

**BOARD MEMBERS**

John H. Culbreth, Sr., Chairman
Danny England, Vice-Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

STAFF

Peter A. Frisina, Director
Chanelle N. Blaine, Zoning Administrator
Howard Johnson, P & Z Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
March 5, 2020
7:00 pm

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

1. Consideration of Minutes of the Planning Commission meeting held on February 20, 2020.

NEW BUSINESS

2. Consideration of a Final Plat of Brighton. The property will consist of 35 lots zoned C-S, is located in Land Lot(s) 223, 224, 225 and 226 of the 5th District and fronts on Highway 92.

OLD BUSINESS

3. Discussion of the Zoning Ordinance and Subdivision Regulations.
4. Discussion of the Flat Creek Trail Corridor.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: March 4, 2020
Subject: Final Plat to be considered on March 5, 2020

MINOR SUBDIVISION PLAT

Final Plat of Brighton

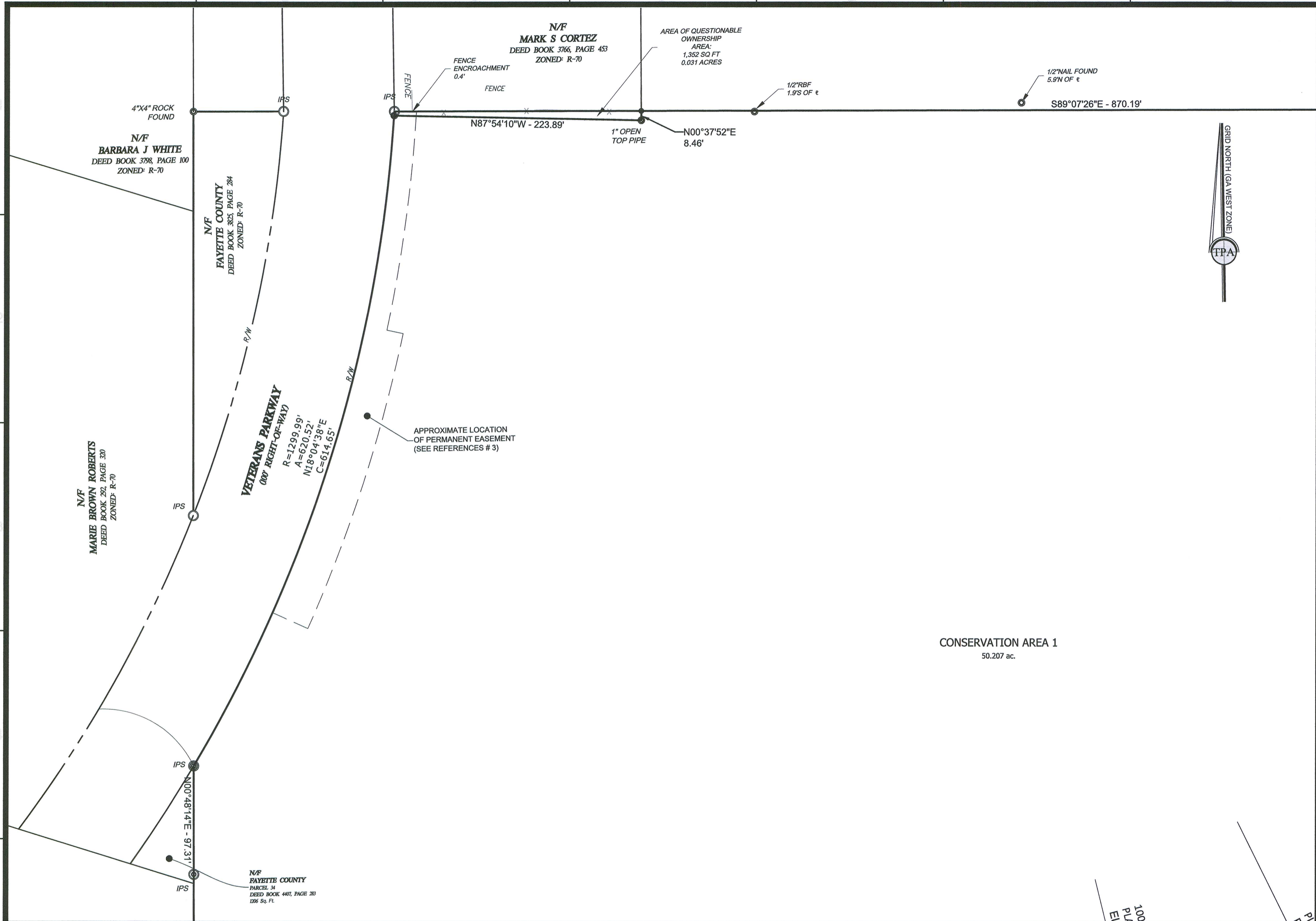
OWNER/APPLICANT

Pulte Home Company, LLC



Recommend **APPROVAL** for the Final Plat signed March 3, 2020.

Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information.



NO.	DATE	DESCRIPTION	BY

ENGINEERS

SURVEYORS

Travis Pruitt

Associates, Inc.

LANDSCAPE ARCHITECTS

ENVIRONMENTAL SCIENTISTS

4317 Park Drive - Suite 400

Norcross, Georgia 30093

Phone: (770)416-7511

Fax: (770)416-6759

www.travispruitt.com

Contact: John Merder

GEORGIA

REGISTERED

No. 25942

PROFESSIONAL

ENGINEER

JOHN KENDRICK MERDER

GEORGIA

PROFESSIONAL

No. 2809

LAND SURVEYOR

TRAVIS N. PRUITT, JR.

For The Firm

Travis Pruitt & Associates, Inc.

2/19/2020

FINAL PLAT

FINAL PLAT OF

BRIGHTON

LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

30

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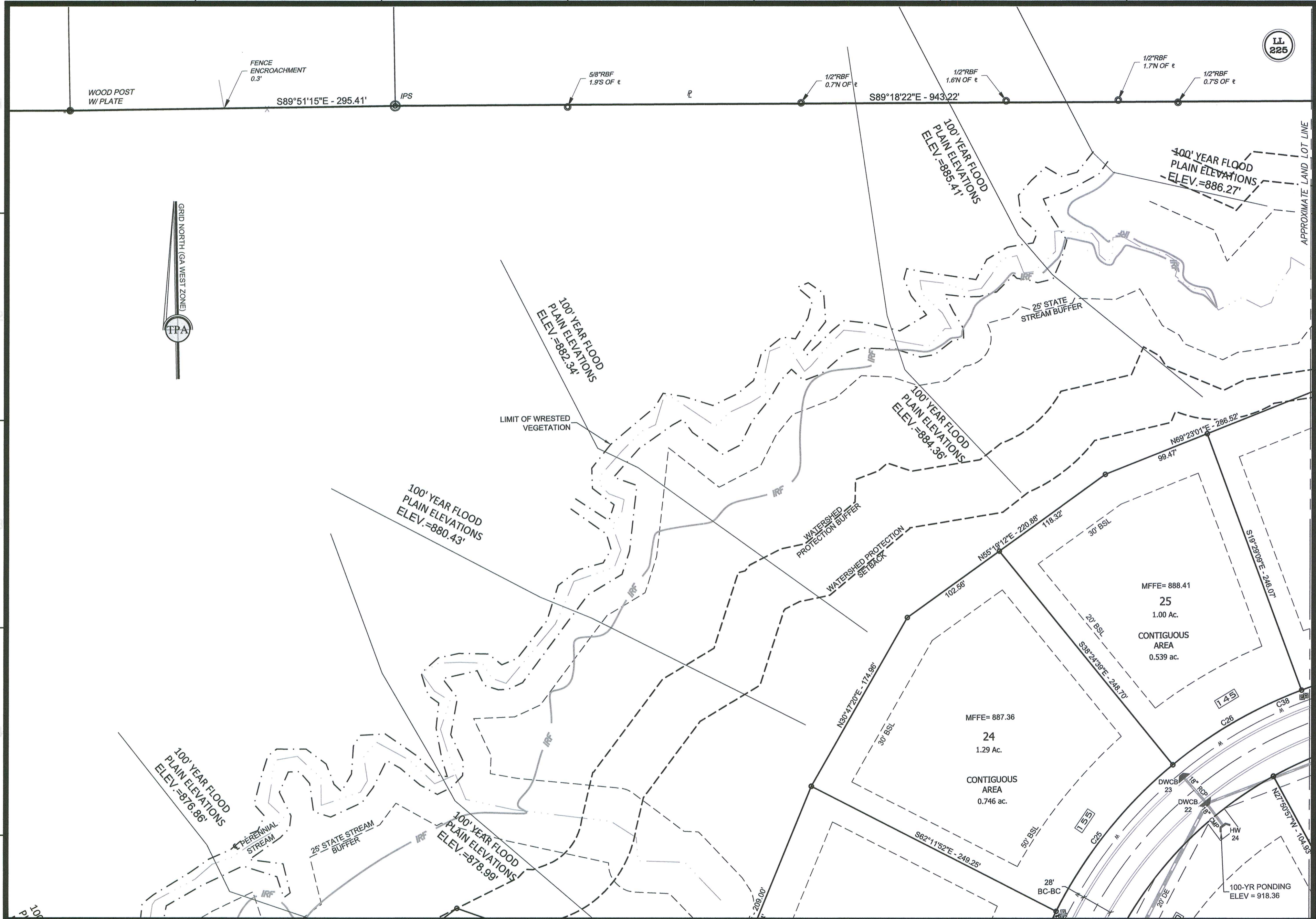
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120

