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Chakevia Jones, Planning & Zoning Coordinator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**April 19, 2018**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on April 5, 2018.

**NEW BUSINESS**

2. Consideration of a Final Plat of Jet Food Stores. The property will consist of two residential lots zoned R-40, is located in Land Lot 58 of the 5<sup>th</sup> District and front(s) on S.R. 92.

**OLD BUSINESS**

3. Discussion of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses.
4. Discussion of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.
5. Discussion of auto brokers and internet sales in the O-I zoning district.
6. Discussion of tourist accommodations.

POSTED 4/13/18\_\_\_\_\_

To: Fayette County Planning Commission  
From: Chanelle Blaine, Zoning Administrator  
Date: April 13, 2018  
Subject: Final Plat to be considered April 19, 2018

**FINAL PLAT**

Final Plat of Jet Food Stores

**OWNER/APPLICANT**

Jet Food Stores, Owner

Recommend **APPROVAL** for the Final Plat.







*Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.*

*Front door* means the main entrance to a residence or building which is normally oriented to a street.

*Front yard, primary* means on a corner lot, the area between a property line adjacent to a street of which the front of the principal structure is oriented to and the front building line or, or if the front door is not clearly oriented to one street, a line running parallel to the front plane of the principal structure extending the full width of the lot shall be considered the primary front yard.

*Front yard, primary* means on a corner lot, the area between a property line adjacent to a street of which the front of the principal structure is oriented to and the front building line or, if the angle of the front of the principal structure to the street is 20 degrees or greater, a line running parallel to the front plane of the principal structure extending the full width of the lot shall be considered the primary front yard.

*Front yard, primary* means on a corner lot, the area between a property line adjacent to a street and a line running parallel to the front plane of the principal structure, as indicated by the presence of the front door, extending the full width.

*Front yard, secondary* means on a corner lot, the area between a property line adjacent to a street and the ~~front building line~~ principal structure outside of the primary front yard.

*Principal structure, front* means the wall/plane of the principal structure in which the front door is located.







