COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Wednesday, September 1, 2010	Type of Request:	Old Business

Wording for the Agenda:

Continued discussion of proposed amendments which update the Fayette County Zoning Ordinance in its entirety and which would add it to the Fayette County Code of Ordinances.

Background/History/Details:

At the Board's annual planning meeting in January, 2009, they instructed staff to begin review of the Zoning Ordinance in its entirety. Since that time staff has performed a comprehensive review of the entire Zoning Ordinance and has worked with the Planning Commission and received input from citizens and various business owners in the community, including the telecommunications industry. The Zoning Ordinance is currently a stand-alone ordinance; however, upon adoption by the Board of Commissioners, it will become part of the Fayette County Code, as recommended by the County Attorney to be in compliance with State Law. This is a large document which will require considerable review by the Board. Staff expects a series of meetings at which the Board will have questions and opportunities to provide input and direction. At the appropriate time, advertising and public hearings will add an additional 30 days to the adoption process. Proposed amendments to the Fayette County Comprehensive Plan Text and Map include the SR 74 North East Side Special Development District (see Article VII of the Zoning Ordinance) and the Planned Unit Development - Planned Small Business Center Special Development District (see Article VI of the Zoning Ordinance.)

Staff presented its Executive Summary explaining the major proposed amendments to the Zoning Ordinance to the Board at their Workshop on August 4, 2010. Staff would prefer the ordinance be ready for public hearings by October or November, if the Board so desires. The Board instructed Staff to place the ordinance on the September 1, 2010, Workshop for follow-up discussion.

What action are you seeking from the Board of Commissioners?

Direction to staff on how the Board would like to proceed. Eventually, permission to advertise for public hearings to be held by the Planning Commission and the Board of Commissioners will be needed.

If this item requires funding, please describe:

Funds are not needed at this time, but will be part of an overall cost to update the Fayette County Code.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, August 4, 2010
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Executive Summary of the Revisions to the Fayette County Zoning Ordinance
August 4, 2010

The purpose of this document is to summarize the recommended amendments to the Fayette County Zoning Ordinance. The Board of Commissioners instructed Staff to begin a comprehensive review of the Zoning Ordinance at their retreat in January of 2009. Since that time, Staff and the Planning Commission have been working on a comprehensive review of the Zoning Ordinance. During this process, input was received from citizens and local business owners, including the telecommunications industry. While there are still some issues that Staff and the Planning Commission need to continue working on, portions of the ordinance have been reviewed, amended, and are ready for public hearings and adoption. Several property owners are waiting for amendments to the ordinance so they can move ahead with plans for their properties.

The current Zoning Ordinance was adopted on November 13, 1980, and is 40 years old. As conditions change, the ordinance needs to be updated. The Zoning Ordinance in its entirety will be renumbered for placement into the County Code. Below is a comment on the amendment of a Zoning Ordinance:

AMENDING THE ZONING ORDINANCE

> It is obvious that provisions must be made for changing the regulations as conditions change or new conditions arise. Otherwise, zoning would be a "strait-jacket" and a detriment to a community instead of an asset.
>
> Comment from A Standard State Enabling Act, United States Department of Commerce, 1926.

In addition to the proposed amendment to the Zoning Ordinance, Staff is also recommending that the Zoning Ordinance be adopted into the Fayette County Code. This will bring the ordinance in compliance with State law requiring regulations to be codified.

The following is a summary of the key recommended amendments to the Fayette County Zoning Ordinance:

Article III. Definitions

Amendments to Article III. include 53 new definitions, 47 existing definitions that were amended to be more definitive, and the deletion of 11 definitions which were either obsolete or not used in the ordinance. The following new definitions were added to Article III:

Acquisition of Property for a Public Purpose. The acquisition of property by an entity with the power of eminent domain.

Aircraft. Any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in, the air.

Aircraft Landing Area. Areas designed for safe landing and departures, including runways and heliports.

Airplane. A fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Amphitheater. An open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

Aircraft Hangar. Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Apiary. A place where bees and beehives are kept.

Aquaculture. The hatching, raising, and breeding of fish and/or aquatic plants for sale.

Aviary. Any place where birds are kept confined for breeding, boarding, or similar purposes.

Bed and Breakfast. (see Hotel).

Cemetery or Burial Ground, Legal Nonconforming. An existing cemetery or burial ground established before the effective date of this Ordinance (November 13, 1980) or subsequent amendments which fails to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

Child Care, In-Home. A custodial care business, conducted as a home occupation in a residential dwelling, where not more than three (3) children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable State requirements and/or certifications. The children of the owner are not included in the count.

Convenience Store. A small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

Cultural Facility. A facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Day Spa. An establishment commonly offering beauty care, facials, massages and/or body treatments, including the sales of related products.

Dog Pen /Run. Any outside open air enclosure, consisting of 400 square feet or less, used for the purpose of containing dogs.

Drive-Thru. An opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Educational/Instructional Facility. A specialized training establishment.