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240

DATE: 9-12-19
SCALE: 1" = 60'
LSV: 170257_FP
CN: 170257_FP.DWG
JN: 1-17-0257
FN: 116-C-3058
SHEET: 3 OF 17



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ENGINEERS
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&
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ENGINEER
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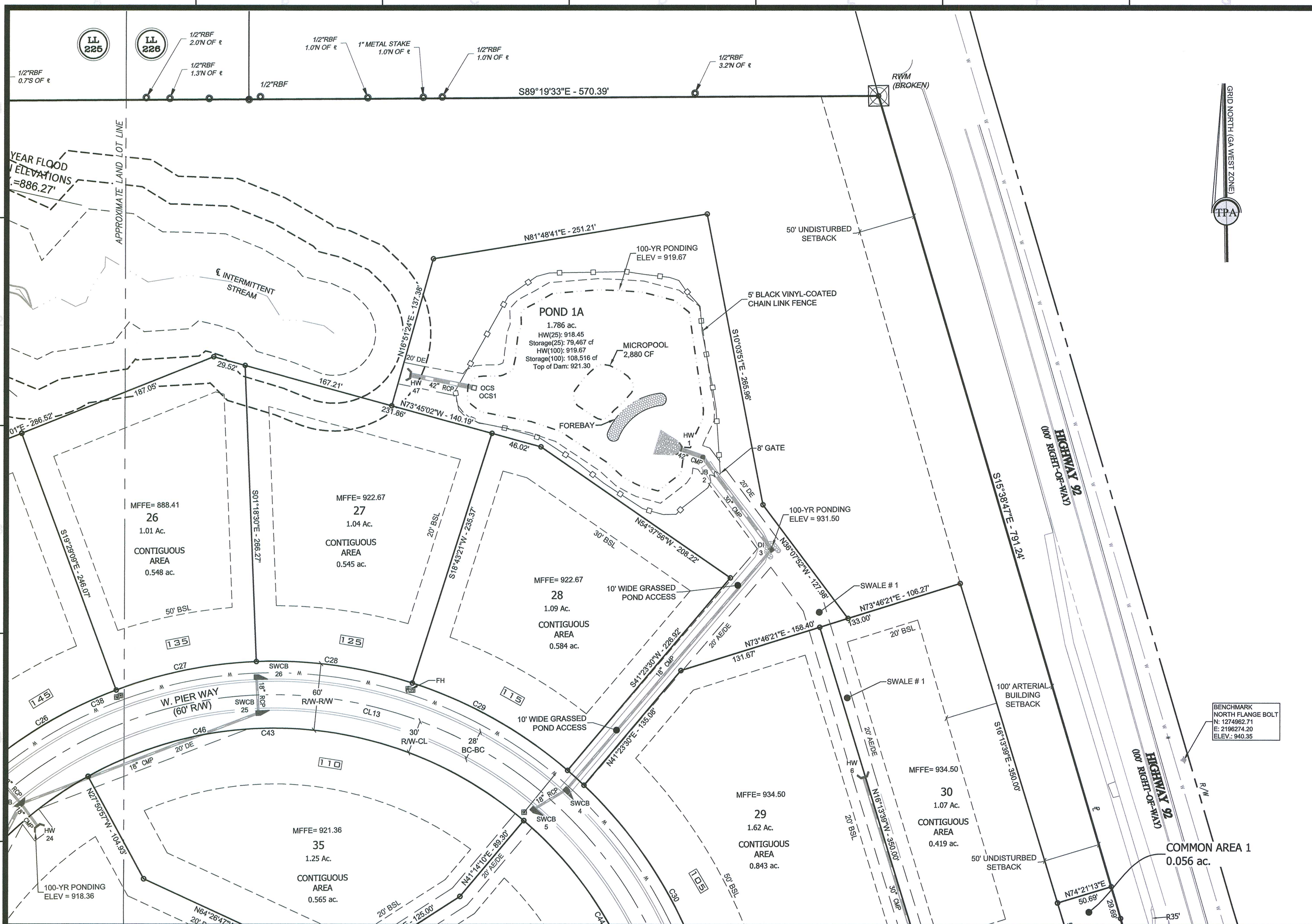
GEORGIA
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No. 2809
LAND SURVEYOR
TRAVIS N. PRUITT, JR.

For The Firm
Travis Pruitt & Associates, Inc. 2/19/2020

FINAL PLAT
FINAL PLAT OF
BRIGHTON
LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

30 0 60 120 180 240

DATE: 9-12-19
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FINAL PLAT

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LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

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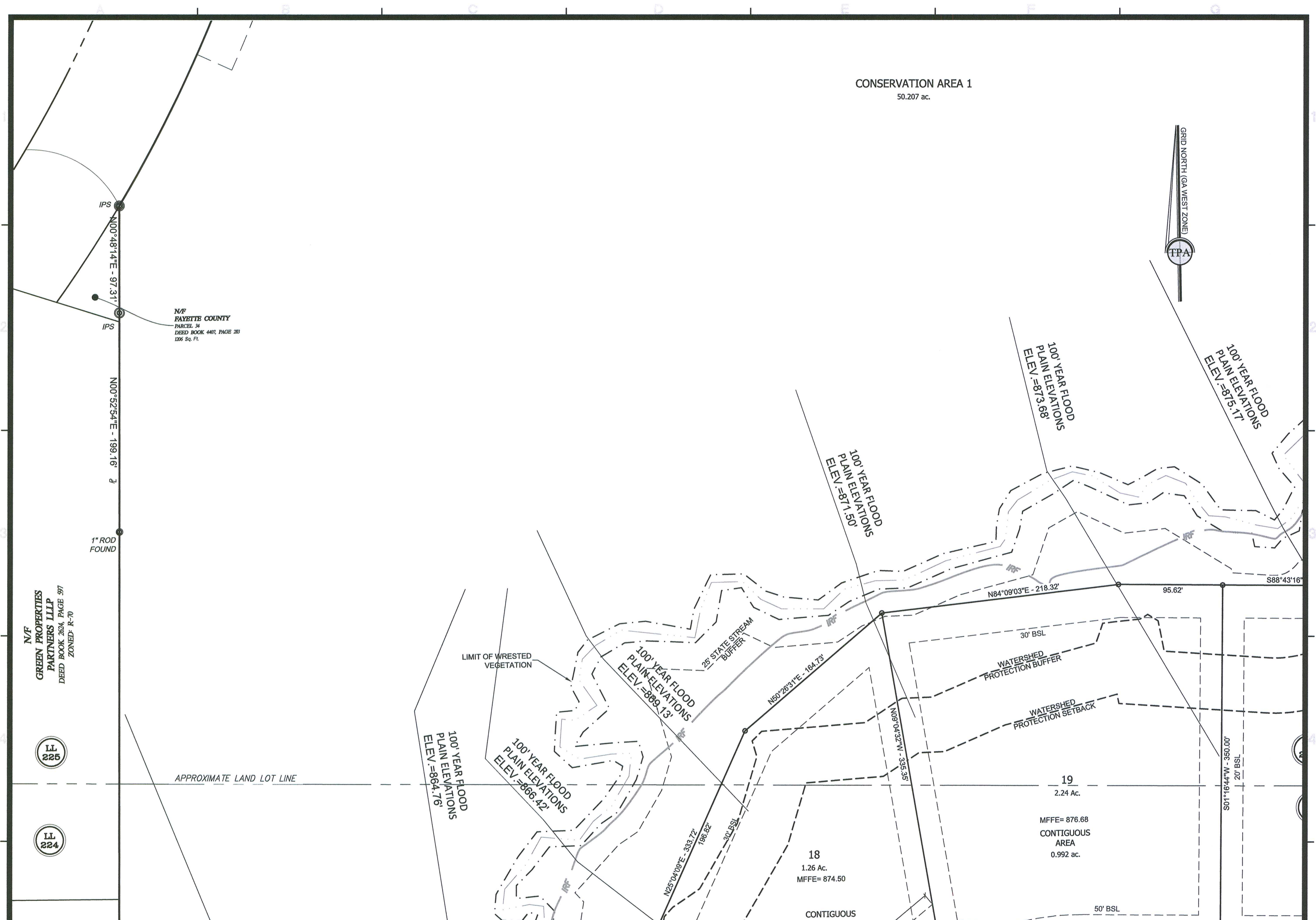
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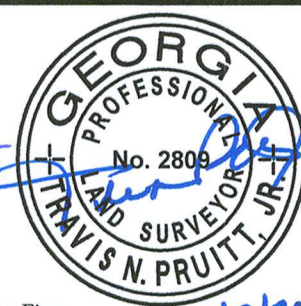
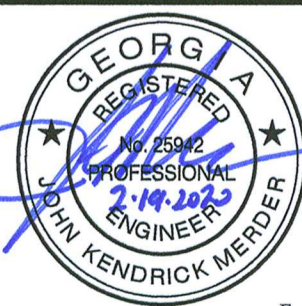
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SHEET: 5 OF 17

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Travis Pruitt
&
Associates, Inc.