**Secondary Front with  
Increased setback**

**Primary Front**

**Side Yard**

**Secondary Front**

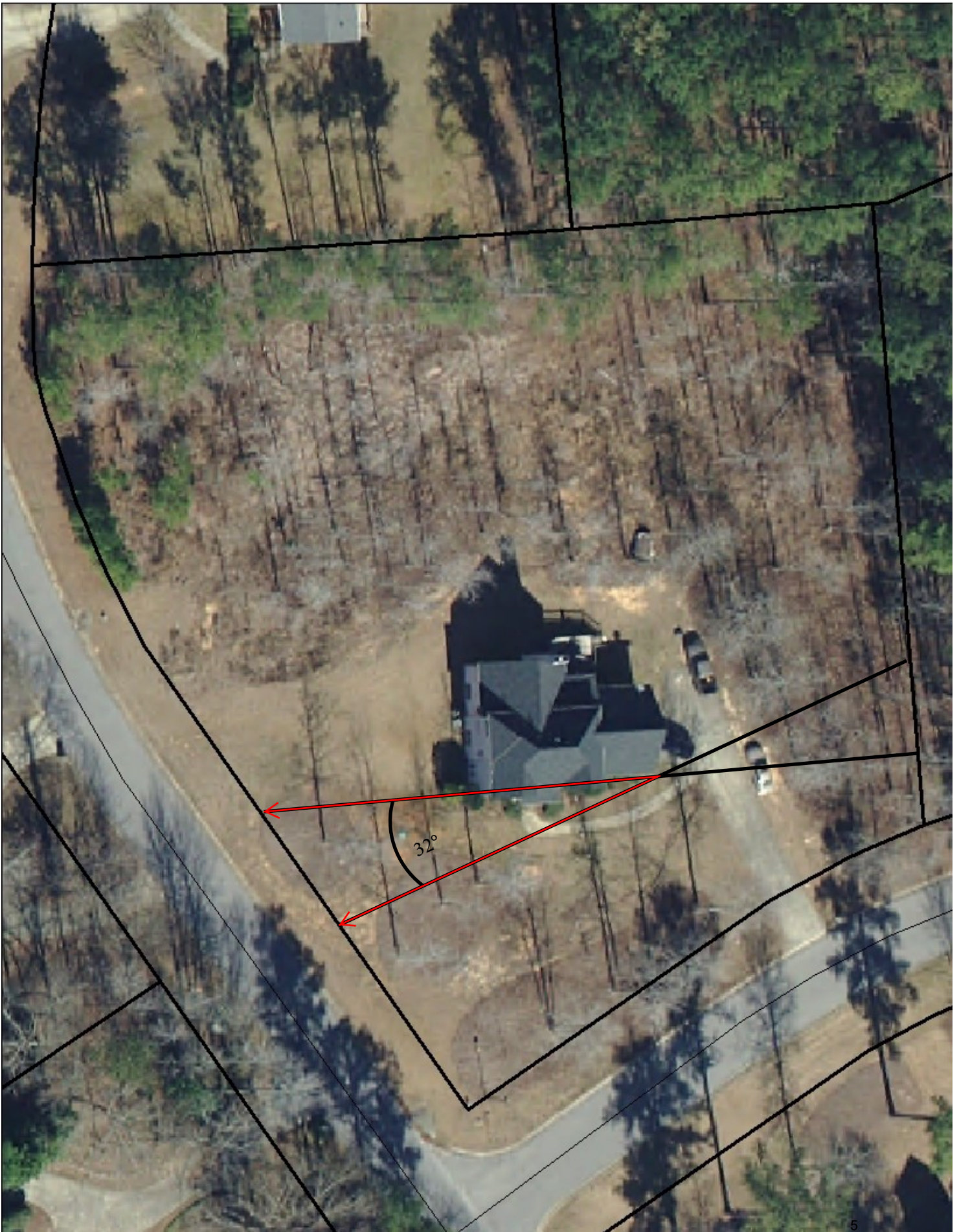


































**Sec. 104-603. Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.**

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations, and establish the front, side and rear yards on a nonconforming landlocked lot. This procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot and/or the orientation of the lot access will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of a Minor Subdivision Plat or Final Plat, as applicable.

Signage shall be posted on property for which the procedure is sought. One sign is required for each street frontage/access of said property and one sign shall be placed on the building portion of the property. The signage shall be posted not more than 45 calendar days, nor less than 15 calendar days prior to the meeting to consider the procedure before the planning commission.



Sec. 110-3. – Definitions.

Electronic Commerce (E-Commerce) means a business engaged in transactions via the internet or an internet based platform. These transactions can include taking orders, closing sales, and or making purchases.

Goods means items which are sold, leased or traded in the normal course of a firm's business.

~~Stock in trade means goods held by a business for sale.~~

Inventory means a complete listing of merchandise or stock on hand.

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

- (a) Description of district. This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) Permitted principal uses and structures. The following permitted uses shall be allowed in the O-I zoning district:

(18) Electronic Commerce (E-Commerce), provided that no goods are offered and or inventory held for sale on the premises.

- (d) Conditional uses. The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:

(14) Electronic Commerce (E-Commerce)

Section 110-169 Conditional use approval.

Electronic Commerce (E-Commerce). Allowed in the O-I zoning district.

- 1. All electronic commerce sales facilities shall comply with the following conditions:
  - (i) No goods are offered for sale on the premises.
  - (ii) No inside or outside storage of goods and or inventory shall be permitted.
  - ~~(iii) Inside storage is limited to 25%? of the total floor space per business (not including volatile/flammable products?).~~

Example of E-Commerce Businesses:

- Warby Parker
- Casper



## **Existing Regulations**

### **ARTICLE VI. - TOURIST ACCOMMODATIONS**

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

#### **Zoning Ordinance**

##### **Sec. 110-3. - Definitions.**

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Campground facilities means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term " hotel" includes the term "motel".

#### **Tourist Accommodation Types**

##### **Non-Residential Zoning:**

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

(b) Permitted principal uses and structures.

(7) Hotel

(d) Conditional uses.

(3) Bed and breakfast inn

Sec. 110-143. - C-C, Community Commercial District. **NOT INCLUDED IN ZONING DISTRICT?**

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

(b) Permitted principal uses and structures. (39) Hotel

(d) Conditional uses.

