

BOARD MEMBERS

Brian Haren, Chairman
John H. Culbreth, Sr., Vice-Chairman
Al Gilbert
Jim Graw
Danny England

STAFF

Peter A. Frisina, Director of Community Services
Chanelle N. Blaine, Zoning Administrator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
September 6, 2018
7:00 pm

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

1. Consideration of the Minutes of the meeting held on August 26, 2018.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of The Estate of Lee R. & Omie C. Bailey. The property will consist of four residential lots zoned A-R, is located in Land Lot 129 of the 4th District and front(s) on GA Highway 85 Connector.

PUBLIC HEARING

3. Consideration of Petition No. 1278-18, Betty Shubert, Owner, and Trent Foster, Agent, request to rezone 48.943 acres from A-R to R-50 to develop a residential subdivision consisting of 36 lots. This property is located in land lot 104 of the 7th District and fronts on Dogwood Trail.
4. Consideration of Petition No. 1279A-18, John Richard Halbert, Owner, request to rezone a total of .29 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting 23 lots in conjunction with Petition No. 1279B-18. This property is located in Land Lot 228 of the 4th District and fronts on SR 85 South.
5. Consideration of Petition No. 1279B-18, John Richard Halbert, Owner, request to rezone a total of 18.34 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting 23 lots in conjunction with Petition No. 1279A-18. This property is located in Land Lot 228 of the 4th District and fronts on Goza Road.
6. Consideration of amendments to Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportatiion Corridor Overlay Zones and Commercial Development Standards.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: August 29, 2018
Subject: Minor Subdivision Plat to be considered on September 6, 2018

FINAL PLAT

MSP of the Estate of Lee R. & Omie C. Bailey

OWNER/APPLICANT 

Richard C. Bailey – Estate Executor

Recommend **APPROVAL** for the Minor Subdivision Plat.

MINOR SUBDIVISION PLAT
OF
THE ESTATE OF LEE R. AND OMIE C. BAILEY

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE 8/29/18

SIGNED [Signature]
ENVIRONMENTAL HEALTH
SPECIALIST

APPROVED BY FAYETTE COUNTY STORMWATER MANAGEMENT DEPARTMENT

DATE _____

SIGNED _____
ENVIRONMENTAL MANAGEMENT DIRECTOR

APPROVED BY FAYETTE COUNTY ENGINEER

DATE _____

SIGNED _____
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION 1/1

DATE _____

SIGNED _____
SECRETARY

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

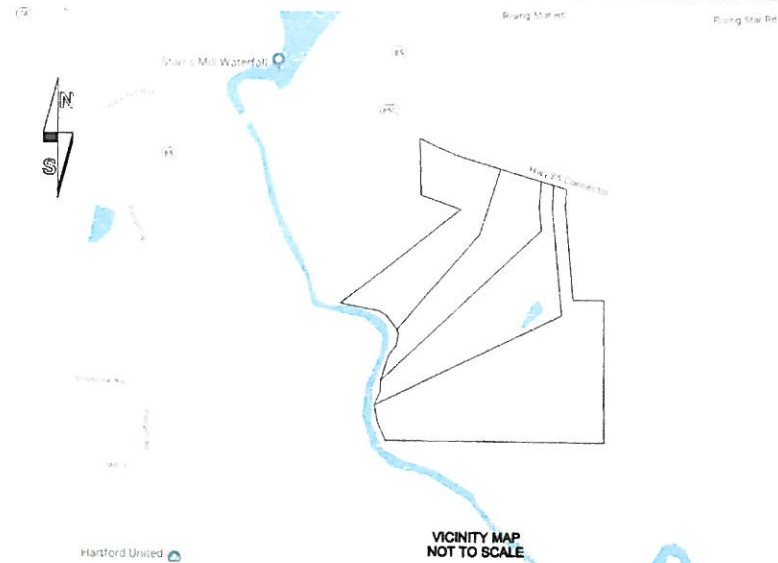
DATE 8/29/18

SIGNED [Signature]
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

DATE _____

SIGNED _____
FIRE MARSHAL



SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1620

DATE: 08/27/18

OWNER'S CERTIFICATION

I, THE UNDERSIGNED OWNER/REPRESENTATIVE OF THE ESTATE OF LEE R. AND OMIE C. BAILEY SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

OWNER [Signature] DATE 8-28-18
Trustee of Omie C. Bailey Estate

SOILS CLASSIFICATION DELINEATION

I, ERIC A. HAMILTON, DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY APPLIED ENVIRONMENTAL SCIENCES, INC. 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 _____ DATE _____
DPH CERTIFIED SOIL CLASSIFIER
REGISTRATION NO. _____
APPLIED ENVIRONMENTAL SCIENCES, INC.
90-F GLENDA TRACE, #327
NEWNAN, GA 30264

GENERAL NOTES

- OWNER:
RICHARD C. BAILEY - ESTATE EXECUTOR
6525 WILLOW BRIDGE DRIVE
FAIRHOPE, AL 36532
251-422-0872
- SURVEYOR:
S. A. GASKINS & ASSOCIATES, LLC
P.O. BOX 303
BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com
- TOTAL ACREAGE: 70.2 ACRES
- 4 LOTS- ZONED A-R
A PORTION OF THIS TRACT WAS REZONED FROM R-20 TO A-R, PETITION NUMBER 1295-18, APPROVED 06/28/18.
MINIMUM DIMENSIONAL REQUIREMENTS FOR A-R ZONING DISTRICT
LOT AREA: 5 ACRES
LOT WIDTH: 250 FT
FLOOR AREA: 1,200 SQ FT
FRONT YARD SETBACK:
MAJOR THOROUGHFARE
ARTERIAL: 100 FEET
COLLECTOR: 100 FEET
MINOR THOROUGHFARE: 75 FEET
REAR YARD SETBACK: 75 FT
SIDE YARD SETBACK: 50 FT
- SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER TO BE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY. (D.B. 1025, PG. 135-136 & D.B. 33, PG. 217-218)
- THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0134E, DATED SEPTEMBER 28, 2008 MAP, A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF AT LEAST TWO ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE STATE WATERS ON THIS PROPERTY.
- THERE ARE WETLANDS LOCATED ON THIS PROPERTY ALONG WHITEWATER CREEK AS SHOWN ON THE FAYETTE COUNTY GIS MAPS. 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.
- FIFTY FEET AS MEASURED FROM THE CENTERLINE SHALL BE DEDICATED TO CREATE A RIGHT OF WAY. SAID RIGHT-OF-WAY SHALL BE INDICATED HEREON AND IS HEREBY DEEDED TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AT NO COST TO FAYETTE COUNTY. UPON RECORDATION OF SAID MINOR SUBDIVISION PLAT INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS.
- LOTS 1-4 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.



Prepared For:

THE ESTATE OF
LEE R. & OMIE C. BAILEY

Property Location

Land Lot 129 Of The 4th Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 18-078

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 07/02/18

F.W.P.D.: 09/28/17

Revisions Date

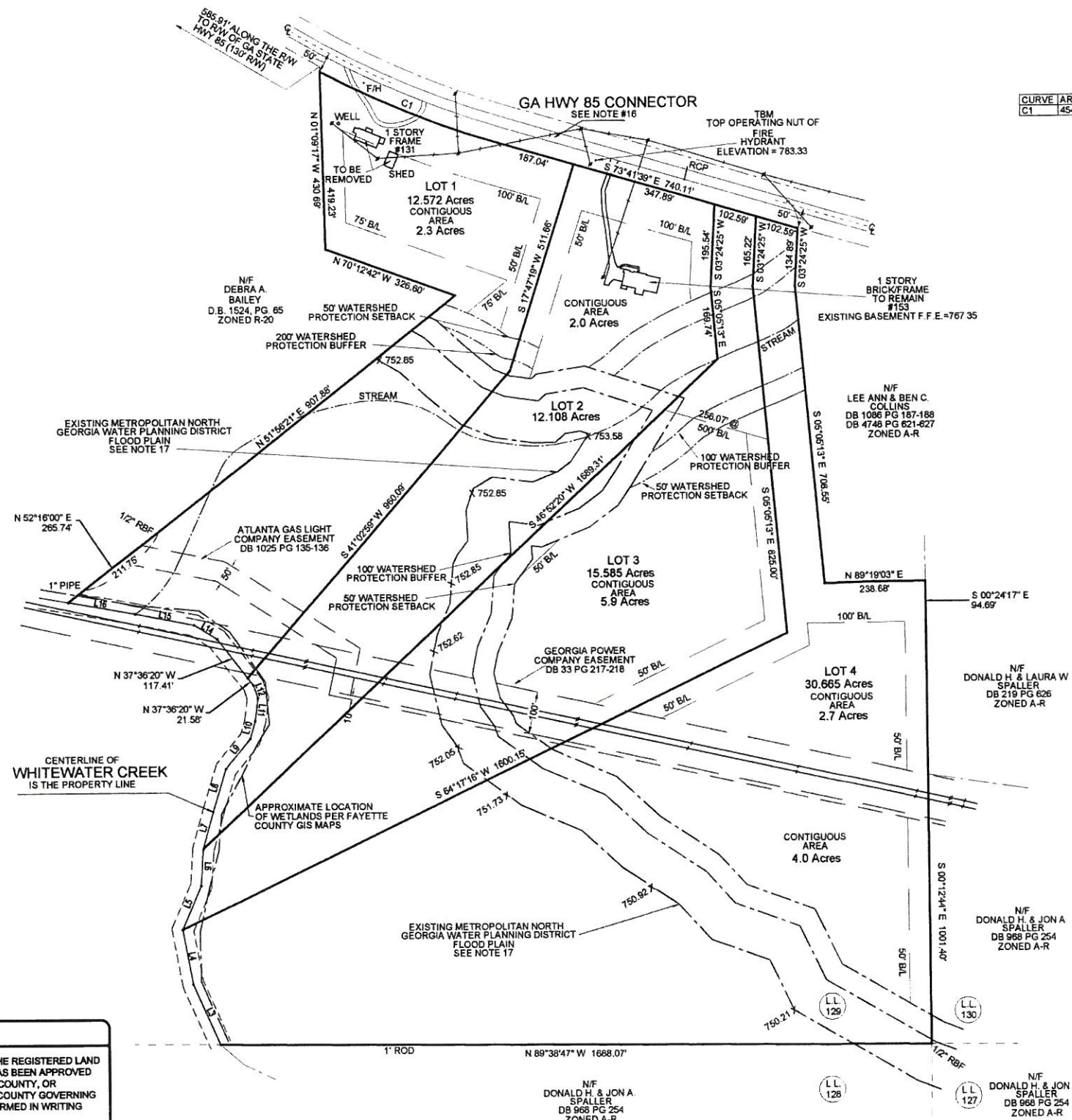
County Comments 07/26/18

County Comments 08/27/18

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OF THE SUPERIOR COURT.

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK
PERFORMED DATE
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
#=#=HOUSE NUMBER
U/P=UTILITY POLE
R/W=RIGHT OF WAY
TBM=TEMPORARY BENCHMARK
F.H.=FIRE HYDRANT



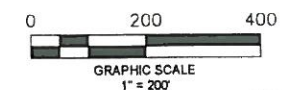
CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	454.64'	2156.06'	1453.80'	S 67°57'34" E

LINE	BEARING	DISTANCE
L3	N 23°45'02" W	155.84'
L4	N 10°32'03" W	130.70'
L5	N 23°15'15" E	113.42'
L6	N 03°45'04" E	86.55'
L7	N 15°26'58" E	91.83'
L8	N 16°57'12" E	106.27'
L9	N 38°14'58" E	91.66'
L10	N 16°41'09" E	43.84'
L11	N 07°32'28" E	55.24'
L12	S 19°16'57" E	32.16'
L13	N 37°36'20" W	117.41'
L14	N 58°16'21" W	63.13'
L15	S 78°43'28" E	140.99'
L16	S 78°55'57" E	161.44'

LOT	M.F.F.E.
1	756.60
2	756.60
3	756.60
4	754.09



GRID NORTH GA WEST
ZONE NAD 83



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BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE: 08/27/18

Job No. 18-078

Drawn By: R.D.G. Reviewed By: R.M.B.