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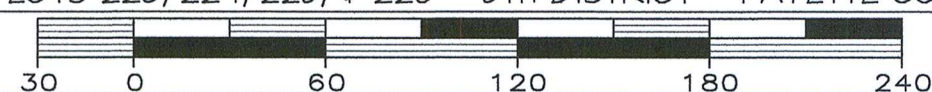
21/9/2020

FINAL PLAT

FINAL PLAT OF

BRIGHTON

LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA



DATE: 9-12-19

SCALE: 1" = 60'

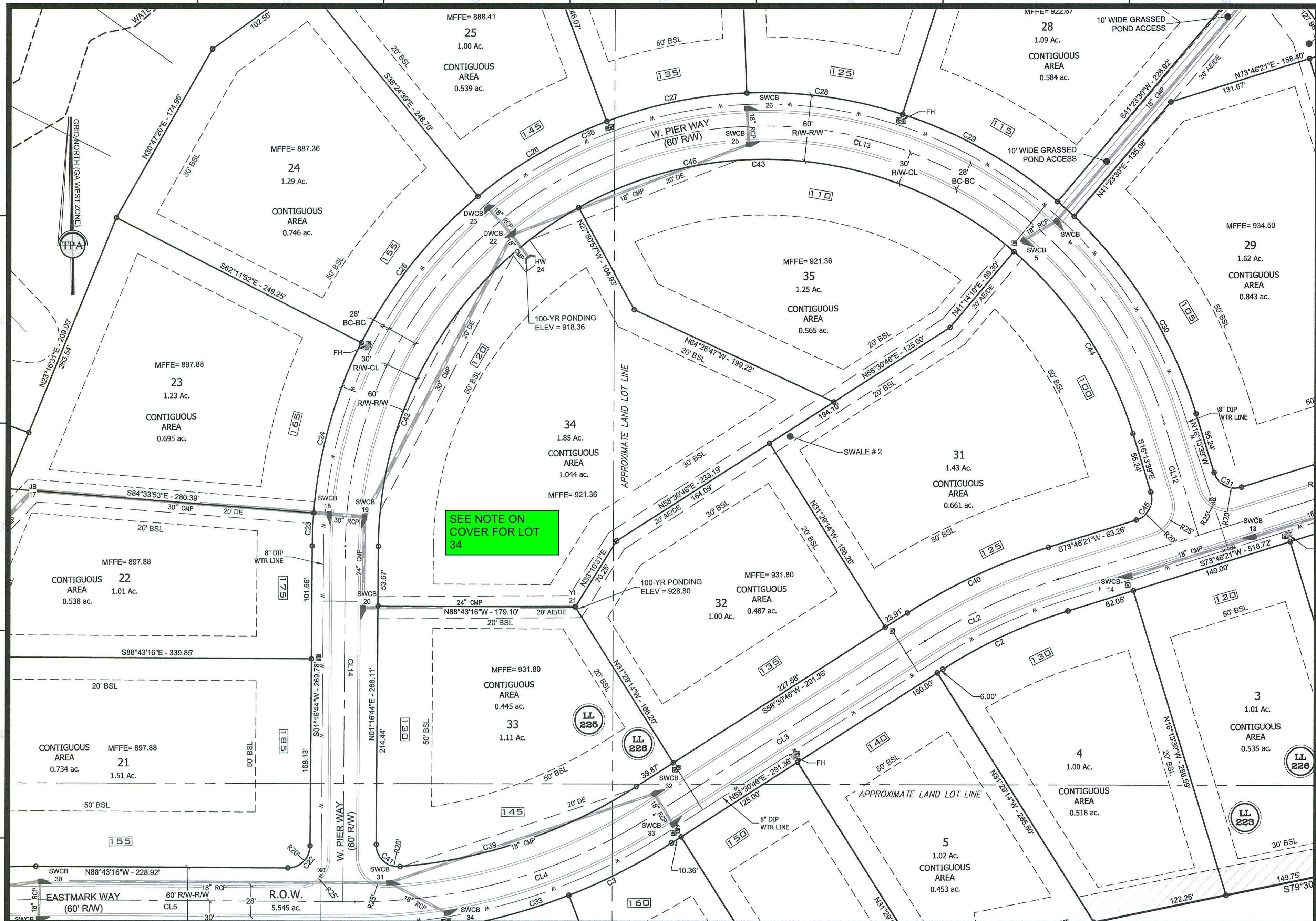
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FN: 116-C-3058

SHEET: 6 OF 17



SEE NOTE ON
COVER FOR LOT
34

NO.	DATE	DESCRIPTION	BY

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&
Associates, Inc.

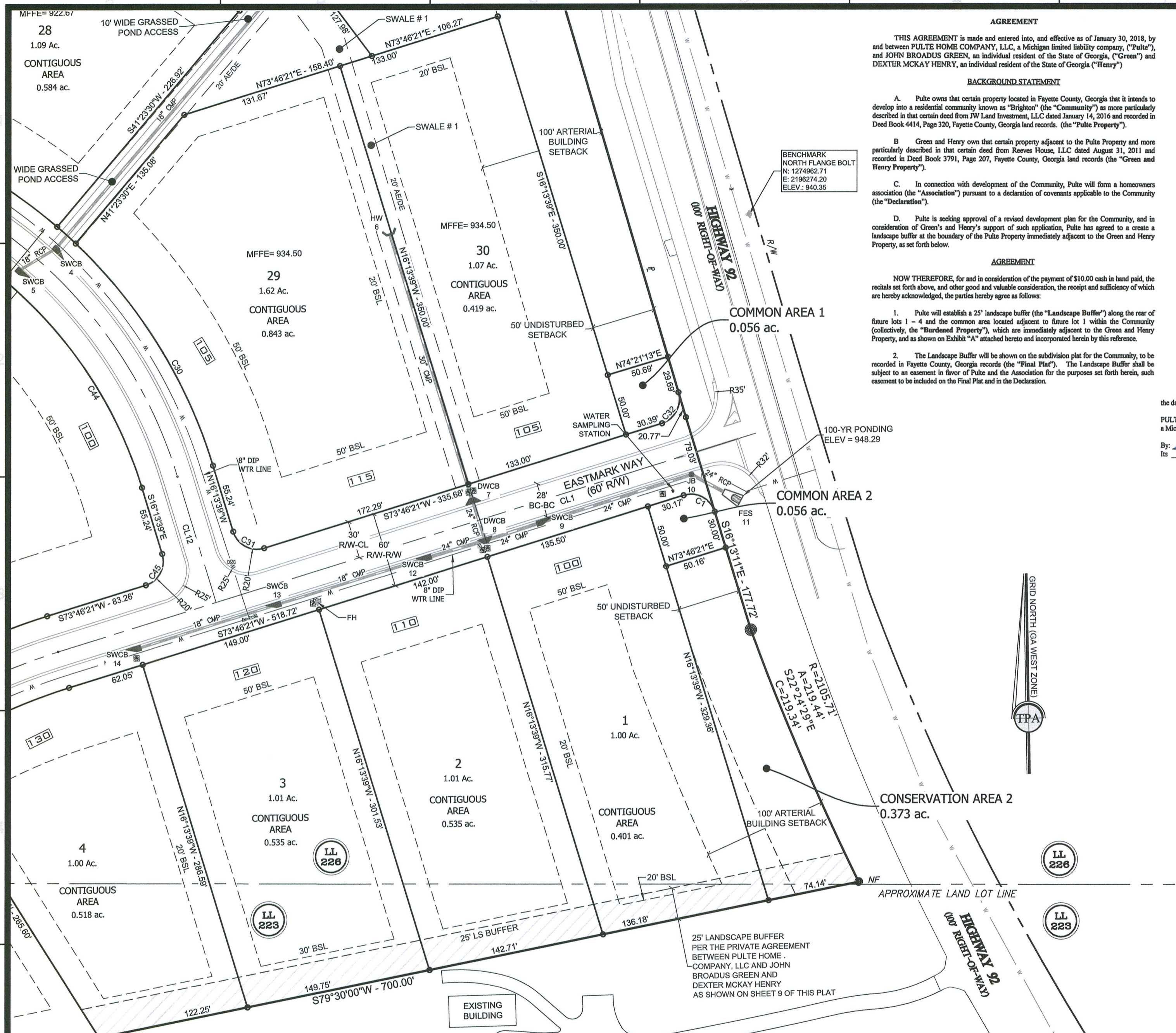
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For The Firm
Travis Pruitt & Associates, Inc.

2/19/2020

FINAL PLAT
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BRIGHTON
LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

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JN: 1-17-0257
FN: 116-C-3058
SHEET: 8 OF 17



AGREEMENT

THIS AGREEMENT is made and entered into, and effective as of January 30, 2018, by and between PULTE HOME COMPANY, LLC, a Michigan limited liability company, ("Pulte"), and JOHN BROADUS GREEN, an individual resident of the State of Georgia, ("Green") and DEXTER MCKAY HENRY, an individual resident of the State of Georgia ("Henry")

BACKGROUND STATEMENT

A. Pulte owns that certain property located in Fayette County, Georgia that it intends to develop into a residential community known as "Brighton" (the "Community") as more particularly described in that certain deed from JW Land Investment, LLC dated January 14, 2016 and recorded in Deed Book 4414, Page 320, Fayette County, Georgia land records. (the "Pulte Property").

B. Green and Henry own that certain property adjacent to the Pulte Property and more particularly described in that certain deed from Reeves House, LLC dated August 31, 2011 and recorded in Deed Book 3791, Page 207, Fayette County, Georgia land records (the "Green and Henry Property").

C. In connection with development of the Community, Pulte will form a homeowners association (the "Association") pursuant to a declaration of covenants applicable to the Community (the "Declaration").

D. Pulte is seeking approval of a revised development plan for the Community, and in consideration of Green's and Henry's support of such application, Pulte has agreed to a create a landscape buffer at the boundary of the Pulte Property immediately adjacent to the Green and Henry Property, as set forth below.

AGREEMENT

NOW THEREFORE, for and in consideration of the payment of \$10.00 cash in hand paid, the recitals set forth above, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Pulte will establish a 25' landscape buffer (the "Landscape Buffer") along the rear of future lots 1 - 4 and the common area located adjacent to future lot 1 within the Community (collectively, the "Burdened Property"), which are immediately adjacent to the Green and Henry Property, and as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

2. The Landscape Buffer will be shown on the subdivision plat for the Community, to be recorded in Fayette County, Georgia records (the "Final Plat"). The Landscape Buffer shall be subject to an easement in favor of Pulte and the Association for the purposes set forth herein, such easement to be included on the Final Plat and in the Declaration.

3. The Burdened Property will be subject to a restriction set forth in the Declaration that the Landscape Buffer shall be a permanently maintained landscaped buffer consistent with other landscaped open space/common area within the Community. The Association shall perform such maintenance of the Landscape Buffer. No structures, improvements or fencing will be permitted within the Landscape Buffer without the prior written approval of Green, Henry, and the Association.

4. Pulte will install and plant the number and type of plantings shown on Exhibit "A" within the Landscape Buffer at the time that Pulte constructs and installs the road adjacent to the Burdened Property, and before construction on the homes on such lots begins.