(6) Bed and breakfast inn,

(7) Campground facilities

Sec. 110-169. - Conditional use approval.

J. Bed and breakfast inn. Allowed in the C-H and O-J zoning districts.

1. The bed and breakfast inn shall be limited to no more than ten guestrooms. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.



3. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.

k. Campground facilities. Allowed in the C-H zoning district.

1. Campsites shall be utilized by recreational vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
2. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
3. Campground facilities shall be permitted only on a lot which fronts on a major thoroughfare (as designated by the county thoroughfare plan). All access is limited to the major thoroughfare only.
4. The lot area shall be at least ten acres.
5. The maximum density shall not exceed four campsites per gross acre.
6. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility casements, and signs (see chapter 108).
7. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
  - (i) Front yard: 75 feet.
  - (ii) Side yard: 25 feet.
  - (iii) Rear yard: 25 feet.
8. At least ten percent of the gross acreage shall be reserved for recreational areas.
9. Accessory uses shall be allowed provided that the following requirements are met:
  - (i) Such uses and structures shall be restricted to the use of occupants of the park and their guests.
  - (ii) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections (2)h.6 and 7 of this section.
  - (iii) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
  - (iv) Total floor area for all structures listed in subsection (2)h.9(iii) of this section shall not exceed 3,000 square feet.
  - (v) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.



10. The site plan for the proposed campground (including all accessory structures) shall be approved by the county environmental health department.

Sec. 110-149. - Planned unit development. (f) Planned retreat and/or lodge. (Is a Tourist Accommodation by definition above.)

### **Residential Zoning:**

Sec. 110-125. - A-R, Agricultural-Residential District.

(c) Conditional uses.

(3) A-R bed and breakfast inn

f. A-R bed and breakfast inn. Allowed in the A-R zoning district.

1. Minimum lot size: ten (10) acres.
2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
3. Ownership.
  - i. If the A-R bed and breakfast inn is not owned by a corporation or partnership, the A-R bed and breakfast inn operator shall be the owner/occupant of the property.
  - ii. If the property and the A-R bed and breakfast inn business are owned by a corporation or partnership, the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.
4. 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.
5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

GOAL: Add Tourist Accommodations to residential zoning districts and allow them on properties zoned non-residential that are being used residentially. Tourist Accommodations are separated into three types:

Short term whole house rental

Short term partial house rental

A-R Bed and Breakfast Inn (Existing Conditional Use).



Short term whole house rental

- lot must be a minimum of five (5) acres
- lot cannot be in a platted subdivision where lot's addressed access is an Internal Local

Short term partial house rental

- on lots of less than five acres
- on a lot in a platted subdivision based on road classification (Internal Local)

No accessory structure guesthouse shall be used as a Tourist Accommodation  
Fire Marshall will require sprinkler system in all Tourist Accommodations

Residential -A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, PUD-PRD, PUD-PRL

Non-residential - O-I, C-C, C-H, L-C 1, L-C 2, M-1, M-2, BTP, G-B

*EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, **L-C 1, L-C 2**, M-1, M-2, and BTP.*

*Definition*

*Short term partial house rental means the rental of a residence for 30 consecutive days or less where the owner or long term renter of the residence resides in the residence during the time of the short term rental.*

*Short term whole house rental means the rental of a residence for 30 consecutive days or less where the owner or long term renter of the residence does not reside in the residence during the time of the short term rental.*

*Conditional uses.*

*(?)Short term whole house rental and partial house rental;*

*Short term whole house rental and partial house rental. Allowed in the ..... zoning districts.*

- A short term whole house rental and partial house rental shall comply with Article VI. - Tourist Accommodations.
- Meal service shall not be provided to tourists in a short term whole house rental or partial house rental.
- A tourist accommodation with a short term whole house rental is allowed on a lot on a lot with a minimum of five (5) acres and which not does have its addressed access on a street designated as an Internal Local by the county thoroughfare plan and/or the county engineer.
- A tourist accommodation on a lot which is less than five (5) acres in size shall be limited to short term partial house rental only.
- A tourist accommodation on a lot which has its addressed access on a street designated as an Internal Local by the county thoroughfare plan and/or the county engineer shall be limited to short term partial house rental only.