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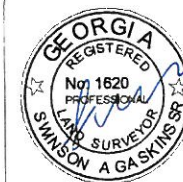
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THE ESTATE OF
LEE R. & OMIE C. BAILEY

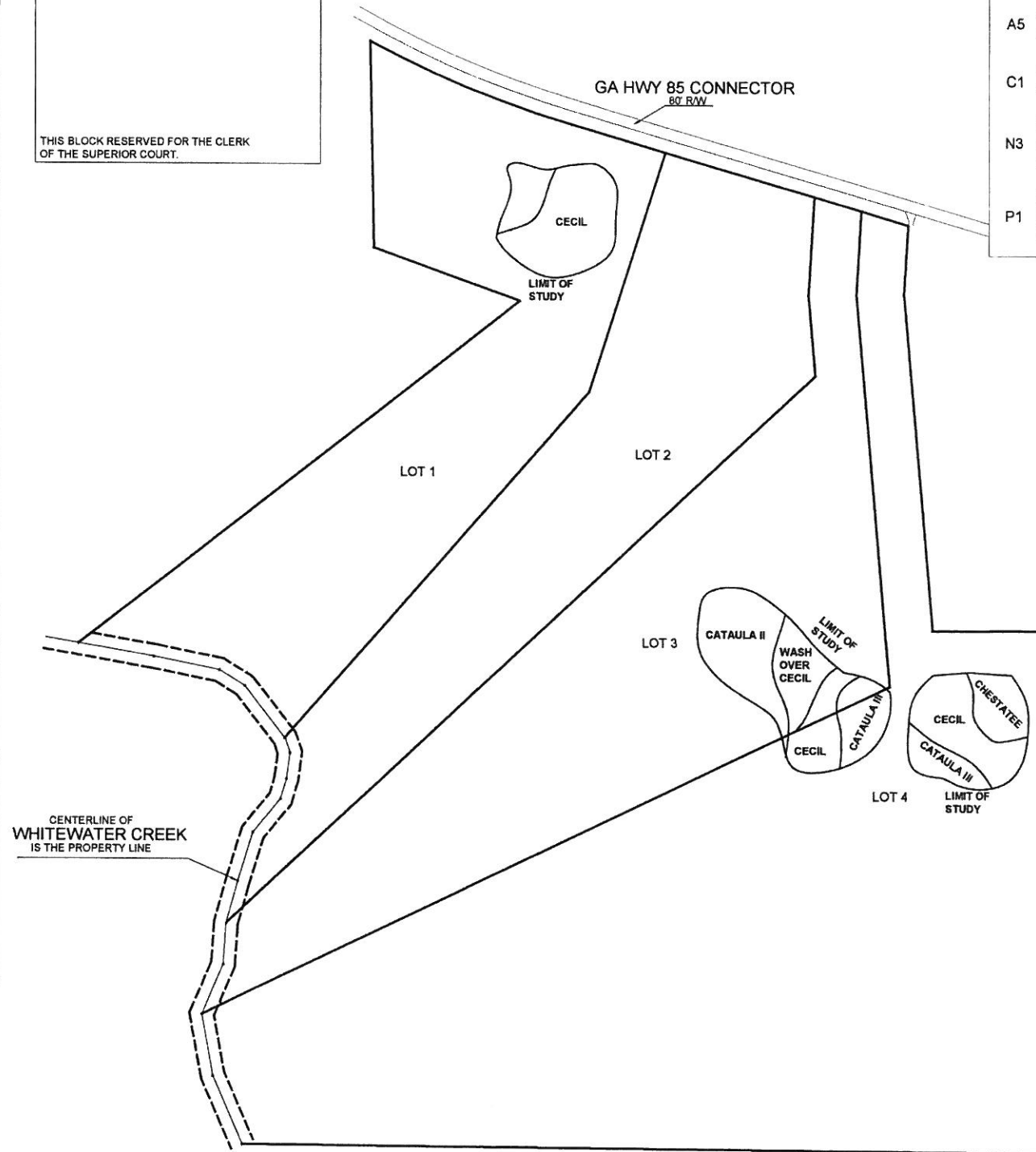
Property Location

Land Lot 129 Of The 4th Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
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678-571-3054
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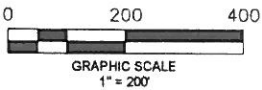


SOIL SUITABILITY LEGEND

- A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- A2 Soils consist of local alluvium or wash over natural soils. Residual soil is suitable for conventional absorption field installation at recommended trench depth. Storm water runoff should be diverted from this area if it is used for absorption field.
- A5 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance. The Bt horizon shows some evidence of slow percolation, substratum is well drained. Trenches installed at the recommended depth should function effectively.
- C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.
- N3 Soils contain somewhat shallow parent material and weathered rock. Hand auger borings have been advanced to a depth of 6 feet and parent material is generally suitable for conventional absorption field installation. Estimated perc rate accounts for presence of seams of weathered rock.
- P1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance. Absorption trenches must be installed at least 24 inches above seasonal high water table to function effectively. Seasonal high water table indicators were observed between 54 and 60 inches. Installations deeper than 30 inches may require a treatment system producing Class 1 effluent.

SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit Code
Cataula II	>72	30 (PWT)	2-8	12-18	----	0.10	C1
Cecil	>72	>72	2-10	30-48	60	----	A1
Cecil Variant	>72	>72	2-10	48-60	60	----	A5
Cecil Wet Variant	>72	54-60	2-6	18-30	75	----	P1
Gwinnett	>72	>72	6-10	24-36	60	----	N3
Wash over Cecil	>72	>72	2-10	30-48	65	----	A2



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Prepared For:

THE ESTATE OF
LEE R. & OMIE C. BAILEY

Property Location

Land Lot 129 Of The 4th Land District
Fayette County, Georgia

REQUESTED ACTION: A-R to R-50

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Dogwood Trail

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 104

OWNER: Betty Shubert

AGENT: Trent Foster

PLANNING COMMISSION PUBLIC HEARING: September 6 , 2018

BOARD OF COMMISSIONERS PUBLIC HEARING: September 27, 2018

APPLICANT'S INTENT

Applicant proposes to develop a Residential Subdivision consisting of 36 lots on 48.943 acres.

STAFF RECOMMENDATION

Approval with One (1) Condition

INVESTIGATION

A. PROPERTY SITE

The subject property is a 48.943 acre tract fronting on Dogwood Trail in Land Lot 104 of the 7th District. Dogwood Trail is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence, mobile home and barn and is currently zoned A-R.

History: The subject property was a portion of rezoning 1256-16. The request was to rezone from A-R to R-50 to develop a single-family residential subdivision consisting of 68 lots on 100.967 acres. The request was denied by the Board of Commissioners on June 23, 2016.

B. SURROUNDING ZONING AND USES

The general situation is a 48.943 acres tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-75. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across Dogwood Trail)	39.23	R-20 (Tyrone)	Proposed one acre subdivision	Rural-Estate Residential (Tyrone)
	11.8	A-R	Single-Family Residential	Low Density Residential (1Unit/1 Acre)
	6.0	A-R	Single-Family Residential	
	18.17	R-75	Undeveloped	
South	Three lots in Kedron Hills Sub-division (PTC) ranging in size from .8 to 1.06 acres	R-22 (Peachtree City)	Single-Family Residential	Single Family Medium (.25 to 1.0 acres) (PTC)
East	51.89	A-R	Undeveloped	Low Density Residential (1Unit/1 Acre)
West	44.4	A-R	Single-Family Residential	Low Density Residential (1Unit/1 Acre)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit / 1 Acre) and Environmentally Sensitive Areas (floodplain). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-50 for the purpose of developing a Residential Subdivision. A survey of the property, submitted with the rezoning, indicates a single-family residence, mobile home and barn located on the subject property. Some of these structures appear to be non-conforming. The applicant has indicated to Staff that the existing structures will be removed from the subject property. Staff will not approve the Final Plat until the existing structures have been removed from the subject property or have been shown to be in compliance.

Peachtree City Comments

It is a practice to notify municipalities of rezoning requests that abut the municipal limits. The Peachtree City Planner submitted the following comments:

1. The length of the cul-de-sac is excessively long (over ½ mile). Should any flooding or other emergency events occur that block this road, residents do not have a safe alternative option for exiting the property. For public safety, the City has adopted an ordinance that limits the length of a cul-de-sac to 1,200 feet.

(Sec. 104-597, (5) a. of the Fayette County Subdivision Regulations states the following:

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.

County regulations do not address the length of a cul-de-sac but instead regulates the number of lots that can be within a subdivision on one entrance. The proposed subdivision does not meet the 75 lot threshold for a second entrance.)

2. **As the Dogwood Trail corridor continues to develop into residential use, the City would encourage the County to require inter-parcel access between these developments. A 50-foot wide right-of-way strip should be preserved between the cul-de-sac and the east and west property lines to allow future residential development on adjacent parcels to tie into the proposed cul-de-sac.**

(Fayette County regulations do not require inter-parcel access for residential development nor has the County required it otherwise.)

3. **The detention pond is located adjacent to the City boundary. We request that the perimeter of the facility be screened with evergreen landscaping to buffer all adjacent residents from the pond.**

(Staff is recommending a condition that a 20 foot buffer be established along the southern boundary of the stormwater detention facility adjacent to Peachtree City to screen it from existing residential lots in Peachtree City. Said buffer should be undisturbed to preserve existing vegetation and where existing vegetation is disturbed or is insufficient to create a screen, said buffer shall be planted per Article V Nonresidential Development Landscape requirements.)

4. **Peachtree City sewer is located within 250 feet of this property**

(The Concept Plan states under General Site Data #6 “All lots to be served by individual septic system and drain field.”)

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

Access

The Concept Plan submitted indicates one (1) access from Dogwood Trail.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

Deficiencies include, but not limited to:

Rear yard setbacks shown as 30 feet on lots 1 and 36 are actually side yard setbacks with a 20 foot setback as these lots are corner lots.

F. DEPARTMENTAL COMMENTS

Water System

Water available.

Public Works/Engineering

1. The Fayette County Thoroughfare Plan classifies Dogwood Road as a collector. As such, a Right-of-Way dedication shall be provided, as needed, to provide a uniform R/W width of 40 feet as measured from the existing centerline of Dogwood Road to the parcel's front property line.
2. Access to Dogwood Trail for these lots will be predominately from SR 74 and Tyrone Road. There is a traffic signal at Dogwood Trail and SR 74. The intersection of Dogwood Trail and Tyrone Road is stop-controlled on Dogwood.
3. According to GDOT on-line traffic data, Dogwood Trail has an annual average daily traffic count of 3,230 vpd. The project, with 36 lots, would add approximately 340 trips per day. This would increase the existing traffic on Dogwood Trail by 10.5%.
4. Even though the percent increase in traffic is above 8%, Engineering is not recommending a Traffic Impact Study be provided. The traffic signal to the west is GDOT's and the additional traffic from the development should have minimal impact on its operation. To the east, the intersection of Dogwood Trail and Tyrone Road is part of the Tyrone Road Corridor Study (SPLOST Project No. 17TAQ) and has some existing geometry concerns. Over a 24-hour period, the project is expected to add 85 additional vehicles (~ a 5.2% increase) on Dogwood that turn left or right onto Tyrone Road, and that's not enough to consider mitigation work at the intersection.
5. Minimum sight distances, as required by the Development Regulations, will have to be provided for the proposed new road intersection. That information is provided by the Developer, and checked by Engineering, at the Preliminary Plat stage.

Environmental Management

- 1) State water determination report will be required.
- 2) Watershed protection ordinance applies. Tributaries of Flat Creek buffer = 50'; setback = 25'.
- 3) Floodplain Management ordinance applies. The base flood elevation shall be included in the hydrology report.
- 4) Post-development Stormwater Management ordinance applies.

Environmental Health Department

No objections.

Fire

Must show fire hydrant locations.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-50 for the purpose of developing a Residential Subdivision. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit / 1 Acre) and Environmentally Sensitive Areas (floodplain). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **Approval with One (1) Condition.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-50 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That a 20 foot buffer shall be established along the southern boundary of the stormwater detention facility adjacent to Peachtree City to screen it from existing residential lots in Peachtree City. Said buffer should be undisturbed to preserve existing vegetation and where existing vegetation is disturbed or is insufficient to create a screen, said buffer shall be planted per Article V Nonresidential Development Landscape requirements