5. Pulte or the Association will remove and replace diseased or dead trees originally installed or planted by Pulte within the Landscape Buffer if required, for a period of two years from the date such trees are planted. After such time, there shall be no requirement that Pulte, the Association and/or the owners of the Burdened Property replace dead or diseased trees.

6. If Pulte sells the Burdened Property prior to recording the Final Plat and the Declaration, the obligation to install, construct and maintain the Landscape Buffer shall be assigned to any such buyer.

7. For so long as Pulte is the owner of the Burdened Property, Pulte shall have the right to act on behalf of any and all of the owners of the Burdened Property with respect to the rights and obligations contained herein (including amending or modifying this Agreement, as mutually agreed upon in writing by Pulte, Green and Henry). At such time as any portion of the Burdened Property is conveyed to the Association, (a) the Association shall have the sole right and authority to act on behalf of any and all the owners of the Burdened Property and their successors and assigns with respect to this Agreement and the subject matter hereof including, but not limited to, amending and modifying this Agreement, as mutually agreed upon in writing by the Association, Green and Henry, and (b) Pulte shall have no further obligations hereunder and Green and Henry shall look solely to the Association for the performance of the obligations of Pulte hereunder.

8. Upon full execution of this Agreement, Green and Henry shall notify the planning director of Fayette County of their support of Pulte's revised development plan being presented to the Fayette County Board of Commissioners on February 8, 2018. The notification shall be via a letter, a copy of which is attached hereto as Exhibit B and made a part of this Agreement by reference. The execution of this Agreement by Pulte signifies that the letter is satisfactory to Pulte as consideration for the full implementation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the day and year first above written.

PULTE: PULTE HOME COMPANY, LLC,
a Michigan limited liability company

By: *[Signature]*
Its: *[Signature]*

[Signature]
John Broadus Green
[Signature]
Dexter McKay Henry

EXHIBIT B

Letter of Agreement between Pulte Home Company, LLC, a Michigan limited liability company, and John Broadus Green and Dexter McKay Henry.

February 1, 2018

Mr. Pete Frisina
Director of Community Services
Fayette County Board of Commissioners
Fayetteville, GA 30214

Re: Pulte Home Company, LLC, petition for approval of revised design plan, Brighton Community, Highway 92 North, Petition Number RDP-014-17.

Dear Mr. Frisina:

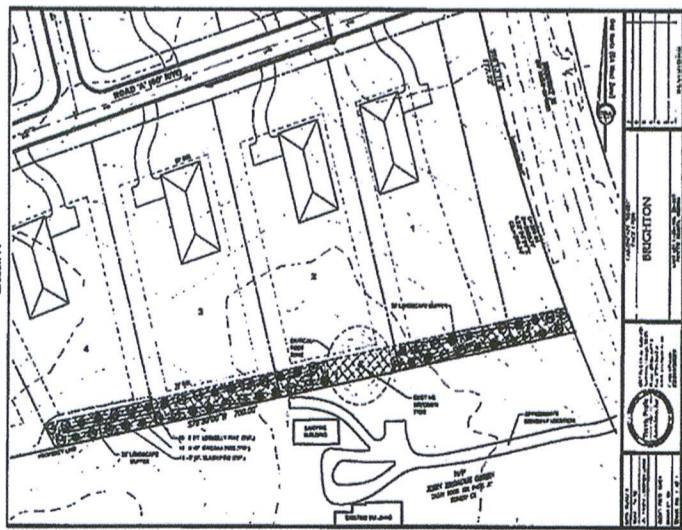
We the undersigned are the owners of the property shown as lot 43 of the revised design plan being presented for approval at the meeting of the Fayette Board of Commissioners on February 8, 2018.

We have entered into an agreement with Pulte Home Company that provides a landscape buffer which addresses our concerns regarding the changes in the proposed revised design plan and consequently we express our approval to it. We thank Pulte Home Company for its willingness to address our concerns.

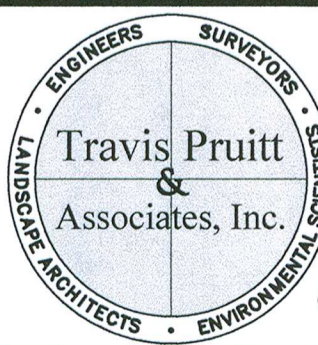
Yours very truly,

John Broadus Green

Dexter McKay Henry



NO.	DATE	DESCRIPTION	BY



4317 Park Drive - Suite 400
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Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com
Contact: John Merder



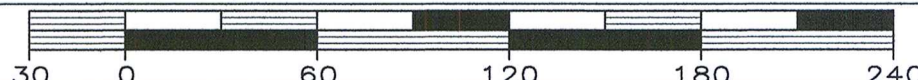
For The Firm
Travis Pruitt & Associates, Inc.

FINAL PLAT

FINAL PLAT OF

BRIGHTON

LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA



DATE: 9-12-19

SCALE: 1" = 60'

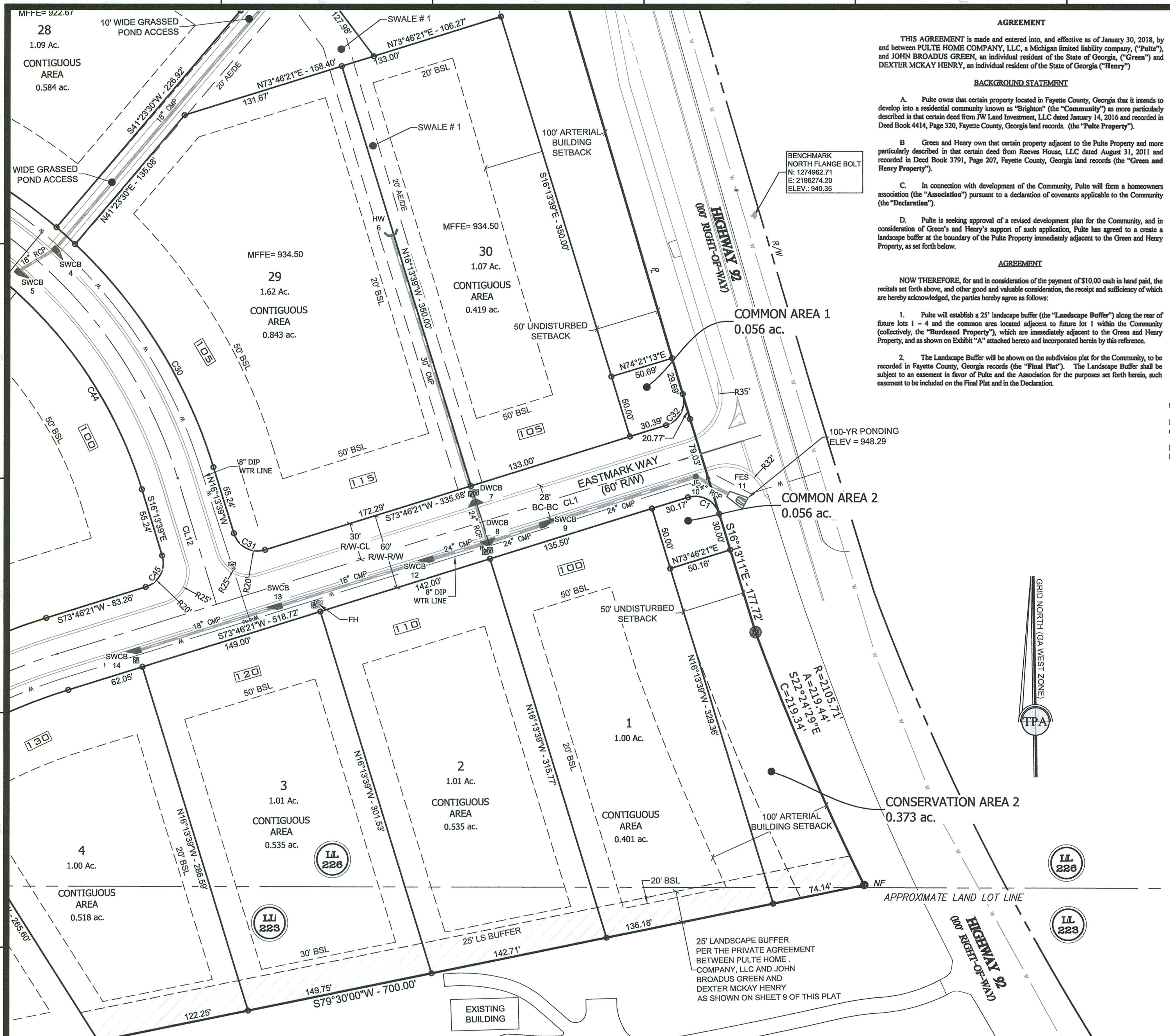
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JN: 1-17-0257

FN: 116-0-3058

SHEET: 9 OF 17



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PULTE: PULTE HOME COMPANY, LLC,
a Michigan limited liability company

By: *[Signature]*
Its: *Vice President*

[Signature]
John Broadus Green

[Signature]
Dexter McKay Henry

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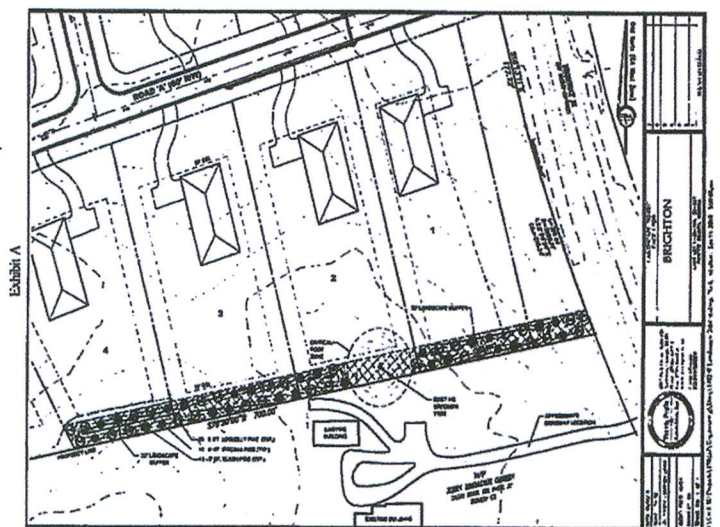
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John Broadus Green

Dexter McKay Henry



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REVISIONS

Travis Pruitt & Associates, Inc.

ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS

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GEORGIA REGISTERED PROFESSIONAL ENGINEER
No. 25942
JOHN KENDRICK MERDER
2-19-2018

GEORGIA REGISTERED PROFESSIONAL SURVEYOR
No. 2809
TRAVIS N. PRUITT, JR.
2-19-2020

For The Firm
Travis Pruitt & Associates, Inc.

FINAL PLAT

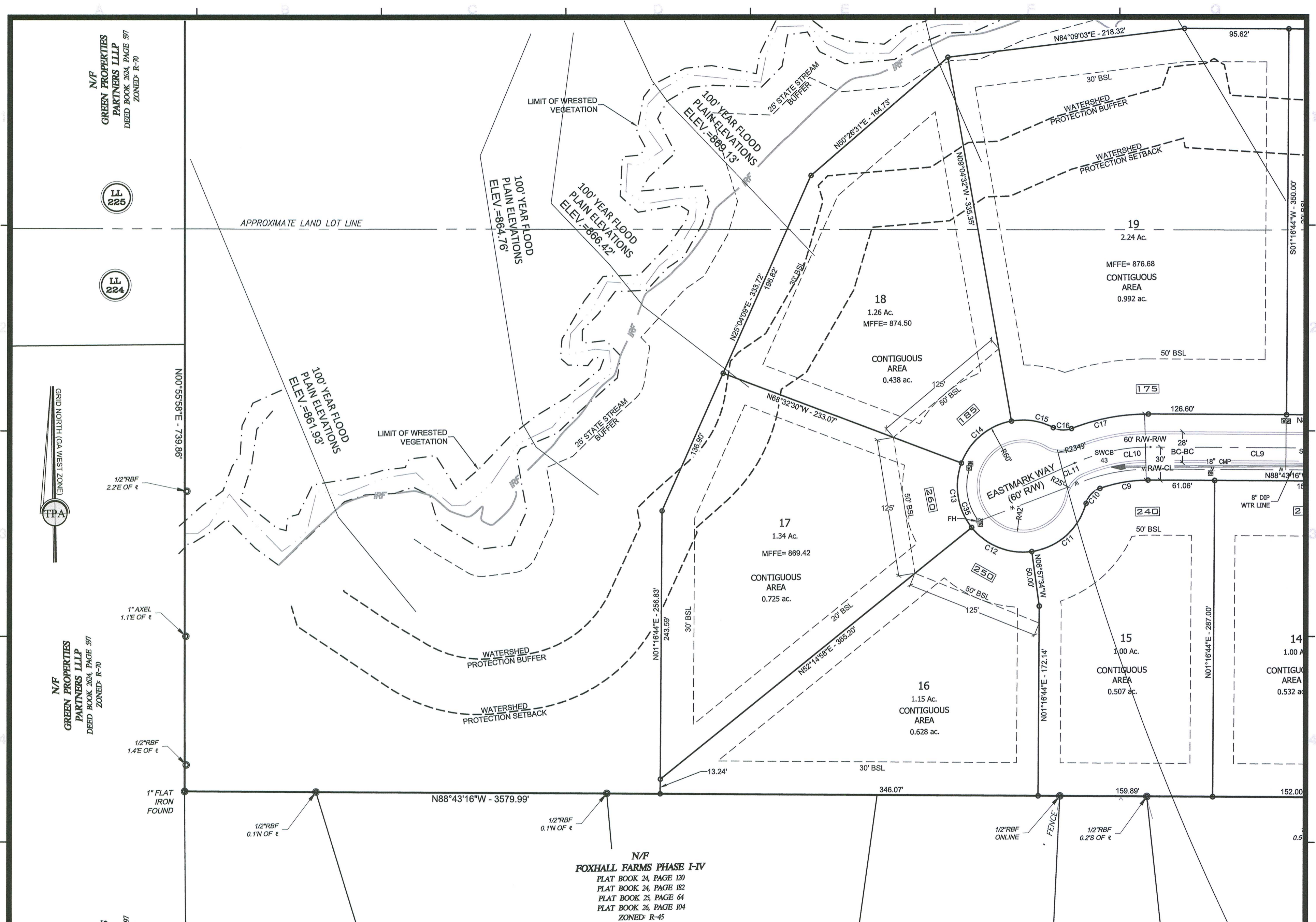
FINAL PLAT OF

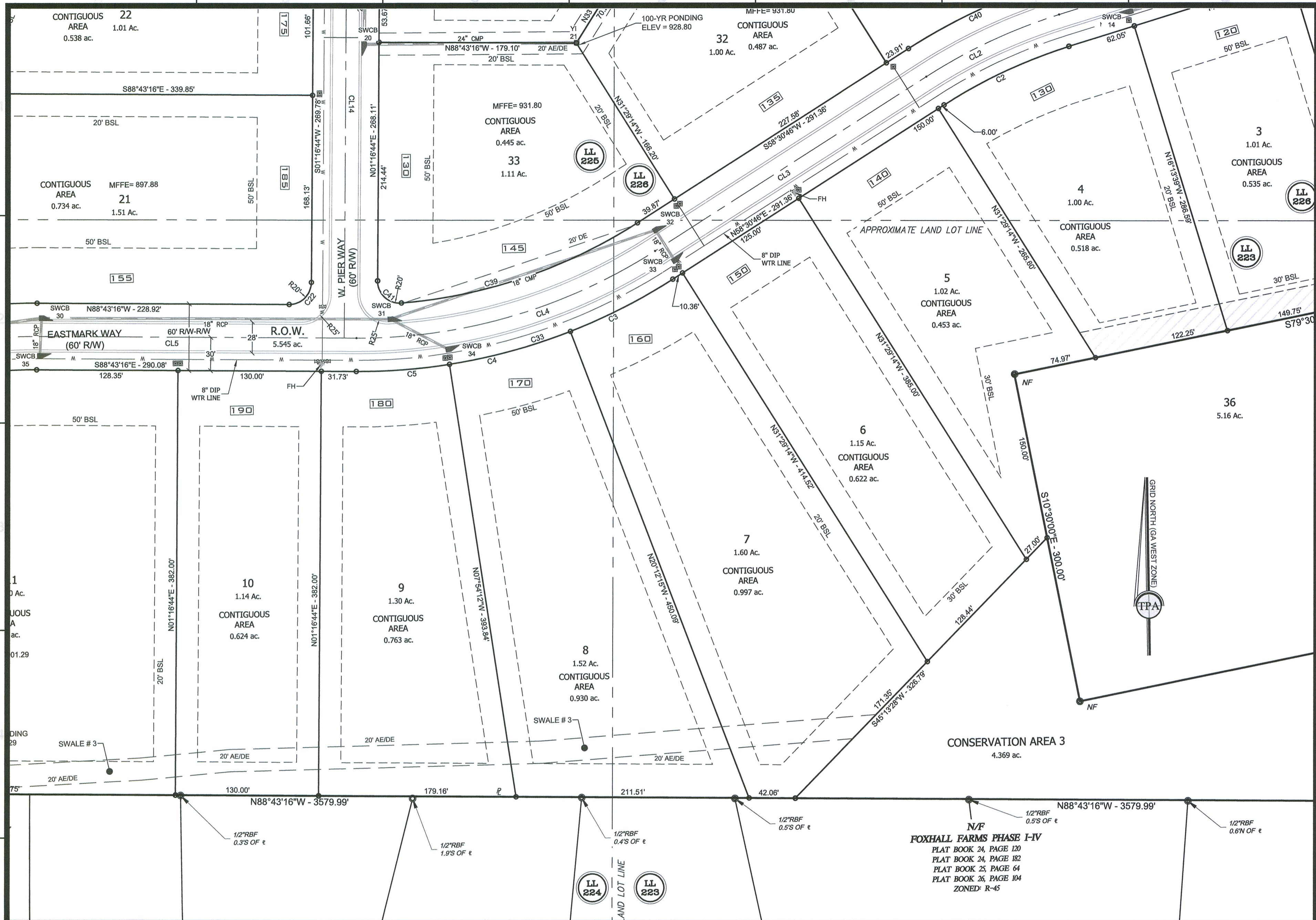
BRIGHTON

LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

30 0 60 120 180 240

DATE: 9-12-19
SCALE: 1" = 60'
LSV: 170257_FP
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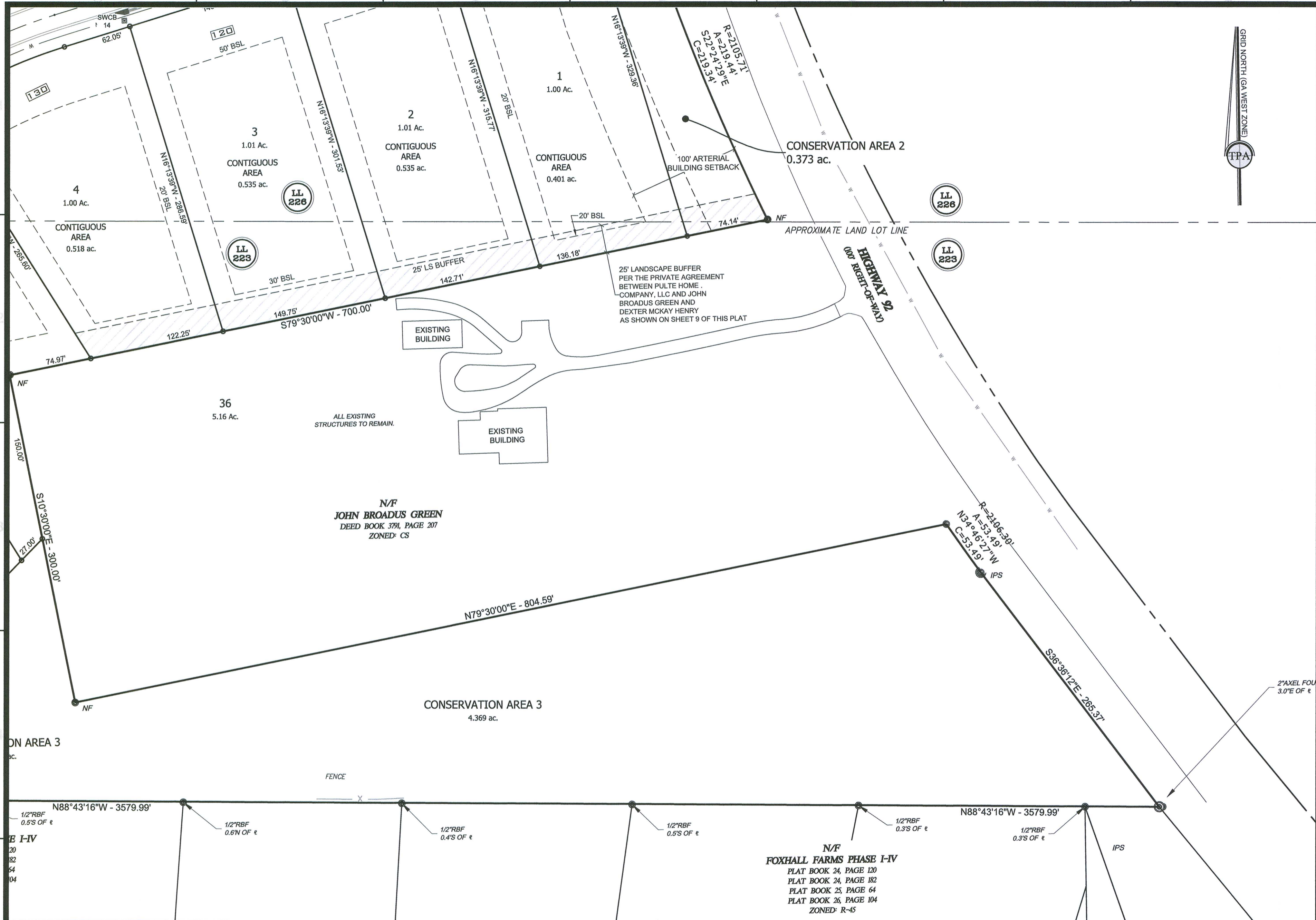
For The Firm
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FINAL PLAT
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LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

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1" = 60'

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No. 2803

PROFESSIONAL

SURVEYOR

TRAVIS N. PRUITT, JR.

For The Firm

Travis Pruitt & Associates, Inc.

2/19/2020

FINAL PLAT

FINAL PLAT OF

BRIGHTON

LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

30

0

60

120

180

240

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SHEET: 13 OF 17

Lot Chart		
Lot	Sq. Ft.	Acres
1	43,708	1.003
2	43,828	1.006
3	43,814	1.006
4	43,563	1.000
5	44,276	1.016
6	49,970	1.147
7	69,879	1.604
8	66,297	1.522
9	56,838	1.305
10	49,660	1.140
11	113,204	2.599
12	61,465	1.411
13	54,313	1.247
14	43,624	1.001
15	43,680	1.003
16	50,306	1.155
17	58,390	1.340
18	54,977	1.262
19	97,677	2.242
20	98,496	2.261

Lot Chart		
Lot	Sq. Ft.	Acres
21	65,959	1.514
22	44,096	1.012
23	53,787	1.235
24	56,405	1.295
25	43,749	1.004
26	44,197	1.015
27	45,363	1.041
28	47,525	1.091
29	70,463	1.618
30	46,550	1.069
31	62,413	1.433
32	43,711	1.003
33	48,150	1.105
34	80,697	1.853
35	54,460	1.250
EX 36	224,555	5.155

Open Space Chart		
Lot	Sq. Ft.	Acres
COMMON AREA 1	2,425	0.056
COMMON AREA 2	2,422	0.056
CONSERVATION AREA 1	2,187,036	50.207
CONSERVATION AREA 2	16,267	0.373
CONSERVATION AREA 3	190,316	4.369
POND 1A	77,780	1.786
POND 1B	144,623	3.320
R.O.W.	241,527	5.545

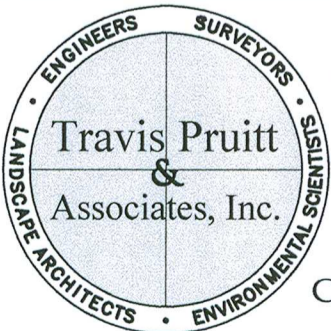
Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C1	31.42'	20.00'	N61°13'25"W	28.29'
C2	125.18'	470.00'	S66°08'34"W	124.81'
C3	104.37'	530.00'	N64°09'16"E	104.20'
C4	113.79'	530.00'	N75°56'47"E	113.57'
C5	84.94'	530.00'	N86°41'16"E	84.85'
C6	124.87'	530.00'	S78°22'41"W	124.58'
C6	161.19'	470.00'	S81°27'14"W	160.40'
C7	56.91'	530.00'	S88°12'11"W	56.88'
C9	44.92'	130.00'	S81°22'46"W	44.70'
C10	19.32'	20.00'	S43°48'15"W	18.58'
C11	70.07'	60.00'	N49°35'04"E	66.16'
C12	62.00'	60.00'	S67°21'18"E	59.28'
C13	62.00'	60.00'	S08°08'46"E	59.28'
