funds as follows:

Original Contingency/Enhancements Amount – Contract #1428-P	\$2,750,000.00
Change Order #1: Subscriber Radios & Accessories	(768,277.85)
Change Order #2 (Proposed): Tower Remediation, Site Improvement, Etc.	<u>(700,000.00)</u>
Net Balance Prior to This Proposed Action	1,281,722.15
Change Order #3 (Proposed): Twelve Carbyne Workstations	<u>(164,987.00)</u>
Net Balance – Contingency/Enhancements - Contract #1428-P	\$1,116,735.15

This recommendation to issue Change Order #3 will reduce the Contingency/Enhancements line-item by \$164,987.00. The 2017 SPLOST funds will be used to increase Contract #1477-S with Carbyne, Inc. to provide for 12 additional workstations.

Specifics of the proposed change order are as follows:

Contract Name	1428-P: Public Safety Radio System
Change Order Number	#3: Reduce Contingency/Enhancements Component
Vendor	E.F. Johnson Company
Contract Price Adjustment:	
Current Contract Amount	\$14,964,675.53
Contingency/Enhancements	<u>(\$164,987.00)</u>
Net Contract Amount	\$14,799,688.53

Change Order

Fayette County, GA 9-1-1
140 Stonewall Ave West
Fayetteville, GA 30214
(770) 461-4357

Date: _____
Project Name: Carbyne c-Live
Original Contract No: _____
Change Order No: _____

Description

Fayette County, GA 9-1-1 desires to add an additional 12 Carbyne c-Live workstations to its Call Handling environment. Three (3) workstations will be located in administrative offices four (4) will be in the Emergency Communications Center (EOC) and (5) workstations in the mobile command post. Exact locations have yet to be determined for administrative placement. No additional functionality will be added to these workstations outside the scope of the 9-1-1 center. The above-mentioned workstations will be able to answer 9-1-1 calls and be part of the ring-all system.

Requested by _____

Cost to Fayette County:

Hardware	\$ <u>54,535.00</u>
Licensing and Maintenance	\$ <u>6,952.00</u>
Software and Maintenance (6 years)	\$ <u>561,000.00</u>
Labor	\$ <u>10,000.00</u>
Total	\$ <u>632,487.00</u>

The above pricing reflects a 50% discount based on the workstation's utilization as back-up in the case of overflow or the case of a disaster situation.

Any cost accrued beyond the scope of this Statement of Work will be the responsibility of Carbyne.

Any change to the Statement of Work by the County of Fayette will be the financial responsibility of Fayette County.

Fee Schedule:

Due within 30 days of signed contact.	\$ <u>164,987.00</u>
Year 2	\$ <u>93,500.00</u>
Year 3	\$ <u>93,500.00</u>
Year 4	\$ <u>93,500.00</u>
Year 5	\$ <u>93,500.00</u>
Year 6	\$ <u>93,500.00</u>

Schedule

Installation and "Go Live" for these additional 7 workstations will not occur until the existing c-Live environment, already installed at the Fayette County, GA 9-1-1 center is transitioned to a live environment for 9-1-1 calls. It is anticipated that this will occur in June 2020. If that

schedule is maintained, the additional 12 workstations will be installed by the end of **July 2020**. It is anticipated that testing and acceptance of the 12 new workstations will occur in **August 2020**. Exact dates are still to be determined between Carbyne and Fayette County, GA 9-1-1.

Responsibilities

The following allowances will be provided to Fayette County, GA **not to exceed \$56,300**:

- Obtain Eventide licenses
- Provision, install and mount monitors and KVM switches
- Provision and Install Windows workstations with Windows 10 OS according to Carbyne specifications
- Provision mice and keyboards
- 24/7 Ergonomic Dispatcher chairs
- Provide headsets (connector type TBD)

Any unused allowance money will be applied as a credit to Fayette County in the following year's billing.

Fayette County will be responsible for:

- Provisioning and Installation of horizontal cabling (Comms Room to new c-Live positions)
- Labor to install and setup all allowed equipment.

The following items are the responsibility of Carbyne:

- Provision and install Cisco phones and accompanying licenses
- Provision UCCX licensing
- Provision NexTalk TTY licensing
- Providing audio arbitration (mixing) for Carbyne Instant Recall Recorder (IRR) & Cisco phones - note that there will be no Web Relay Data Communications Channels (DCC) since there are no radios
- Providing an additional Power over Ethernet (POE) switch (if capacity of existing switch is full)
- Install patch cabling (PC-to-phone and rack patching etc.)
- Provide Genovation keypads

Contingencies

The following contingencies must be met prior to this Change Order being executed:

- c-Live must be successfully cutover to live 9-1-1 traffic in June 2020

Signatures

Steve Rapson – Fayette County, GA County Administrator



Rob Clark - Carbyne North America General Manager