**1278-18
Zoning**

Tyrone

Tyrone

Dogwood Trail

**SUBJECT
PROPERTY**

R-75

A-R

A-R

A-R

A-R

A-R

R-70

R-70

A-R

R-70

R-70

A-R

A-R

A-R

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NA

NA

Farr Road

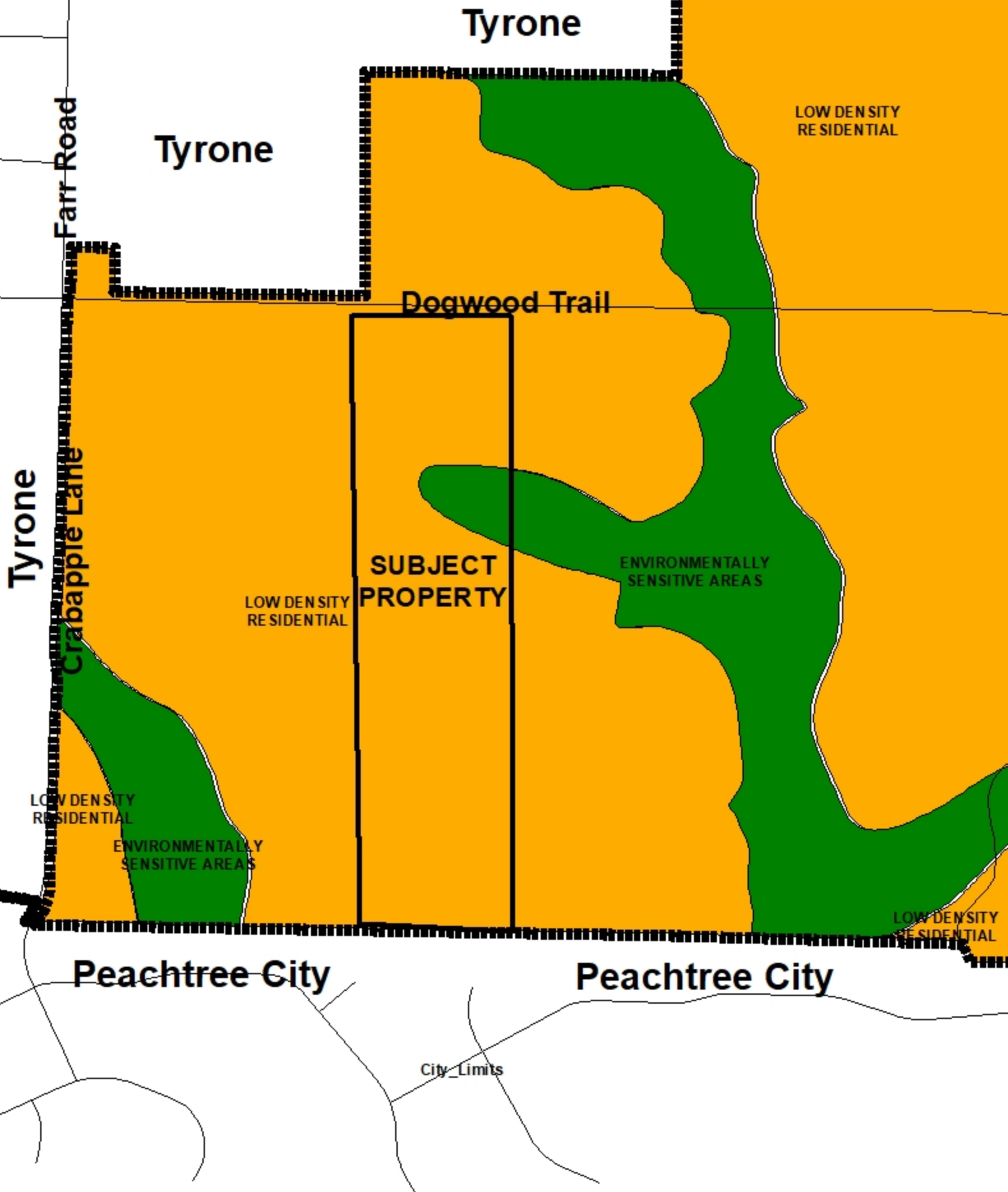
Crabapple Lane

Tyrone

Peachtree City

Peachtree City

**1278-18
Land Use Plan**



**1278-18
Aerials**



Tyrone

Tyrone

Dogwood Trail

SUBJECT
PROPERTY

Tyrone

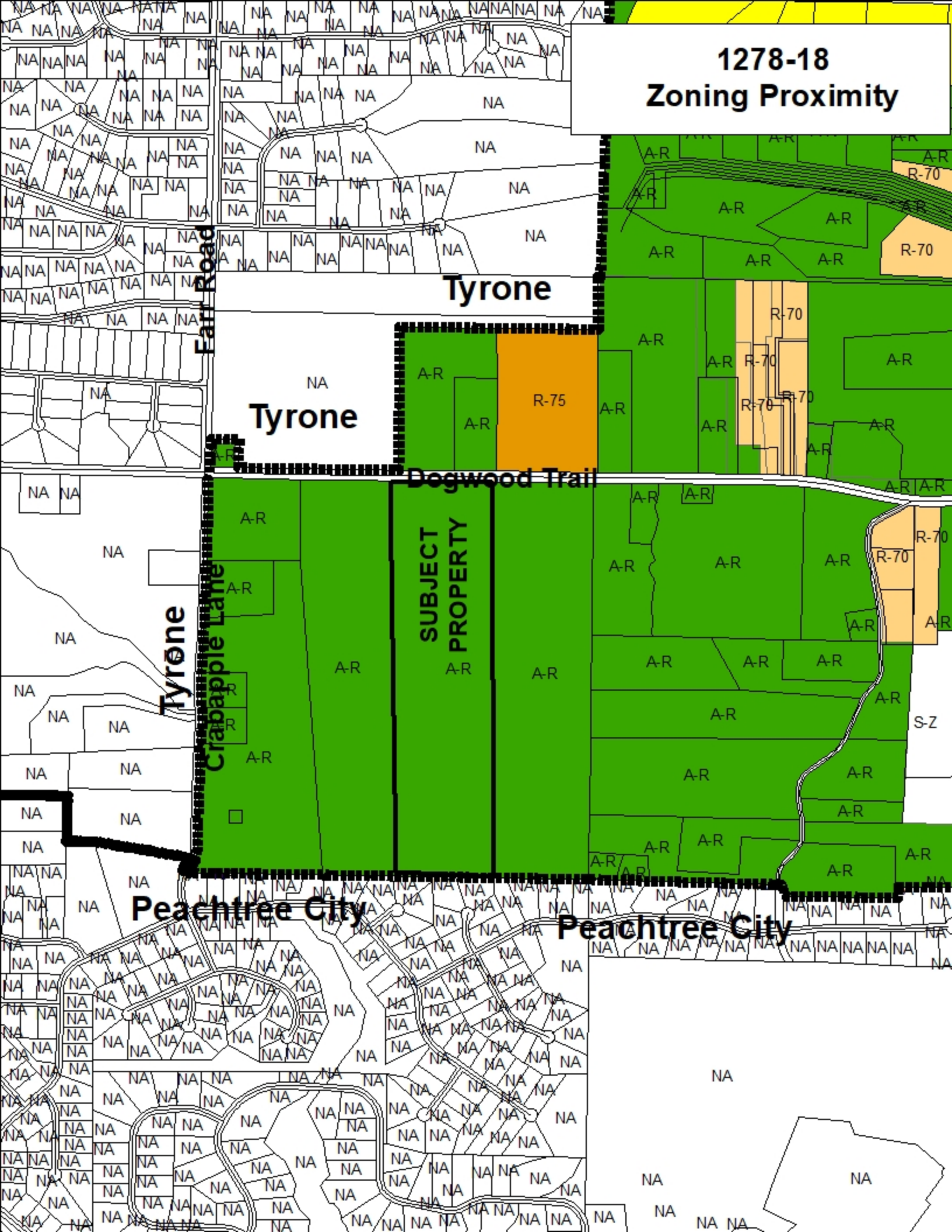
Farr Road

Crabapple Lane

Peachtree City

Peachtree City

1278-18
Zoning Proximity



APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: Betty Shubert

MAILING ADDRESS: 376 Dogwood TR.

PHONE: 770-487-4619 E-MAIL: _____

AGENT FOR OWNERS: Trent Foster

MAILING ADDRESS: 100 Glendalough Crt. B8 Tyrone GA. 30290

PHONE: 678-633-9928 E-MAIL: trent.foster@alllegiancedevelop.com

PROPERTY LOCATION: LAND LOT 104 LAND DISTRICT 7th PARCEL 0729009
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 49.9

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R50

ZONING OF SURROUNDING PROPERTIES: AR | Low Density Residential (7 Unit / 1 Acre)

PRESENT USE OF SUBJECT PROPERTY: residence

PROPOSED USE OF SUBJECT PROPERTY: Single Family Development

LAND USE PLAN DESIGNATION: 1 unit / per 1 acre

NAME AND TYPE OF ACCESS ROAD: Dogwood TR. | County

LOCATION OF NEAREST WATER LINE: At the road

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1278-18

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 8/1/2018

DATE OF PLANNING COMMISSION HEARING: September 6, 2018

DATE OF COUNTY COMMISSIONERS HEARING: September 27, 2018

Received from Trent Foster a check in the amount of \$ 470.00 for
application filing fee, and \$ 450.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: 8/1/2018 Receipt Number: 6382283 - Application
6382284 - Sign

NAME: Trent Foster PETITION NUMBER: _____ *

ADDRESS: 100 Glendalough Crt. BB, Tyrone GA 30290

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

Trent Foster affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R50.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or

☒ Legal description for subject property is as follows: attached pages

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th day of September, 20 18 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of September, 20 18 at 6:30 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1st DAY OF August, 20 18

George Ann Brown
NOTARY PUBLIC

[Signature]
APPLICANT'S SIGNATURE

X

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Betty Shubert

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0729-009

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 104 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 48.943 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Trent Foster to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Betty S. Shubert
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

[Signature]
Signature of Authorized Agent

PO Box 3852 Peachtree City Ga 30269
Address

[Signature]
Signature of Notary Public

7-25-2018
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

George Ann Brown
Signature of Notary Public

8-1-18
Date

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Betty Shubert, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 80 feet of right-of-way along Dogwood TR1. as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

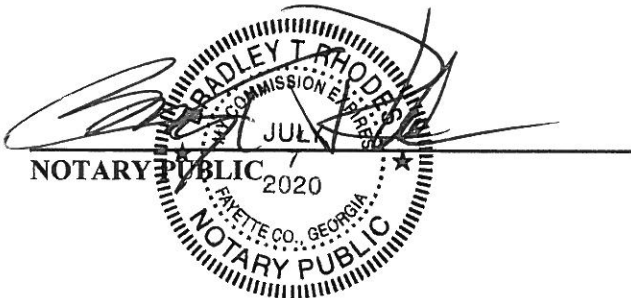
Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 25th day of July, 2018.

Betty S. Shubert
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



PETITION NO: 1279A-18 & 1279B-18

REQUESTED ACTION: A-R to R-80

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Goza Road and SR 85

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 228

OWNER: Rick Halbert

PLANNING COMMISSION PUBLIC HEARING: September 6 , 2018

BOARD OF COMMISSIONERS PUBLIC HEARING: September 27, 2018

APPLICANT'S INTENT

Applicant proposes to develop a Residential Subdivision consisting of 6 lots on 18.63 acres.

STAFF RECOMMENDATION

**Approval of Petition 1279A-18 with One (1) Condition
Approval of Petition 1279B-18 with One (1) Condition.**

INVESTIGATION

A. PROPERTY SITE

The subject property consists of a 18.34 acre tract fronting on Goza Road and a .29 acre tract fronting on SR 85, both tracts total 18.63 acres and will be heard as two (2) separate rezoning petitions. Goza Road is classified as a Minor Arterial and SR 85 is classified as Major Arterial road on the Fayette County Thoroughfare Plan. The subject property contains two single-family residences and several other structures.

B. SURROUNDING ZONING AND USES

The general situation is a 18.63 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.5 81.3	A-R A-R	Single-Family Residential Undeveloped Board of Education Property	Rural Residential-3 (1 Unit/ 3 Acres)
South (across Goza Road)	6.0	A-R	Single-Family Residential	Rural Residential-3 (1 Unit/ 3 Acres)
East	4.68	A-R	Undeveloped	Rural Residential-3 (1 Unit/ 3 Acres)
West	2.9	A-R	Single-Family Residential	Rural Residential-3 (1 Unit/ 3 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential-3 (1 Unit/ 3 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-80 for the purpose of developing a Residential Subdivision. A survey of the property, submitted with the rezoning, indicates several structures on the subject properties. Some of these structures appear to be non-conforming. The applicant has submitted a letter stating that it is his intent to remove all of the structures. Staff will not approve the Final Plat until the non-conforming structures are removed or have been shown to be in compliance.

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

F. DEPARTMENTAL COMMENTS

Water System

Water Available.

Public Works/Engineering

1. The Fayette County Thoroughfare Plan classifies Goza Road as an arterial. As such, a Right-of-Way dedication shall be provided, as needed, to provide a uniform R/W width of 50 feet as measured from the existing centerline of Goza Road to the parcel's front property line.
2. The nearest Goza Road intersections for this parcel are SR 85 to the west and Old Greenville Road to the east. There is a Goza Road stop sign with right turn lane at SR 85. Goza Road is free-flow at Old Greenville. There are no turn lanes at Old Greenville Road.
3. According to GDOT on-line traffic data, Goza Road has an annual average daily traffic count of 4,300 vpd. The project, 6 lots, would add approximately 55 trips per day. This would increase the existing traffic on Goza by 1.3%.
4. Minimum sight distances, as required by the Development Regulations, will have to be provided for each proposed lot. I conducted a site visit to the proposed rezoning tract, between SR 85 and BOE property. The roadway is gently sloped each way from a low point towards the eastern side of the property. The property is located on the outside portion of a curve. I did not notice any obvious problems with sight distance from any point on the property. However, this was not a detailed study, more of a cursory visit. More detailed studies might be required at the time of Final Plat submittal. That information is provided by the Developer, and checked by Engineering, at the Final Plat stage.
5. The Applicant is advised to check for minimum contiguous area on lots 3 and 4 once buffers are applied around the pond.

6. Recommended condition of rezoning: There shall be no access to the parcel(s) from SR 85.

Environmental Management

- 1) State water determination report will be required.
- 2) Watershed Protection Ordinance applies. Buffer = 50'; setback = 25'.
- 3) Floodplain Management Ordinance applies. Backwater area inundated by the 100 yr. storm event shall be called out.
- 4) Stormwater Management Ordinance may apply if determined there may be significant impacts on downstream properties.

Environmental Health Department

Our department has no comment on the rezoning request. We did communicate with Mr. Halbert by phone on August 9, 2018 and based on soil studies that he initiated is familiar with soil quality challenges that exist on portions of the property.

Fire

Must show fire hydrant locations.

GDOT

The existing access for the proposed new lot 1 from SR 85 can only access lot 1, no inter-parcel connectivity can be obtained across lot 1 to any of the other proposed lots, the access for the other lots should be obtained from Goza road.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-80 for the purpose of developing a Residential Subdivision. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Rural Residential-3 (1 Unit/ 3 Acres). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **Approval of Petition 1279A-18 with One (1) Condition and Approval of Petition 1279B-18 with One (1) Condition.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-80 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

Petition 1279A-18

1. There shall be no driveway access to the parcel(s) from SR 85. *(This condition based on comments from Public Works/Engineering and GDOT.)*

Petition 1279B-18

1. The owner/developer shall provide, at no cost to Fayette County, ten (10) feet of right-of-way on Goza Road and said dedication area shall be shown on the Final Plat. *(This condition based on comments from Public Works/Engineering.)*



August 16, 2018

Fayette County Planning and Zoning
140 W Stonewall Avenue
Fayetteville, GA 30214

RE: 1726 HWY 85 SOUTH

Mr. Pete Frisina,

The 18.6-acre tract was recently acquired for the purposes of possibly re-zoning and developing the property from the present state of condition. There are currently several structures on the property such as houses, sheds, mobile homes, out buildings, pool and other trash piles. There is an over grown fishing pond and pond shed along with several years of undergrowth, saplings, and weeds.

The plan is within the next few weeks to start the clean-up process. With mowing and cleaning. The plan is to demolish and remove the other structures prior to or during the re-zoning application process. The proper testing and procedures are in progress to enable demolition permitting. Once proper permits are acquired the demolition and removal process will begin.

Our goal, is to clean and beautify this property from its existing state as quickly as possible. It has been unattended for far too long.