C14	62.27'	60.00'	S51°11'29"W	59.52'
C15	39.50'	60.00'	N80°13'01"W	38.79'
C16	17.14'	20.00'	S85°54'54"E	16.62'
C17	72.13'	190.00'	S80°24'14"W	71.69'
C18	125.29'	470.00'	N83°38'31"E	124.92'
C19	35.90'	470.00'	N73°49'00"E	35.89'
C20	80.07'	530.00'	S75°57'24"W	80.00'
C21	101.70'	530.00'	S85°46'55"W	101.54'
C22	31.42'	20.00'	N46°16'44"E	28.28'
C23	29.74'	410.00'	S03°21'26"W	29.73'

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C24	160.05'	410.00'	S16°37'07"W	159.04'
C25	170.22'	410.00'	S39°41'44"W	169.00'
C26	135.42'	410.00'	S61°03'06"W	134.81'
C27	130.08'	410.00'	S79°36'10"W	129.53'
C28	143.34'	410.00'	N81°17'34"W	142.61'
C29	162.22'	410.00'	N59°56'35"W	161.16'
C30	211.71'	410.00'	N31°01'12"W	209.36'
C31	31.42'	20.00'	S61°13'39"E	28.28'
C32	31.21'	20.00'	N29°03'46"E	28.14'
C33	303.10'	530.00'	N74°53'45"E	298.98'
C34	181.77'	530.00'	S81°27'14"W	180.88'
C35	295.85'	60.00'	S22°36'54"E	75.10'
C36	161.19'	470.00'	N81°27'14"E	160.40'
C37	181.77'	530.00'	S81°27'14"W	180.88'
C38	1162.78'	410.00'	S82°31'33"W	810.45'
C39	228.16'	470.00'	N72°25'12"E	225.93'
C40	141.16'	530.00'	S66°08'34"W	140.74'
C41	33.14'	20.00'	S46°11'49"E	29.48'
C42	371.84'	350.00'	S31°42'53"W	354.60'
C43	422.02'	350.00'	N83°18'24"W	396.91'
C44	198.75'	350.00'	N32°29'44"W	196.09'
C45	31.42'	20.00'	N28°46'21"E	28.28'
C46	992.62'	350.00'	S82°31'33"W	691.85'

Centerline Road Table							
Number	Street	P.C. Sta.	P.T. Sta.	Radius	Arc Length	Chord Length	Chord Direction
CL1	Eastmark Way	0+00.00	5+88.73				S73°46'21"W
CL2	Eastmark Way	5+88.73	7+21.89	500.00'	133.17'	132.77'	S66°08'34"W
CL3	Eastmark Way	7+21.89	10+13.25				S58°30'46"W
CL4	Eastmark Way	10+13.25	12+99.19	500.00'	285.94'	282.06'	S74°53'45"W
CL5	Eastmark Way	12+99.19	15+89.27				N88°43'16"W
CL6	Eastmark Way	15+89.27	17+60.76	500.00'	171.48'	170.64'	S81°27'14"W
CL7	Eastmark Way	17+60.76	18+70.07				S71°37'43"W
CL8	Eastmark Way	18+70.07	20+41.56	500.00'	171.48'	170.64'	S81°27'14"W
CL9	Eastmark Way	20+41.56	23+68.93				N88°43'16"W
CL10	Eastmark Way	23+68.93	24+40.50	170.00'	71.57'	71.04'	S79°13'08"W
CL11	Eastmark Way	24+40.50	24+92.27				S67°09'32"W
CL12	West Pier Way	0+00.00	1+05.24				N16°13'39"W
CL13	West Pier Way	1+05.24	11+82.94	380.00'	1077.70'	751.15'	S82°31'33"W
CL14	West Pier Way	11+82.94	15+02.72				S1°16'44"W

TBM DATA				
TBM	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	1275098.26	2195505.27	936.32	NAIL SET
HORIZONTAL DATUM: NAD83 - GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE				
VERTICAL DATUM: NAVD 88 USING NGS GEOID 2012A				

NO.	DATE	DESCRIPTION	BY
REVISIONS			



4317 Park Drive - Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com
Contact: John Merder



For The Firm
Travis Pruitt & Associates, Inc.

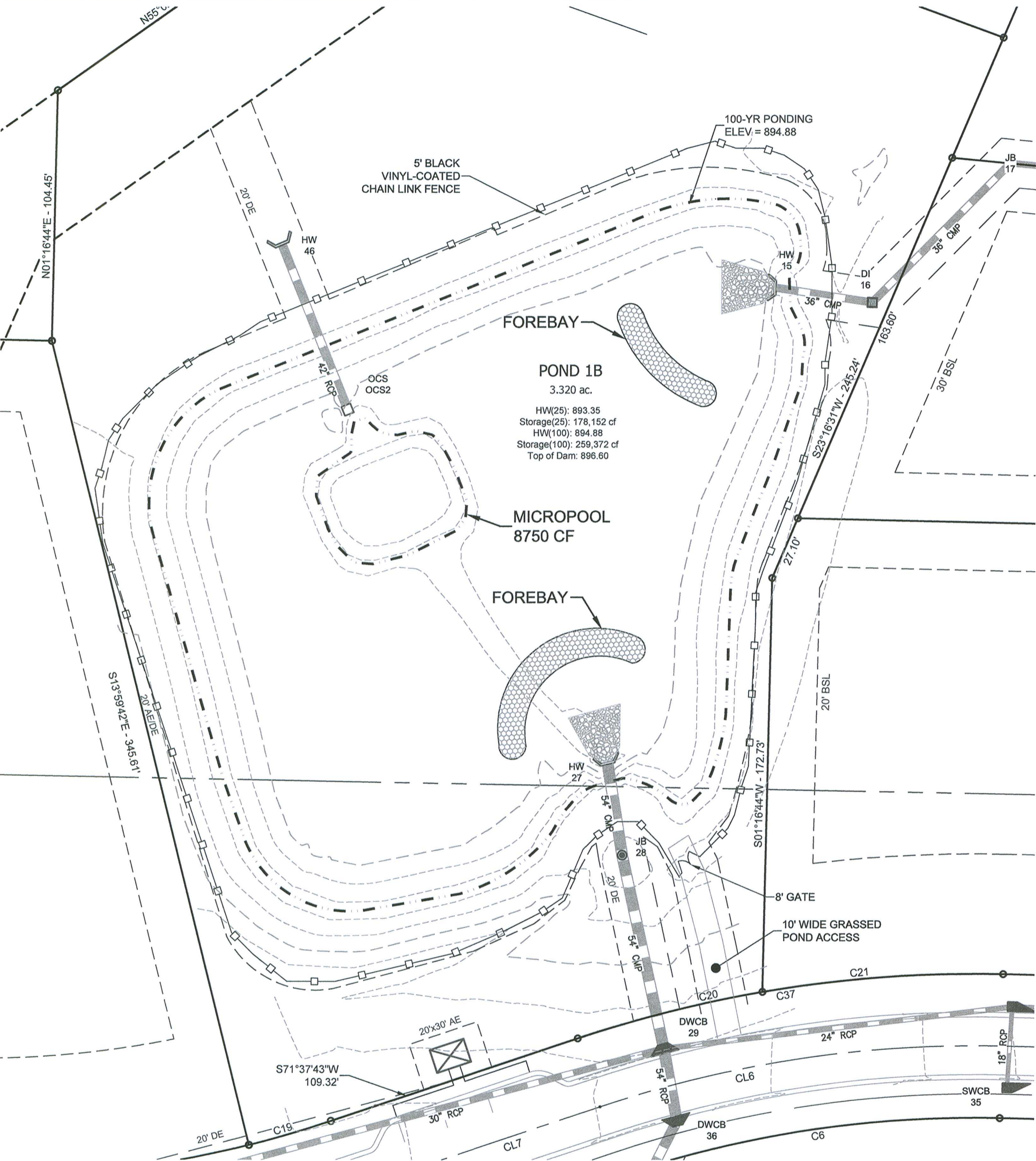


2/19/2020

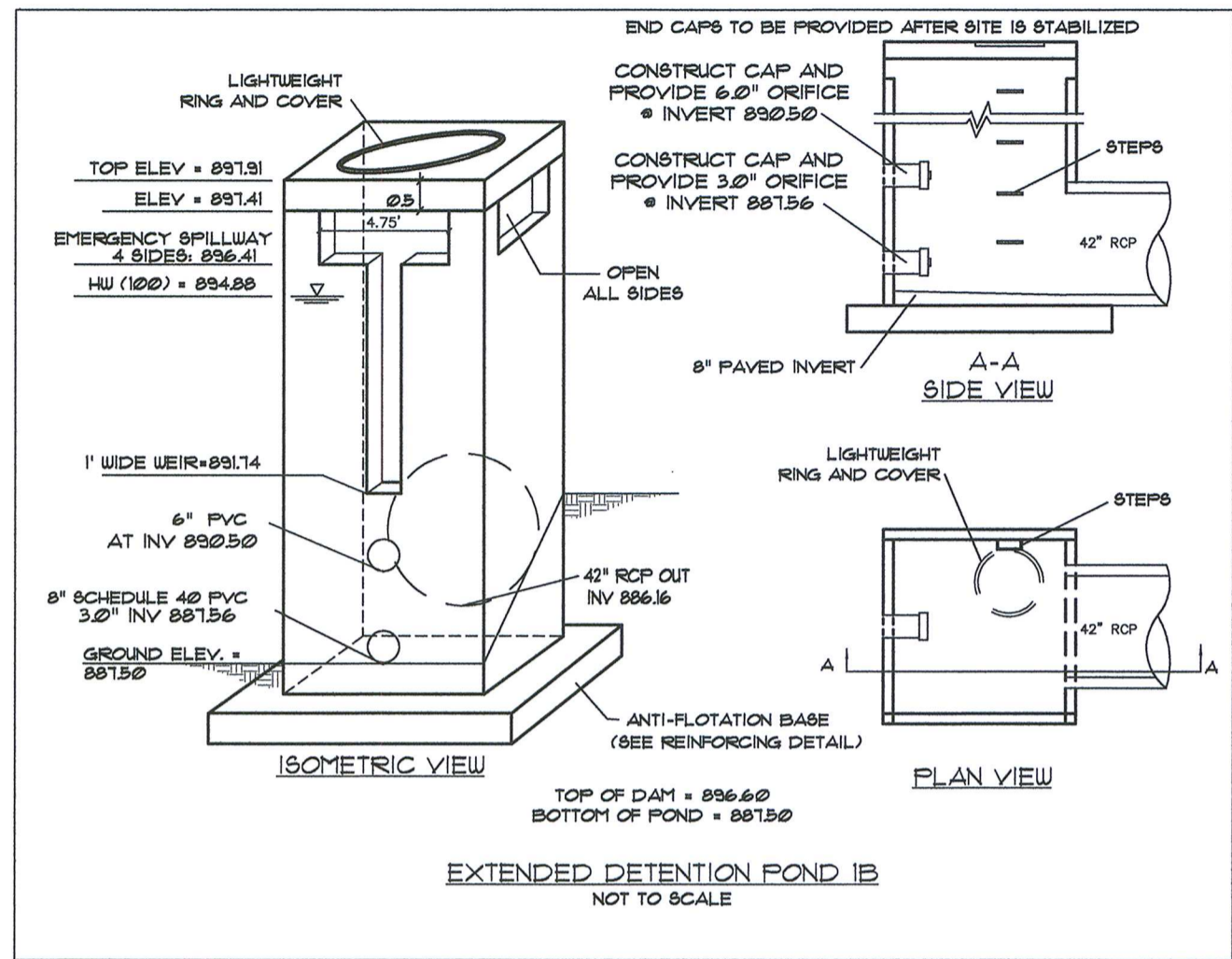
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FINAL PLAT OF	
BRIGHTON	
LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA	

DATE: 9-12-19
SCALE: N/A
LSV: TABLE DATA
CN: 170257_FP.DWG
JN: 1-17-0257
FN: 116-C-3058
SHEET: 14 OF 17

STORM WATER MANAGEMENT AREA - RETENTION POND



STORM WATER MANAGEMENT AREA - RETENTION POND



NO.	DATE	DESCRIPTION	BY

ENGINEERS
SURVEYORS
Travis Pruitt
&
Associates, Inc.
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SCIENTISTS

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2/19/2020

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SURVEYOR
No. 2809
TRAVIS N. PRUITT, JR.
2/19/2020