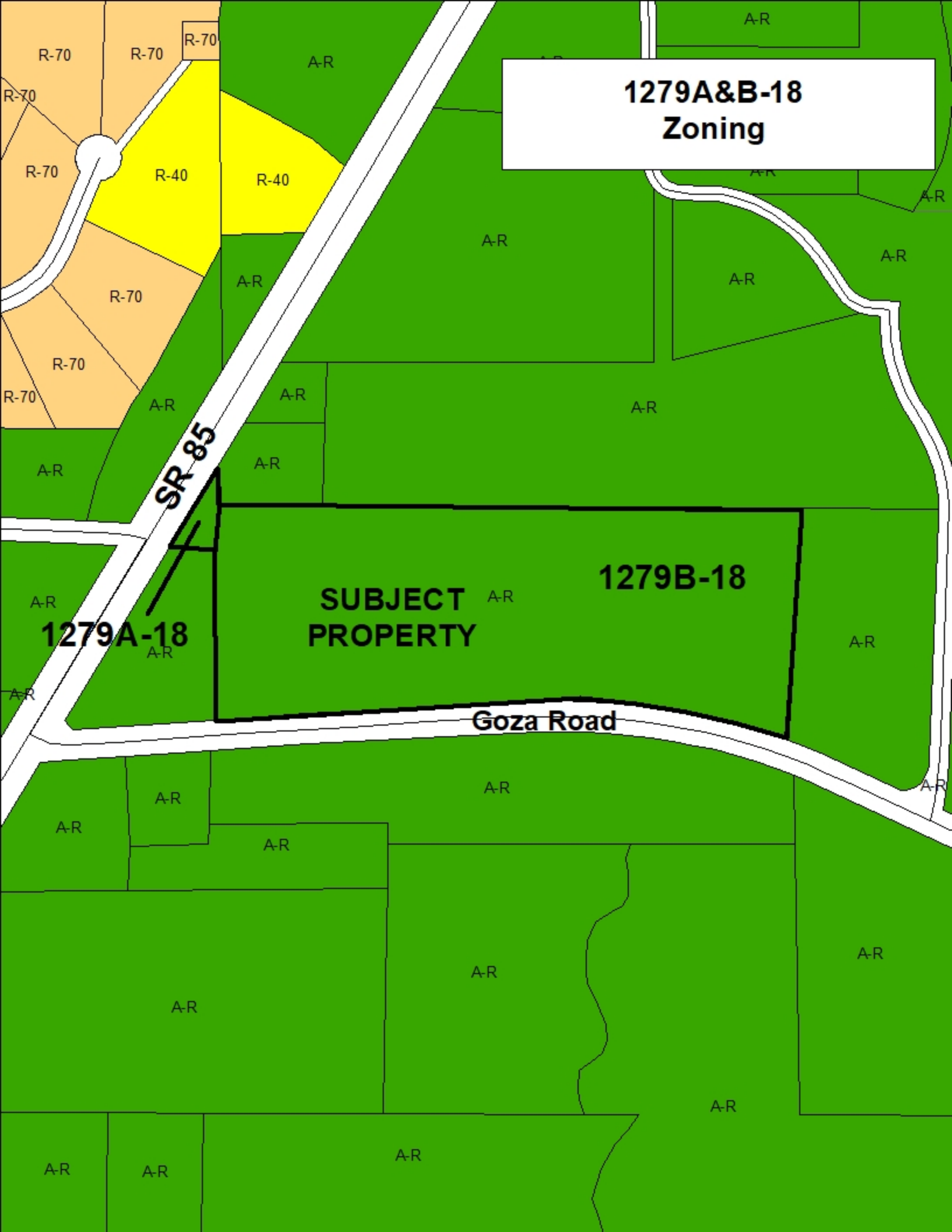
If you have any questions or concerns, please contact me at 770-616-8574

Thank you,

A handwritten signature in blue ink, appearing to read 'Rick Halbert', is written over a faint, larger version of the company logo.

Rick Halbert

**1279A&B-18
Zoning**



1279A&B-18
Land Use Plan

PUBLIC
FACILITIES/INSTITUTION

SR 85

1279A-18

**SUBJECT
PROPERTY**

1279B-18

RURAL
RESIDENTIAL
-3

Goza Road

**1279A&B-18
Aerials**

1279A-18

SR 85

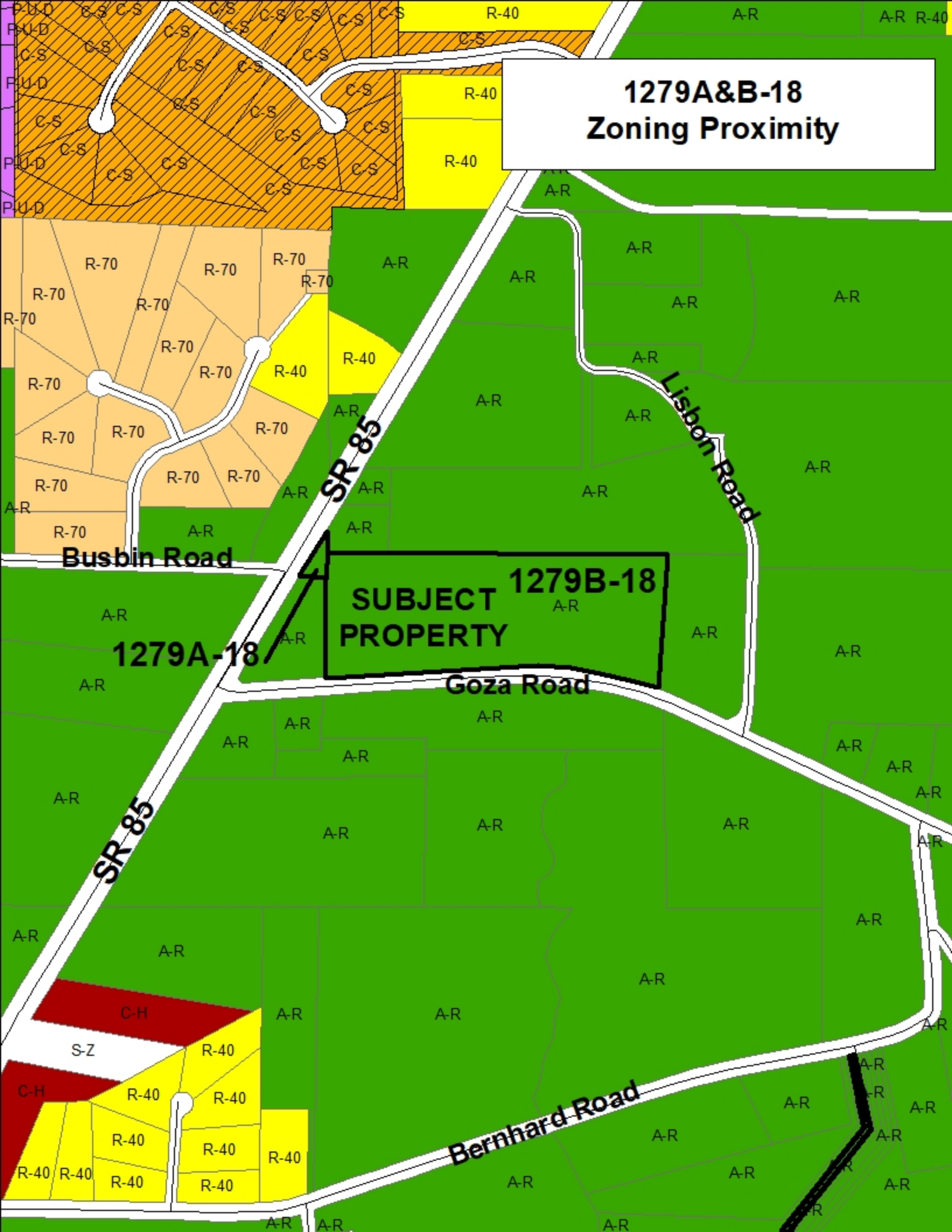
**SUBJECT
PROPERTY**

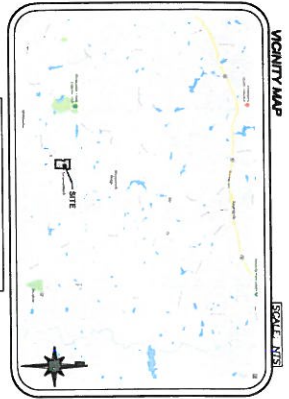
1279B-18

Goza Road



1279A&B-18 Zoning Proximity





NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AS PER FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA, DATED SEPTEMBER 26, 2008.

PROPERTY ADDRESS
1066 GOZA ROAD
FAYETTEVILLE, GA 30215

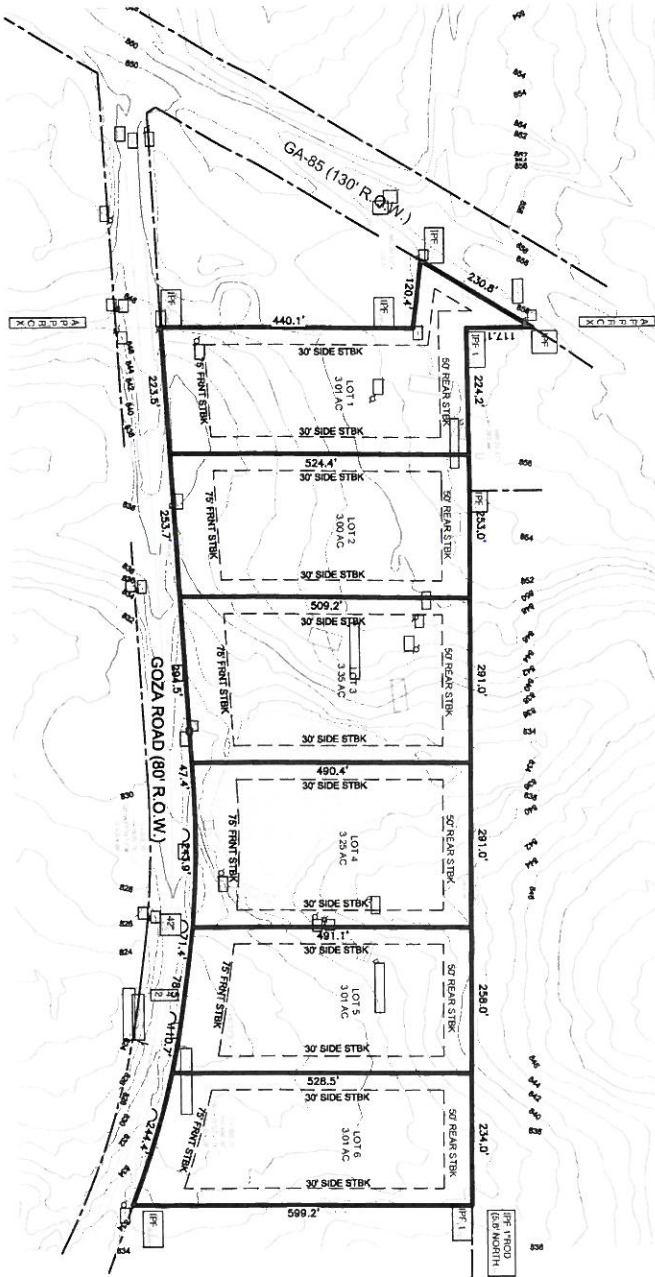
GPS LOCATION
LAT N33 37.4
LONG W84 47.9

DEVELOPER:
HALBERT DEVELOPMENT

24 HOUR CONTACT:
RICK HALBERT
770-616-8574

ENGINEERING CONTACT:
ROCHESTER & ASSOCIATES, INC.
286 HIGHWAY 314, SUITE A
FAYETTEVILLE, GA 30214
JEFF COLLINS
770-718-0600

SURVEY CONTACT:
ROCHESTER & ASSOCIATES, INC.
WAYNE POWERS, RLS
(770) 718-0600



SITE DATA TABLE	
ZONING (EXISTING)	A-1
ZONING (PROPOSED)	R-10
FUTURE LAND USE	RURAL RESIDENTIAL
MIN. LOT AREA	3 ACRES
EXISTING LOT AREA	1843 ACRES
SETBACKS	
FRONT	75 FT
SIDE	30 FT
REAR	50 FT
MIN. BLOCK HEIGHT	35 FT
MIN. BLOCK AREA	2500

NOTES:
1. SUBDIVISION PLANS INCLUDE REQUIRED RE-ZONING FROM A-1 TO R-10. THE RE-ZONING PROCESS IS THE RESPONSIBILITY OF THE OWNER. THE ENGINEER WILL BE RESPONSIBLE FOR ITS OWN STORMWATER MANAGEMENT. ARE NOT INCLUDED IN THE DESIGN OF THE PLANNED LOTS.

AUG 1 2018

GEORGIA811
www.georgia811.com

FOR REVIEW ONLY
07/18/18

DATE: 07/18/18
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 07/18/18

DATE: 07/18/18
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 07/18/18

GOZA ROAD SUBDIVISION
RICK HALBERT
FAYETTE COUNTY, GEORGIA

Rochester & Associates, Inc.
286 Highway 314, Suite A • Fayetteville, Georgia 30214
(770) 718 0600 (770) 718 9090 Fax • www.rochester-assoc.com

APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: Rick Halbert

MAILING ADDRESS: 440 OLD GREENVILLE ROAD, FAYETTEVILLE, GA

PHONE: 770-666-8574 E-MAIL: 30215

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 228 LAND DISTRICT 4 PARCEL TRACT 2
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: .29 ATTACHED TO 18.34

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R80

ZONING OF SURROUNDING PROPERTIES: A-R 2500SF / 3 ACRES

PRESENT USE OF SUBJECT PROPERTY: ABANDONED HOUSE

PROPOSED USE OF SUBJECT PROPERTY: Single-Family Residential

LAND USE PLAN DESIGNATION: Rural Residential (1 Unit / 3 acres)

NAME AND TYPE OF ACCESS ROAD: Hwy 85 & Goza Rd.

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1279-18 A

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 8/2/2018

DATE OF PLANNING COMMISSION HEARING: Sept. 6, 2018

DATE OF COUNTY COMMISSIONERS HEARING: Sept 27, 2018

Received from Rick Halbert a check in the amount of \$ 270.00 for

application filing fee, and \$ 2.50.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: 8/1/2018 Receipt Number: 6383722 - sign

6383720 - app.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0450011

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 228 of the 4 District, and (if applicable to more than one land district) Land Lot(s) N/A of the _____ District, and said property consists of a total of .29 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) ~~(We)~~ hereby delegate authority to Russ Hubbard ^{ATTACHED} to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.


Signature of Property Owner 1

Address

Signature of Property Owner 2

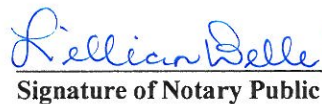
Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address


Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: JOHN RICHARD HALBERT PETITION NUMBER: _____

ADDRESS: 440 OLD GREENVILLE ROAD, FAYETTEVILLE, GA
30215

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JOHN RICHARD HALBERT affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) _____ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ _____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or

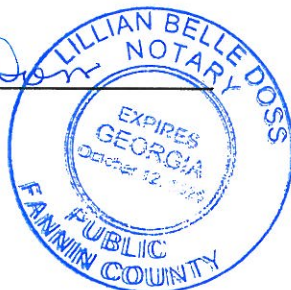
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1ST DAY OF August, 2018,

Lillian Belle Don
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JOHN RICHARD HALBERT, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ as measured from the centerline of the road.

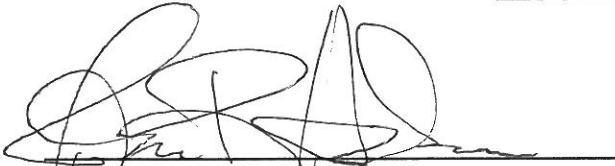
Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 15th day of AUGUST, 2018.



SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Lillian Belle Doss

NOTARY PUBLIC



DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ☐ No ☒ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and *CHARLES ROSSO Board of Commissioners*

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. *\$1000*

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and *Charles*

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: Rick Haubert

MAILING ADDRESS: 440 OLD GREENVILLE ROAD, FAYETTEVILLE, GA 30215

PHONE: 770-616-8574 E-MAIL: RickHaubertDevelopment.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 228 LAND DISTRICT 4th PARCEL TRACT 1
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 18.34 ATTACHED TO: 29

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-80
3AC / 2500SF

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: ABANDONED HOMESITES / POOL

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

LAND USE PLAN DESIGNATION: Rural Residential (1 Unit / 3 acres)

NAME AND TYPE OF ACCESS ROAD: Hwy 85 + Goza Rd.

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1279-18B

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 8/2/2018

DATE OF PLANNING COMMISSION HEARING: Sept. 6, 2018

DATE OF COUNTY COMMISSIONERS HEARING: Sept. 27, 2018

Received from Rick Haubert a check in the amount of \$ 370.00 for
application filing fee, and \$ 350.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: 8/1/2018 Receipt Number: 63833947-51gn
6383763-App.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Rick John Richard Hauber

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0450011

(I am) ~~(we are)~~ the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot ~~(s)~~ 228 of the 4th District, and (if applicable to more than one land district) Land Lot(s) N/A of the N/A District, and said property consists of a total of 18.24 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

ATTACHED

(I) ~~(We)~~ hereby delegate authority to Rick Hauber to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

Date

Signature of Notary Public

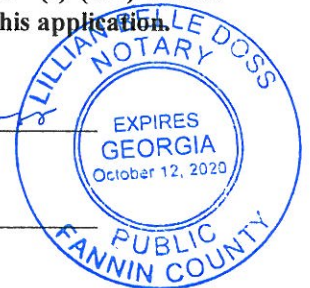
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: JOHN RICHARD HALBERT PETITION NUMBER: _____

ADDRESS: 440 OLD GREENVILLE ROAD, FAYETTEVILLE, GA 30215

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JOHN RICHARD HALBERT affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 4 Zoning District. He/~~She~~ respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ _____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1ST DAY OF AUGUST, 2018.

William Belle Doss
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JOHN RICHARD HARBERT, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ as measured from the centerline of the road.

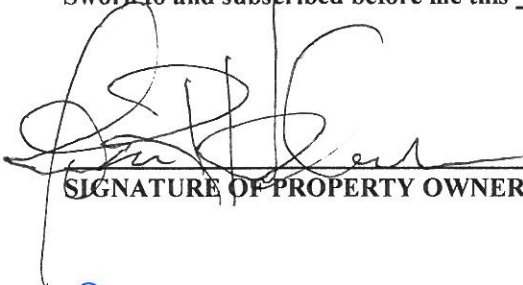
Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this _____ day of _____, 20____.


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Lillian Belle Doss
NOTARY PUBLIC



DISCLOSURE STATEMENT

Please check one:

Campaign contributions - _____ No _____ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and CHARLES ROUSSO

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

ZONING ORDINANCE

Sec. 110-3. Definitions

*Dog pen/run means, for the purposes of section 110-79, **residential** accessory structures and **their** uses, an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.*

*Lot, corner, means a lot located at the intersection of two **or more** streets.*

Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

Lot, landlocked, means a lot ~~of record~~ having no frontage on a street.

*Lot width, **minimum**, means the required width of a lot as specified by a zoning district. ~~minimum distance between side lot lines either measured in a straight line parallel to the street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic).~~ (Move graphic to Sec.110-77)*

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

Setback means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein. ~~the area as designated by this chapter in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.~~

~~Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.~~

*Yard, front, means the area between a property line adjacent to a **thoroughfare** street and the **front** building line, extending the full width of the lot.*

Yard, primary front, means on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear ~~building line of the principal structure~~, extending the full width of the lot.

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

Yard, side, means the area between the side property line and the side ~~building-line of the principal structure~~, extending from the front yard to the rear yard ~~or extending from a front yard to the side yard or front yard, in the case of a corner lot.~~

Sec. 110-65. - Reduction of lot area.

No lot shall be reduced in size so that the lot size, width, ~~or~~ depth, ~~size of yard setback, lot area per family~~, or any other requirement of this chapter is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.

Sec. 110-71. - ~~Yard Setback~~ not to be encroached upon.

No ~~yard setback~~ shall be encroached upon or reduced in any manner except in conformity with the setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. Landscaping, driveways, vehicle parking areas, multi-use path connections, walkways and associated steps, boat docks and bridges, retaining walls, walls and fences, curbs, and planted buffer strips shall not be construed to be encroachments.

Sec. 110-72. - Permitted encroachments of ~~yards and setbacks~~.

Architectural features connected to a structure such as cornices, eaves, steps, landings, ramps, gutters, and fire escapes may project not more than three feet beyond any required setback line, except where such projections would obstruct driveways. One flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is not located within 15 feet of the right-of-way. Flagpoles which encroach the front yard setback shall be required to have a signed and sealed affidavit from an architect or engineer registered in the state with the actual location and setback of the flagpole and inspection approval of the footing to be submitted to the planning and zoning department prior to placement of the flagpole.

~~Sec. 110-73. - Yard service, required open space to one building.~~

~~No part of any yard, other open space, or off-street parking or loading space required, about or in connection with, any building, structure, or use shall be included as part of a required yard, open space, off-street parking, or loading space similarly required for any other building, structure, or use except as provided herein.~~

Sec. 110-74. - Side and rear ~~setbacks yards~~ and buffers not required next to railroad.

Within any nonresidential zoning district, side ~~setbacks yards~~, rear ~~setbacks yards~~, and buffers shall not be required adjacent to railroad rights-of-way.

Sec. 110-77. - Lot width, ~~minimum~~.

The lot width shall be met at the required setback ~~building-line~~ and shall be ~~met~~ maintained for a depth of 80 feet. On a lot where the lot width is not met at the required setback, the setback will then be where the lot width is met and said lot width shall be maintained for a depth of 80 feet. Lot width shall be determined as the distance between lot lines either measured in a straight line parallel to the adjoining street right-of-way or

tangent and perpendicular to the mid-point of the right-of-way in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic). The principal structure shall be constructed within this area ~~provided the required setbacks are met~~. Residential accessory structures and farm outbuildings, horse stables, auxiliary structures, and greenhouses allowed in the A-R zoning district do not have to comply with the lot width at the building line; however, they shall comply with ~~the required~~ applicable setbacks and location requirements.

Sec. 110-79. – Residential Accessory structures and their uses.

(a) The following residential accessory structures ~~and uses~~ are permitted in A-R, ~~and~~ all residential zoning districts ~~and properties regulated under Sec. 110-169.~~ - Conditional use approval - Single-family residence and residential accessory structures and/or uses.

~~These regulations shall not apply to Ffarm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as are regulated as conditional uses under article Sec. 110-125. - A-R, Agricultural-Residential District and VII Sec. 110-169. - Conditional use approval of this chapter, and shall be allowed in the A-R zoning district only One a semi-trailer/box truck may be utilized as a farm outbuilding as regulated under Sec. 110-125. - A-R, Agricultural-Residential District and horse quarters as regulated under Sec, 110-169. – Conditional use approval. provided the property is zoned A-R and the semi-trailer is being used to store agricultural items.~~ These regulations shall not apply to structures associated with ~~these~~ 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 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, dog house, or playhouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, auxiliary structure **or one semi-trailer/box truck** (as regulated **in A-R under article V of this chapter Sec. 110-125. - A-R, Agricultural-Residential District and VII Sec. 110-169. - 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 Sec. 110-169 - Conditional use approval)**; 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. No structure shall be located in the front yard except: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and greenhouses located in an A-R zoning district, where the lot consists of five acres or more. 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 ~~both of~~ the streets and ~~both of~~ the front building lines shall be treated as a primary front yard ~~and or a~~ 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, ~~and a through lot, or a primary front yard on a corner lot.~~* ~~A detached~~ Said detached garage ~~located in the front yard~~ shall meet the following requirements:

- a. ~~Footprint shall not exceed 900 square feet.~~
- b. ~~The detached garage shall not be located~~~~no~~ more than 35 feet from the principal structure;
- c. 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.
- d. The detached garage shall have at least one opening for vehicular access.
- e. 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) ~~Detached garage located in the front yard of a corner lot.~~ 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.
- a. ~~Primary front yard. The location of the front door of the principal structure shall establish the primary front yard. If the front door is not oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and~~
 - b. ~~Secondary front yard. Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:~~
 1. ~~Shall not exceed 900 square feet of floor area;~~
 2. ~~Located no more than 35 feet from the principal structure; and~~
- ~~(3) Architectural standards for a detached garage located in all front yards. The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:~~
- a. ~~The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.~~
 - b. ~~The garage shall have at least one opening for vehicular access.~~
 - c. ~~A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.~~
 - d. ~~The garage shall be connected to the principal structure by at least one of the following:~~
 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 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 garage.~~

- (f) *Guesthouses.* Only one guesthouse is allowed per individual lot. 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 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 building or shed~~ complying with ~~this Section all building codes~~, used to store household items. Only two portable on-demand storage units are allowed per lot.
- (j) *Cabana/pool house, boat house, covered patio, and covered deck.* The cabana, covered patio, and 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.
- (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.

Sec. 110-86. - Raising and keeping of horses in residential districts.

The raising and keeping of no more than one horse on a lot consisting of a minimum of three acres and one additional horse for each additional acre shall be allowed on any lot for which single-family residential is a permitted use (EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, PUD-PRD, and C-S). An accessory structure related to the shelter of horses shall be allowed **as a conditional use per Sec. 110-169. - Conditional use approval, Horse quarters. as long as, such accessory structure complies with this article.** The boarding of horses and commercial riding lessons shall be prohibited.

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

(b) Permitted uses. The following permitted uses shall be allowed in the A-R zoning district:

- (1) Single-family dwelling;
- (2) **Residential** accessory structures and uses (see article III of this chapter);
- (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies); **and**
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; **and**
- (6) **One semi-trailer/box truck utilized as a farm outbuilding provided the property is a minimum of five (5) acres and the semi-trailer/box truck is only used to store agricultural items.**

(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, **as applicable**, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the A-R zoning district except single-family dwellings; **residential accessory buildings structures and uses**; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

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

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-129. - R-80, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-130. - R-78, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-131. - R-75, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-132. - R-72, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-133. - R-70, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-134. - R-55, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-135. - R-50, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-136. - R-45, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-137. - R-40, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-138. - R-20, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-139. - DR-15, One- and Two-Family Residential District. R-45, Single-Family Residential District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

Sec. 110-141. - MHP, Manufactured Home Park District.

(b) (2) **Residential** accessory structures and uses (see article III of this chapter); and

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

(d) (13) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter).

Sec. 110-143. - C-C, Community Commercial District.

(c) (18) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

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

(c) (27) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

Sec. 110-145. - L-C-1, Limited-Commercial (1) District.

(c) (1) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

Sec. 110-145.5. - L-C-2, limited-commercial (2) district.

(c) (2) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

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

(c) (12) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

Sec. 110-147. - M-2, Manufacturing and Heavy Industrial District.

(c) (8) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

Sec. 110-148. - BTP, Business Technology Park District.

(c) (1) Single-family residence and **residential** accessory structures and/or uses (see article III of this chapter); and

Sec. 110-149. - Planned unit development.

(d) (2) Permitted residential uses. Planned residential developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. Residential accessory ~~structures buildings~~ and uses shall also be allowed per article III of this chapter.

(g) (2) a. Single-family dwelling and ~~residential~~ accessory uses and structures associated with the single-family dwelling exclusively as per article III of this chapter;

Sec. 110-150. - G-B, General-Business District.

(c) (1) Single-family residence and ~~residential~~ accessory structures and/or uses (see article III of this chapter); and

ARTICLE V. - CONDITIONAL USES, NONCONFORMANCES, ~~AND~~ TRANSPORTATION CORRIDOR OVERLAY ZONE, ~~AND COMMERCIAL~~ DEVELOPMENT STANDARDS

Sec. 110-169. - Conditional use approval.

mm. Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium. Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.

3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. ~~A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.~~

x. 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. - 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. ~~Farm~~

~~outbuildings shall be exempt from architectural standards (see article III of this chapter)~~

2. Greenhouses. All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials. ~~Greenhouses shall be exempt from architectural standards (see article III of this chapter).~~
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. ~~Horse stables are exempt from architectural standards (see article III of this chapter).~~
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) For those uses that have the potential of generating noise levels audible to the adjacent properties acoustical treatment (soundproofing) shall be required to mitigate the volume of sound.~~
 - (iv) Commercial/retail activity shall not be permitted.
 - (v) An auxiliary structure shall not be utilized in conjunction with a home occupation.
 - ~~(vi) Auxiliary structures are exempt from architectural standards (see article III of this chapter).~~
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. ~~Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, but shall not be used for residential purposes. Farm outbuildings, auxiliary structures, horse stables and greenhouses shall not be located within 100 feet of the principal residential structure or connected to any structures on site. Farm outbuildings, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.~~
7. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, but shall not be used for residential purposes.

Farm outbuildings, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.

SS. *Self-storage facility*. Allowed in M-1 and C-H zoning districts.

~~5. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two-foot berm with double the minimum planting requirements.~~

vv. Single-family residence and **residential** accessory structures and/or uses. ~~See article III of this chapter.~~ Allowed in the C-C, C-H, L-C-1, **L-C-2**, M-1, M-2, O-I, G-B, and BTP zoning districts.

1. Said residence shall be a single-family detached residence.
2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
3. **All residential accessory structures shall comply with Sec. 110-179. - Residential accessory structures and their uses.**

ZONING ORDINANCE

ARTICLE III. - GENERAL PROVISIONS

Sec. 110-106. 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, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply. Minor Subdivision Plats and Final Plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.~~

ZONING ORDINANCE

Sec. 110-3. *Definitions*

Dog pen/run means, for the purposes of section 110-79, residential accessory structures and their uses, an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

Lot, landlocked, means a lot having no frontage on a street.

Lot width, means the required width of a lot as specified by a zoning district.