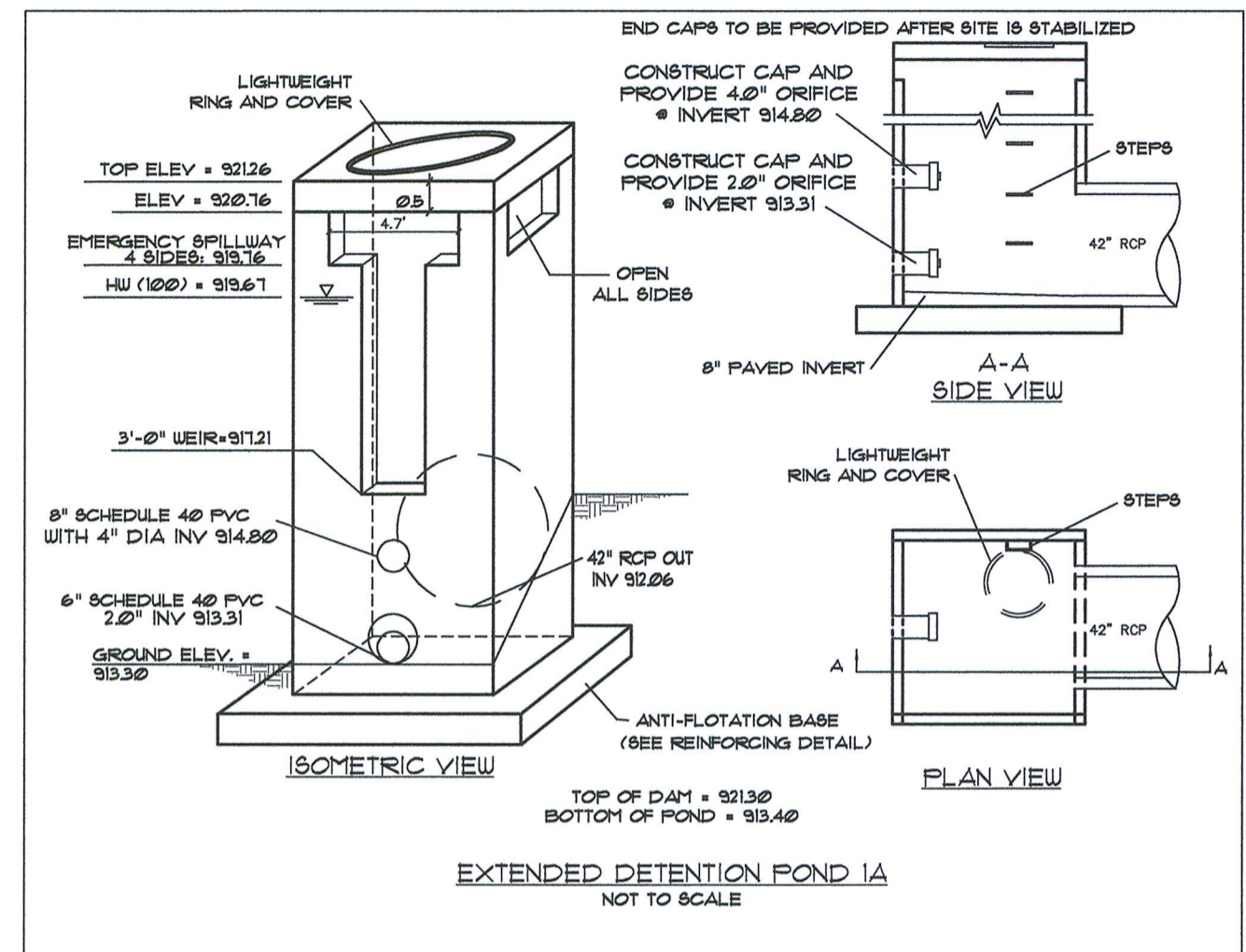
For The Firm
Travis Pruitt & Associates, Inc.

AS BUILT STORM POND
FINAL PLAT OF
BRIGHTON
LAND LOTS 223, 224, 225, & 226 ~ 5TH DISTRICT ~ FAYETTE COUNTY, GA

20 0 40 80 120 160

DATE: 9-12-19
SCALE: 1" = 40'
LSV: AS BUILT STORM POND
CN: 170257_FP.DWG
JN: 1-17-0257
FN: 116-C-3058
SHEET: 15 OF 17

STORM WATER MANAGEMENT AREA - RETENTION POND



Travis Pruitt
&
Associates, Inc.

ENGINEERS SURVEYORS CIVIL
LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS

DATE: 9-12-19
SCALE: 1" = 40'
LSV: AS BUILT STORM POND
CN: 170257_FP.DWG
JN: 1-17-0257
FN: 116-C-3058
SHEET: 16 OF 17

ARTICLE XV. - SUBDIVISION REGULATIONS

Sec. 104-592. - Declaration of purpose.

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

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

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

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

Sec. 104-593. - Definitions.

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

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

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

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

j. *Revision to a recorded final plat.* ~~A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission.~~

1. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section.
2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with Sec. 110-301. - Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:
 - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - (ii) *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider is the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will smaller than existing lots.

- (iii) *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider is the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will more narrow than existing lots.
- (iv) *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.

3. *Amend setbacks increased by a condition of rezoning.* This will be administered as a rezoning under Article IX. - Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in these requests:

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

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

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

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

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

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

Sec. 104-603. - Variance or appeal.

- (a) *Variance or ~~or appeal.~~* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance to the subdivision regulations. ~~or an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the planning commission does not grant the variance or appeal, the property owner may then appeal to the board of commissioners.~~ A variance may be granted in an individual case upon a finding by planning commission that all of the following criteria as applicable to the request exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
 - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
 - (3) Such conditions are peculiar to the particular piece of property involved; and
 - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
 - (5) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.
- (b) *Appeal.* A property owner may petition the planning commission for an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement of the subdivision regulations.

be submitted to the planning and zoning department for distribution to the appropriate departments. Submittal will not be accepted via an email.

i. *Final plat or minor subdivision plat expiration.* A final plat or minor subdivision plat shall expire 90 calendar days after the date of approval by the planning commission if the final plat or minor subdivision plat has not been recorded by the subdivider into the county clerk of superior court records. Once a final plat or minor subdivision plat has expired, it and any maintenance bond and/or irrevocable letter-of-credit (see section 104-600) are void and a new final plat or minor subdivision plat and maintenance bond and/or irrevocable letter of credit shall be submitted. The fee for the review and approval process shall be 50 percent of the original final plat or minor subdivision plat fee.

j. *Revision to a recorded final plat.*

(1) Generally. Proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivision which adds property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. ~~In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners.~~

(2) Public hearings. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request which adds property to, increases the number of platted lots, or changes the principal use on a lot in an existing subdivision:

(a) Reliance by existing property owners on the permanence of the final plat;

(b) Whether the configuration of streets allows for future construction to extend (e.g., temporary cul-de-sacs vs. permanent cul-de-sacs);

(c) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property;

(d) The degree to which proposed additional lots differ in size and character from the existing lots; and

(e) Whether there are existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

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

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

m. *Requirements after the recordation of an approved final plat or minor subdivision plat.* After the final plat or minor subdivision plat has been recorded, no building permits shall be issued until the subdivider has furnished the required number of recorded copies of the final plat or minor subdivision plat and a recorded warranty deed for any right-of-way being donated to the county to the planning and zoning department.

(To be added in its entirety to the Land Use Element of the Comprehensive Plan.)

Flat Creek Trail Overlay District: This District identifies the county's goals and recommendations for lots fronting on Flat Creek Trail north of SR 54 and south of Tyrone Road and sets out the preferred development pattern for this area. Flat Creek Trail is classified as a Collector on the Fayette County Thoroughfare Plan. As a connection between SR54 (Major Arterial) and Tyrone Road (Minor Arterial), Flat Creek Trail has become a cut through road.

Existing Development: There are 18 lots fronting on Flat Creek Trail north of SR 54 and south of Tyrone Road with a total acreage of approximately 80 acres. Eight lots front on the east side of the road and ten lots front on the west side of the road.

Ten lots have a nonresidential use and/or zoning and the total acreage associated with these lots is approximately 49 acres. Three places of worship and a cemetery lot owned by one of the places of worship, all zoned A-R, make up the majority of these nonresidential lots and combined they equal approximately 40 acres. In terms of nonresidential zoning, four lots, are zoned O-I with two developed and two undeveloped, and one lot is zoned C-H but is presently being used as a residence. A County Fire Station is located on a 3.8 acre A-R lot.

Eight lots are zoned residential with seven lots zoned A-R and one lot zoned R-70. These residential lots equal approximately 31 acres. Five of these lots are non-conforming with the minimum lots size required by the associated zoning. Seven of these lots contain a single-family residence and one lot is currently undeveloped.

Current Comprehensive Plan Land Use: The future land use designation for this District is Rural Residential - 2 (1 unit/2 acres). There is one area of 15 acres consisting of three existing lots (two contain single-family residences and one is vacant) on the west side of Flat Creek Trail that has the potential for new residential subdivision development with an internal road. These parcels also contain a pond and possible stream affected by Watershed Protection which could affect lot yield. Two lots have the potential for the subdivision of residential lots fronting on Flat Creek Trail.

Tyrone Road – Palmetto Road - Transportation Corridor Study: The study recommends improvements at the intersection of Tyrone Road and Flat Creek Trail. Recommended improvements consist of a roundabout or a signalized intersection with expanded turn lanes.

Future Development: As previously mentioned, this portion of Flat Creek Trail is becoming a cut through road connecting two major thoroughfares, SR 54 and Tyrone Road. With a majority of the lots being used and/or zoned for nonresidential uses coupled with the Rural Residential - 2 (1 unit/2 acres) land use designation, future residential subdivision development with an internal road seems unlikely. There is potential for the subdivision of residential fronting on Flat Creek Trail.

The goals of the Flat Creek Trail Overlay District are: (1) maintain the residential and institutional character of the area and (2) control the architectural character and aesthetic quality of the nonresidential development.

Recommendations: Maintain the underlying land use designation of Rural Residential - 2 (1 unit/2 acres) with the consideration of O-I zoning for lots fronting Flat Creek Trail within the Flat Creek Trail Overlay District for conversion of existing homes and construction of new office buildings. Office development is low intensity nonresidential development. Create a corresponding Flat Creek Trail Overlay Zone in the Fayette County Zoning Ordinance. Conditions could be placed on property at the time of rezoning to address unique situations.

(To be added as a note and label to the Future Land Use Plan Map of the Comprehensive Plan.)

(Note)

Flat Creek Trail Overlay District and Overlay Zone

Overlay District (see Fayette County Comprehensive Plan, Land Use Element

Overlay Zone (see Fayette County Zoning Ordinance, Sec. 110-173)

(Label)

Flat Creek Trail Overlay District and Overlay Zone (see note below)

(?) Flat Creek Trail Overlay Zone. All nonresidentially zoned property which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.

a. The purpose of the SR 54 West Overlay Zone is to achieve the following:

1. To maintain the residential and institutional character of the area; and
2. To control the architectural character and aesthetic quality of the nonresidential zoned development.

b. Architectural standards. Structures shall maintain a residential character and these standards shall apply to new structures built on non-residentially zoned property. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:

1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
2. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or finished/baked enamel metal siding which establishes a horizontal pattern; and
3. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) or finished/baked enamel metal siding which establishes a horizontal pattern.

c. Additional requirements.

1. All roof-top heating, ventilation, and air conditioning equipment and shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
2. No outside storage shall be allowed
3. No more than 50 percent of the required parking shall be located in the front yard as established by the front building line of any structure located on the site. This requirement shall apply in conjunction with a new structure of 3,000 square feet built on non-residentially zoned property.