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

Setback means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between a property line adjacent to a street and the front building line, extending the full width of the lot.

Yard, primary front, means on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

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

Yard, side, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from a front yard to the side yard or front yard, in the case of a corner lot.

Sec. 110-65. - Reduction of lot area.

No lot shall be reduced in size so that the lot size, width, depth, setback, or any other requirement of this chapter is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.

Sec. 110-71. - Setback not to be encroached upon.

No setback shall be encroached upon or reduced in any manner except in conformity with the setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. Landscaping, driveways, vehicle parking areas, multi-use path connections, walkways and associated steps, boat docks and bridges, retaining walls, walls and fences, curbs, and planted buffer strips shall not be construed to be encroachments.

Sec. 110-72. - Permitted encroachments of setbacks.

Architectural features connected to a structure such as cornices, eaves, steps, landings, ramps, gutters, and fire escapes may project not more than three feet beyond any required setback line, except where such projections would obstruct driveways. One flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is not located within 15 feet of the right-of-way. Flagpoles which encroach the front yard setback shall be required to have a signed and sealed affidavit from an architect or engineer registered in the state with the actual location and setback of the flagpole and inspection approval of the footing to be submitted to the planning and zoning department prior to placement of the flagpole.

Sec. 110-74. - Side and rear setbacks and buffers not required next to railroad.

Within any nonresidential zoning district, side setbacks, rear setbacks, and buffers shall not be required adjacent to railroad rights-of-way.

Sec. 110-77. - Lot width.

The lot width shall be met at the required setback and shall be maintained for a depth of 80 feet. On a lot where the lot width is not met at the required setback, the setback will then be where the lot width is met and said lot width shall be maintained for a depth of 80 feet. Lot width shall be determined as the distance between lot lines either measured in a straight line parallel to the adjoining street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic). The principal structure shall be constructed within this area. Residential accessory structures do not have to comply with the lot width at the building line; however, they shall comply with the applicable setbacks and location requirements.

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. - Conditional use approval - Single-family residence and residential accessory structures.
- (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, and pool screen enclosure;
 - (5) Garage;
 - (6) Recreational court;
 - (7) Gazebo;
 - (8) Cabana/pool house, boat house, covered patio, and 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;
- (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. - A-R, Agricultural-Residential District and Sec. 110-169. - Conditional use approval of this chapter, a semi-trailer/box truck utilized as a farm outbuilding as regulated under Sec. 110-125. - A-R, Agricultural-Residential District and horse quarters as regulated under Sec, 110-169- 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 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, dog house, or playhouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, auxiliary structure or one semi-trailer/box truck (as regulated under Sec. 110-125. - A-R, Agricultural-Residential District and VII Sec. 110-169. - 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 Sec, 110-169 -

Conditional use approval); 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. 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 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, covered patio, and covered deck.* The cabana, covered patio, and 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 residential accessory structure/use. Ground-mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of residential accessory structures/uses. Ground-mounted solar panels consisting of 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one residential 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 residential 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) 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 residential 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. 110-86. - Raising and keeping of horses in residential districts.

The raising and keeping of no more than one horse on a lot consisting of a minimum of three acres and one additional horse for each additional acre shall be allowed on any lot for which single-family residential is a permitted use (EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, PUD-PRD, and C-S). An accessory structure related to the shelter of horses shall be allowed as a conditional use per Sec. 110-169. - Conditional use approval, Horse quarters. The boarding of horses and commercial riding lessons shall be prohibited.

Sec. 110-106. 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, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply. Minor Subdivision Plats and Final Plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.

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

- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
 - (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter);
 - (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
 - (4) Plant nurseries and greenhouses (no sales of related garden supplies);
 - (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
 - (6) One semi-trailer/box truck utilized as a farm outbuilding provided the property is a minimum of five (5) acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
 - (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);

- (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the A-R zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

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

- (b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-129. - R-80, Single-Family Residential District.

- (b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-130. - R-78, Single-Family Residential District.

- (b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-131. - R-75, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-132. - R-72, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-133. - R-70, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-134. - R-55, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-135. - R-50, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-136. - R-45, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-137. - R-40, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-138. - R-20, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-139. - DR-15, One- and Two-Family Residential District. R-45, Single-Family Residential District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

Sec. 110-141. - MHP, Manufactured Home Park District.

(b) (2) Residential accessory structures and uses (see article III of this chapter); and

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

(d) (13) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).

Sec. 110-143. - C-C, Community Commercial District.

(c) (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

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

- (c) (27) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

Sec. 110-145. - L-C-1, Limited-Commercial (1) District.

- (c) (1) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

Sec. 110-145.5. - L-C-2, limited-commercial (2) district.

- (c) (2) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

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

- (c) (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

Sec. 110-147. - M-2, Manufacturing and Heavy Industrial District.

- (c) (8) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

Sec. 110-148. - BTP, Business Technology Park District.

- (c) (1) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

Sec. 110-149. - Planned unit development.

- (d) (2) Permitted residential uses. Planned residential developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. Residential accessory structures buildings and uses shall also be allowed per article III of this chapter.

- (g) (2) a. Single-family dwelling and residential accessory uses and structures associated with the single-family dwelling exclusively as per article III of this chapter;

Sec. 110-150. - G-B, General-Business District.

- (c) (1) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and

ARTICLE V. - CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

mm. Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium. Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.

3. *If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities.* A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

Sec. 110-169. - Conditional use approval.

x. 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. - 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.
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. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, but shall not be used for residential purposes. Farm outbuildings, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.
- vv. Single-family residence and residential accessory structures. Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.
1. Said residence shall be a single-family detached residence.
 2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
 3. All residential accessory structures shall comply with Sec. 110-179. - Residential accessory structures and their uses.

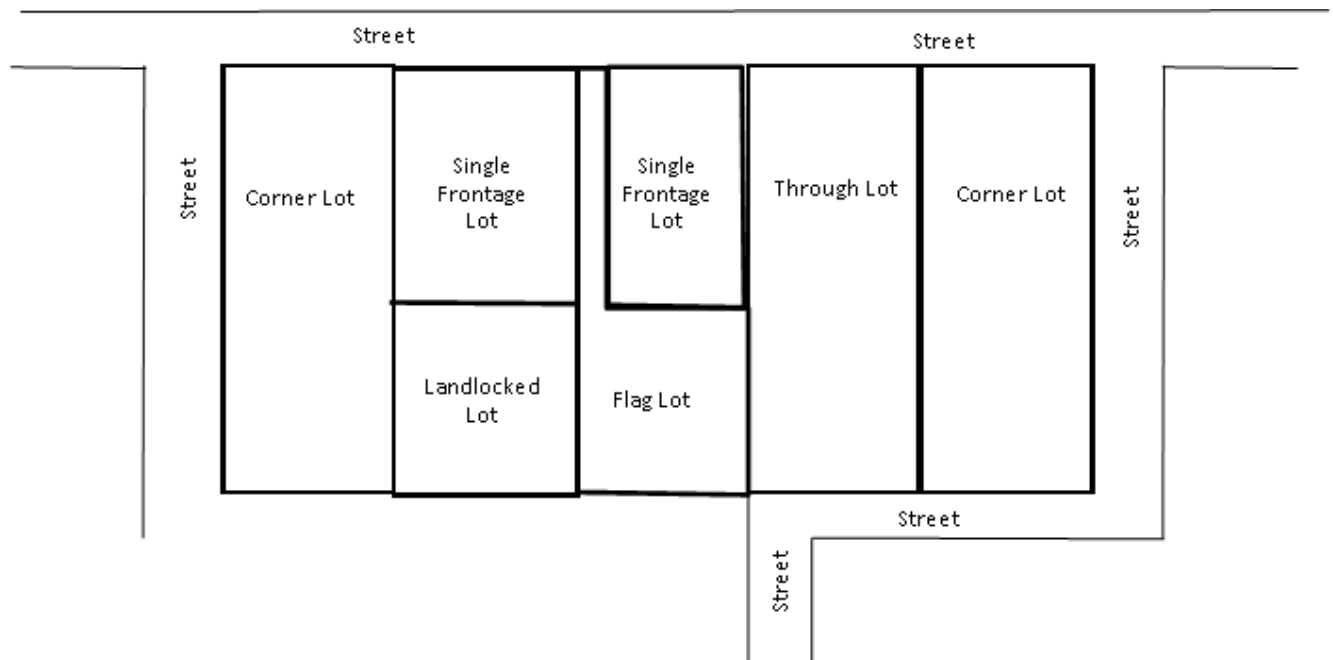


Residential Lot Configuration, Yard and Setback Illustrations

Fayette County Planning and Zoning Department
140 Stonewall Avenue West
Fayetteville, GA 30214
(770) 305-5421

The purpose of this brochure is to clarify and illustrate the various configurations, orientations and setbacks on residential lots as regulated in the Fayette County Zoning Ordinance and Fayette County Subdivision Regulations. The lot orientation determines the location of a front yard on a lot and front yards have significance in the placement of accessory structures and fences. The five basic lots configurations defined in the Fayette County Zoning Ordinance are as follows:

- *Lot, corner*, means a lot located at the intersection of two or more streets.
- *Lot, flag*, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.
- *Lot, landlocked*, means a lot having no frontage on a street.
- *Lot, single frontage*, means a lot which has frontage on only one street.
- *Lot, through*, means a lot, other than a corner lot, having frontage on more than one street.

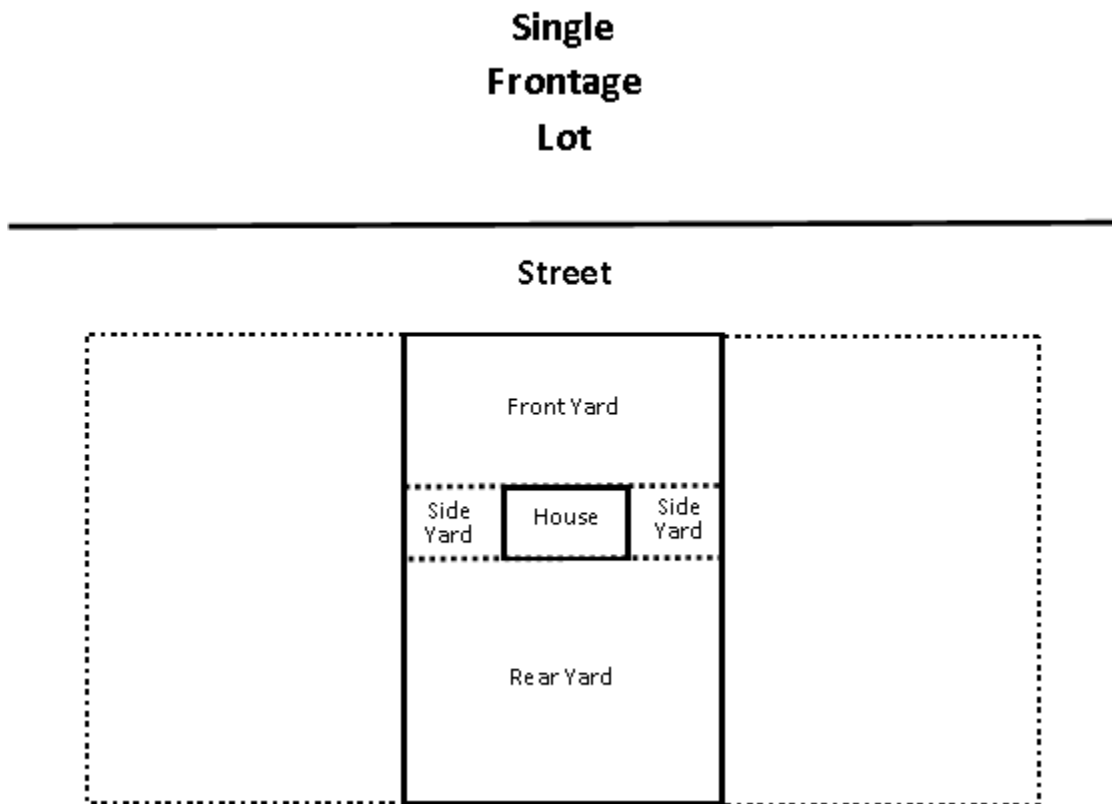


Residential Lot Configuration, Yard and Setback Illustrations

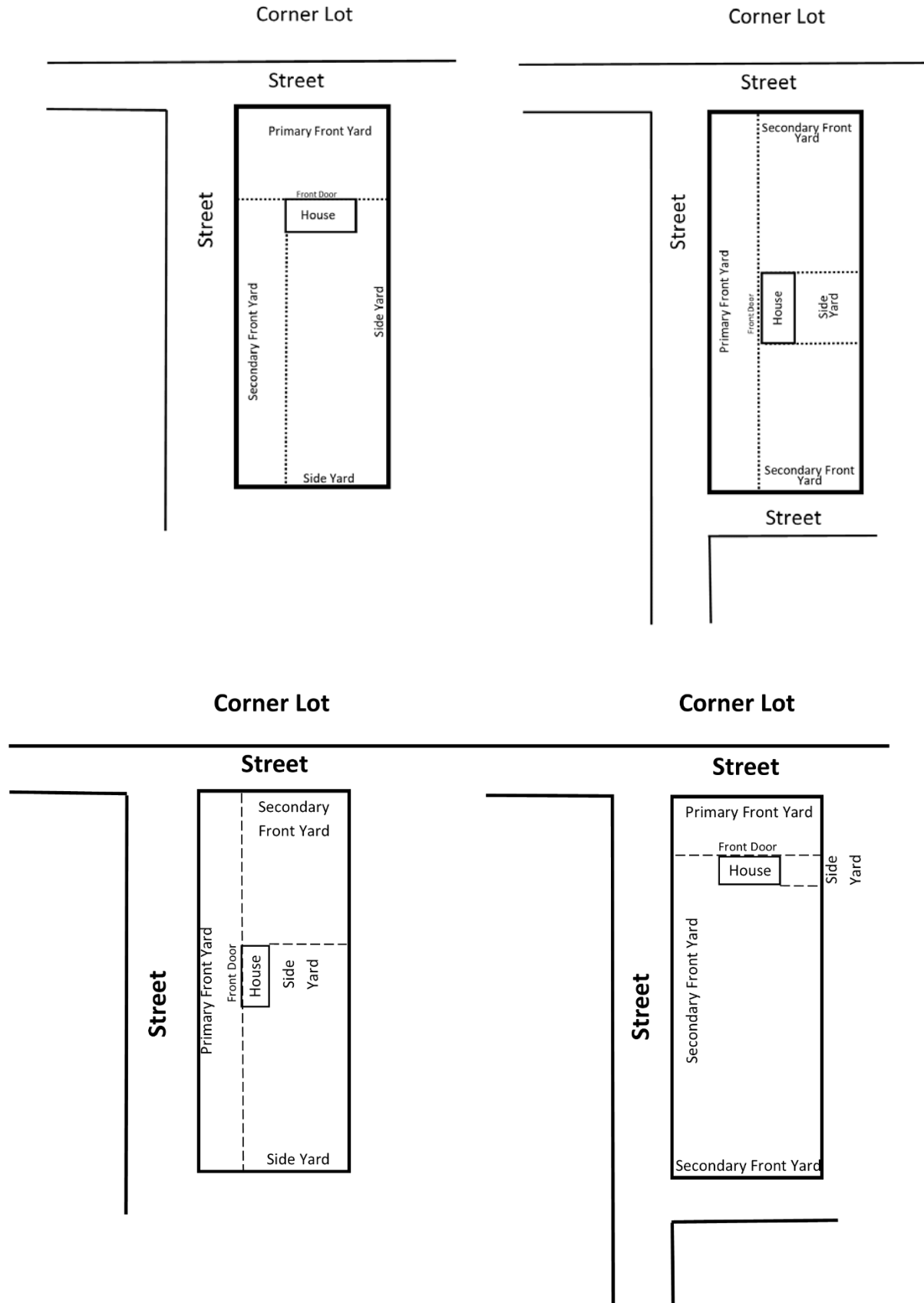
The Fayette County Zoning Ordinance defines “yards” as follows:

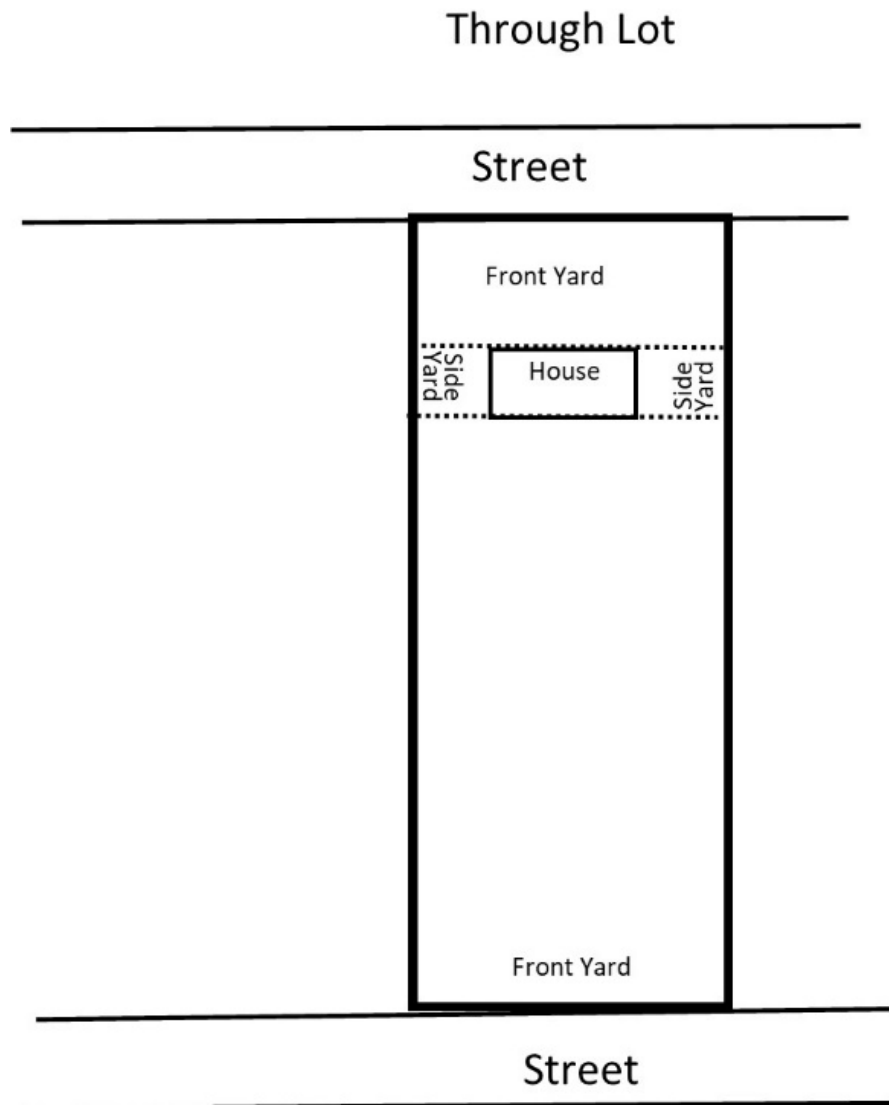
- *Yard, front*, means the area between a property line adjacent to a street and the front building line, extending the full width of the lot.
- *Yard, primary front*, means on a corner lot, the area between a property line adjacent to a street and a line running parallel to the front plane of the principal structure, extending the full width of the lot.
- Yard, secondary front*, means on a corner lot, the area parallel to the street between a property line adjacent to a street and the principal structure outside of the primary front yard.
- Yard, side*, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from a front yard to the side yard or front yard, in the case of a corner lot.
- *Yard, rear*, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

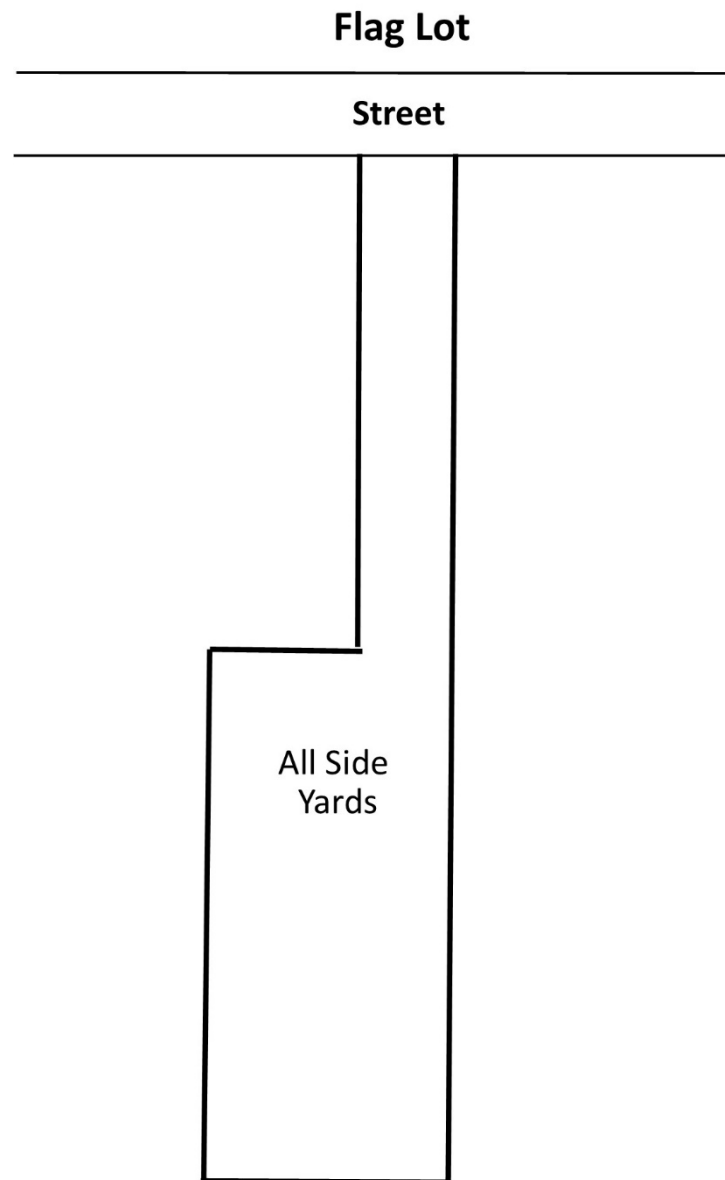
The following illustrations depict the yards defined above on the various lot configurations defined above:

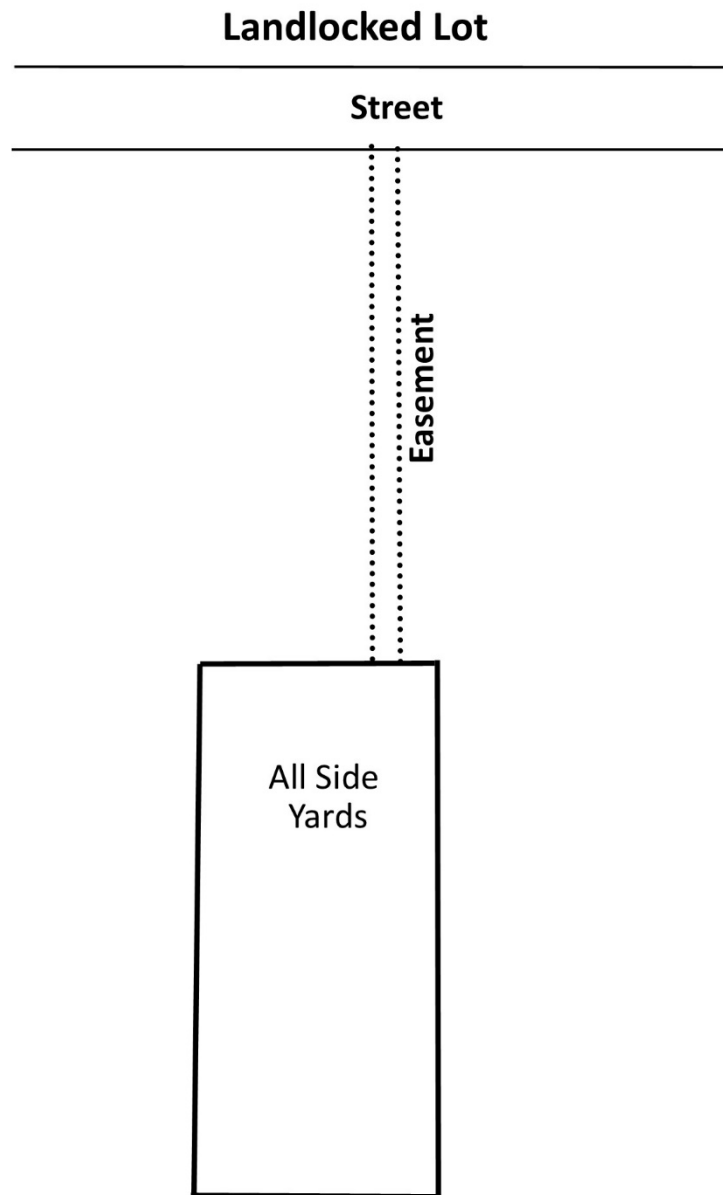


Residential Lot Configuration, Yard and Setback Illustrations









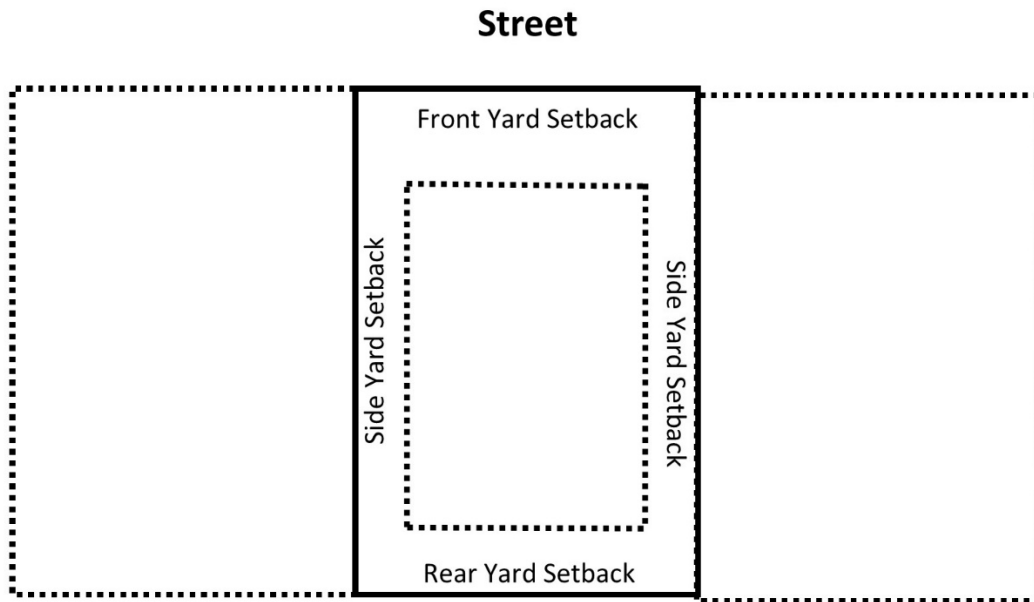
Residential Lot Configuration, Yard and Setback Illustrations

The Fayette County Zoning Ordinance defines “setbacks” as follows:

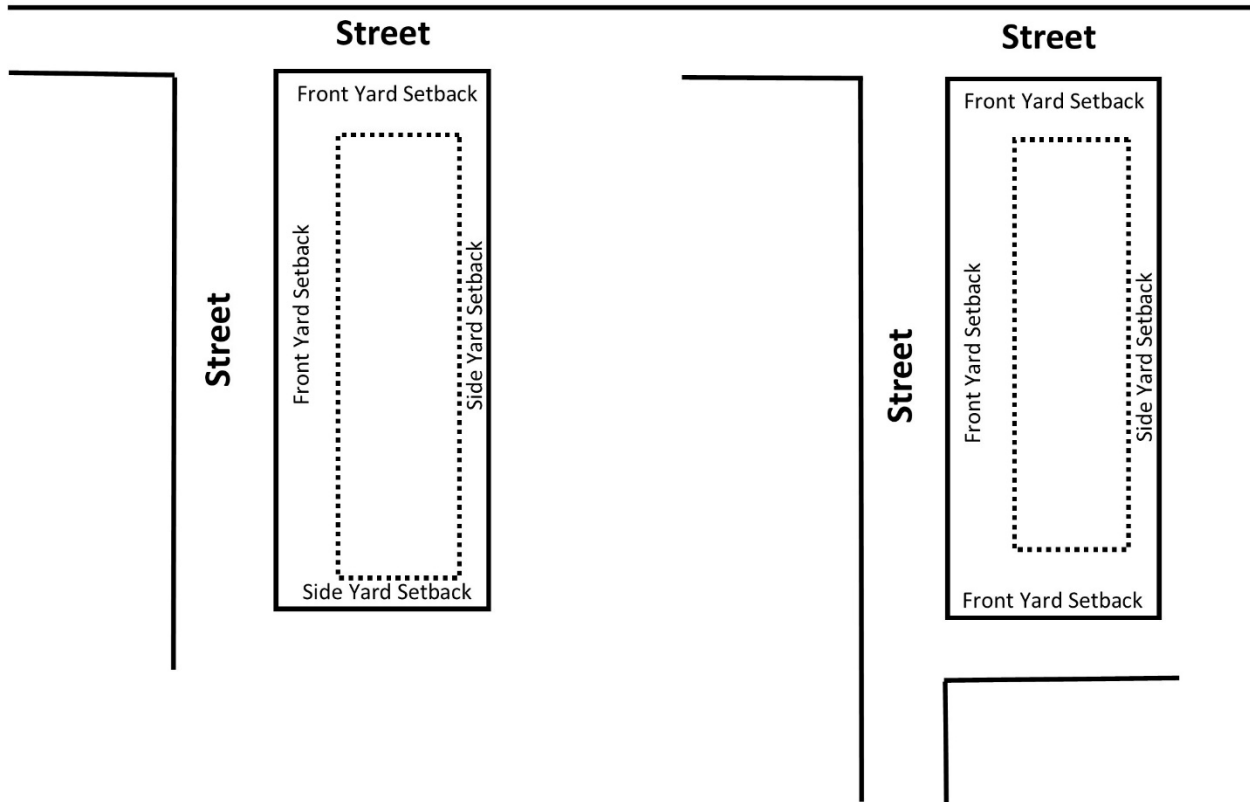
- Setback means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

The following illustrations depict the typical setbacks on the various lot configurations:

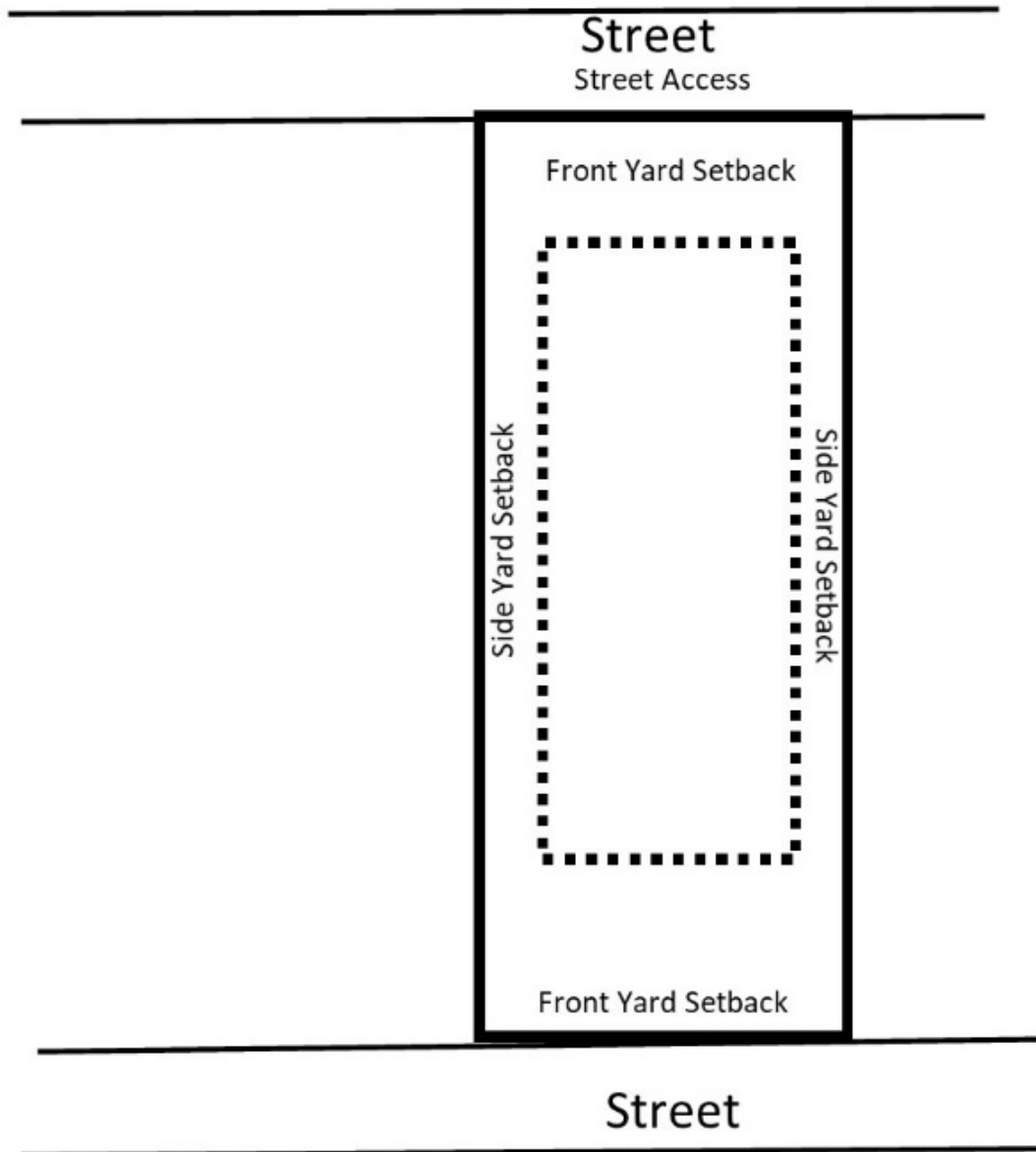
Single Frontage Lot Typical Setback Configuration



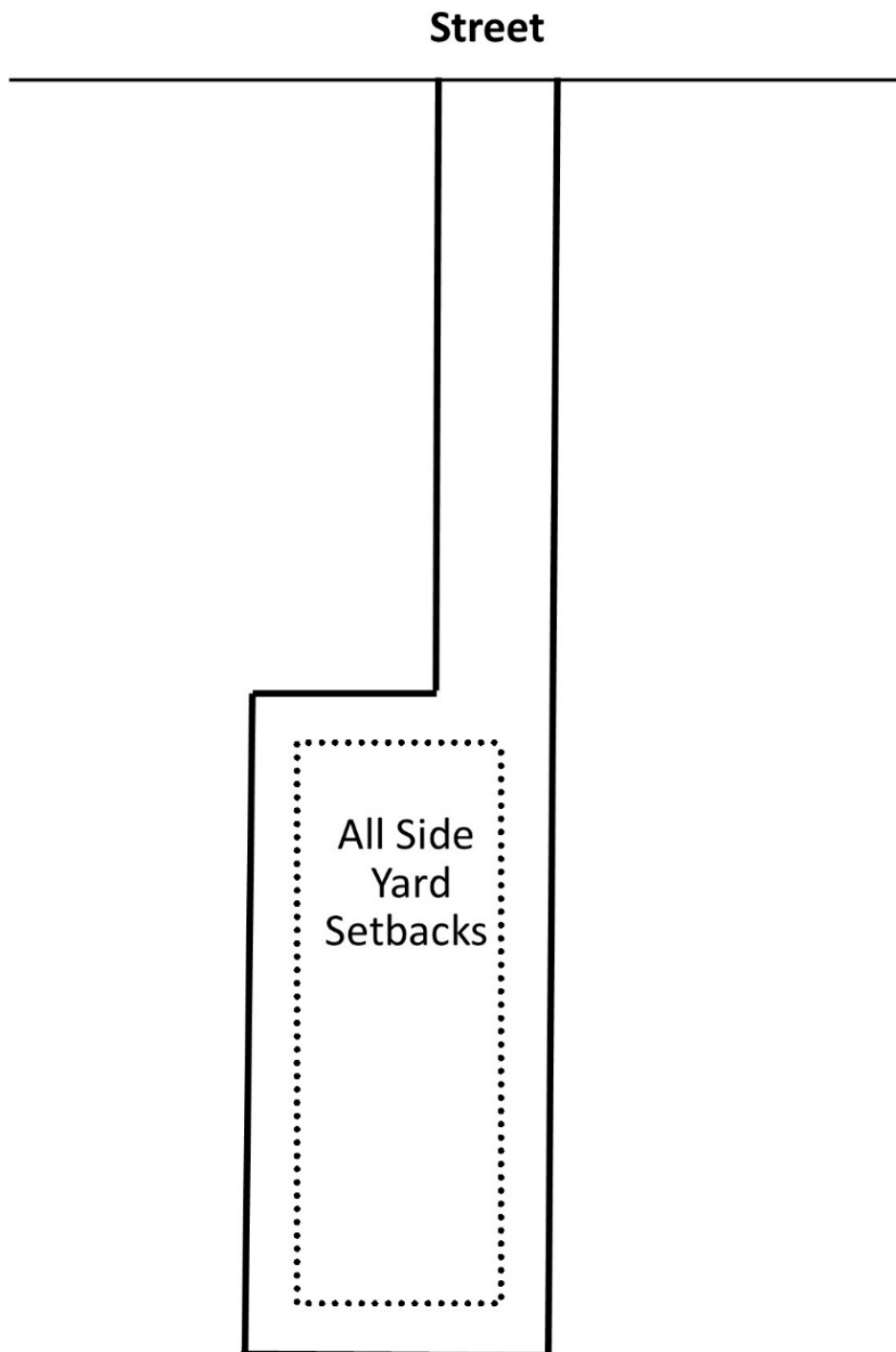
**Corner Lot
Typical Setback Configuration**



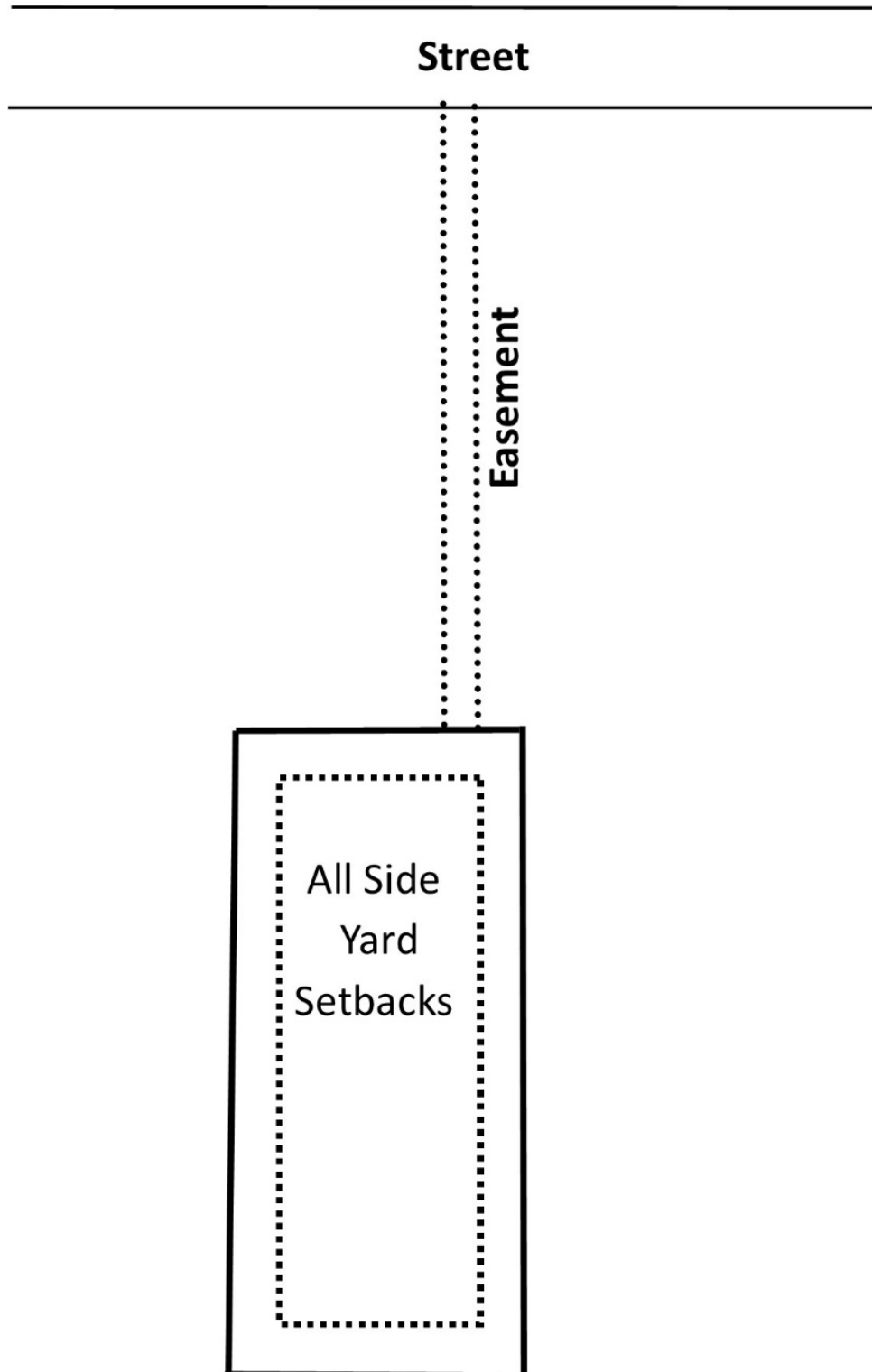
Through Lot Typical Setback Configuration



Flag Lot Typical Setback Configuration



Landlocked Lot Typical Setback Configuration



Residential Lot Configuration, Yard and Setback Illustrations

The following aerial illustrations depict the yards and increased setbacks on corner lots:

Corner Lot



Residential Lot Configuration, Yard and Setback Illustrations

Corner Lot



Corner Lot