Front Door. The main entrance to residence or building which is normally oriented to a street.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Grocery Store. A retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

Helicopter. A rotary winged aircraft that depends principally upon the lift generated by one (1) or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport. An area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Horse Quarters. A structure used to house horses in the residential zoning districts.

Horse Stable. A structure used to house and/or board horses in an A-R Zoning District.

Museum. A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study and enjoyment.

Nonconformance, Illegal. A lot, use, building, or structure established after the effective date of this Ordinance (November 13, 1980) or subsequent amendments which fail to comply with the provisions herein.

Overlay Zone. A zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Planning Commission. The commission to which the responsibilities associated with the Planning Commission has been delegated.

Playhouse. A small house-like structure designed for children to play in.

Runway Safety Area. A cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, Garage/Yard. Garage/yard sales shall include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", “moving sale”, or “estate sale”.

School, Private. An elementary (Kindergarten thru sixth grade and can include Pre-K), middle or high school, supported with private funds, providing a curriculum that meets State Board of Education requirements, including schools serving school age children with special needs.

School, Trade/Vocational. See Educational/Institutional Facility.

Service Area. A designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Shooting Range, Indoor. An indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting Range, Outdoor. An outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Solar Farm. Any lot where more than three (3) ground mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground mounted solar panels are located.

Solar Panel. A device consisting of an array of connected solar cells or photovoltaic cells that converts solar energy (light from the sun) into heat or electricity.

Special Event. A temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split Zoning. A lot divided by more than one (1) zoning district.

Stadium, Athletic. An open-air facility primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

Story. The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Taxi Service. A service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include Charter and/or Motor Coach Bus Service.

Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic movement within and through the County.

Tower, Planned. Any tower that is in the approval process or has been approved, but not yet constructed. (see Article V.)

Training Center. A facility used for business or professional conferences, seminars, and training programs.

Tutoring. The provision of instruction.

Vehicle, Passenger. A wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a motor coach/bus.

Walkway. A passage to provide walking assess such as walks, paths and steps.

Water Distribution System, Central. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Weight, Curb. The total weight of a vehicle with standard equipment, all necessary operating consumables (e.g. motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind Farm. Any lot where more than one (1) wind turbine for the purpose of generating electricity is located.

Wind Turbine. A freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

Zoning Board of Appeals. The board to which the responsibilities associated with the Zoning Board of Appeals has been delegated.

Article IV. Establishment of Districts

The following sections added to Article IV. reflect departmental policy dealing with parcels with split zoning and parcels split by corporate limits.

Where a zoning district boundary divides a lot created after November 13, 1980, the property shall be rezoned to one (1) zoning district prior to submittal of a Preliminary Plat, Final Plat, Site Plan, and/or building permit, as applicable. Any existing development/structure located on a lot with multiple zonings which were lawfully built and existing prior to the adoption of this regulation (adoption date) and which does not conform to the provisions of this Article, shall be allowed to remain in place and shall be deemed a Legal Nonconformance which may include the lot, use, and/or structure.

In addition, any development (Preliminary Plat, Final Plat, Site Plan, and/or building permit, as applicable) that involves multiple lots to be utilized as one (1) lot shall be required to be combined.

Corporate Limits. Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County, on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line. Setbacks are measured from corporate city limit lines and/or county boundary lines.

Article V. General Provisions

Generally, Article V. was amended to provide clarification to existing regulations based on departmental policies, procedures, and reorganized to put related topics together. Key amendments to this article include the following:

Accessory Structures and Uses.

The following accessory structures and uses were added: Solar Panel (ground mounted); Wind Turbine/Windmill (all ground-mounted); Aircraft Hangar, detached (see Article VII); Dog House and Dog Pen/Run; Playhouse; and Outdoor Kitchen and/or Fireplace.

The following section concerning the number of accessory structures and uses and a well/pump house were added:

A dog house, dog pen/run consisting of 200 square feet or less, playhouse, ground/pole mounted solar panel consisting of less than 200 square feet, ground-mounted wind turbine/windmill, and uncovered outdoor kitchen and/or fireplace were added to the list of items that would not be included in determining the number of accessory structures allowed on a lot.

A well/pump house of 70 square feet or less may be located in the front yard and within any setback (front, side or rear).

The Architectural Standards requiring a gable, hip, or gambrel roof only, with a minimum pitch of 4 1/2" in 12" on an accessory structure has been deleted. This regulation proved to be too burdensome for citizens in terms of an accessory structure.

The following restrictions are proposed for a Solar Panel (ground mounted) and a Wind Turbine/Windmill (ground-mounted):

> Solar Panels (ground-mounted). Ground mounted solar panels shall be limited to three (3) per lot, the total cumulative square footage of ground mounted solar panels shall not exceed 900 square feet, shall not exceed ten (10) feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of 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 (1) accessory structure/use.
>
> 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 (1) ground mounted wind turbine/windmill. The ground mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.

Walls, Fences, and Entrance Structures located in a front yard in A-R and all residential zoning districts and Residential and Nonresidential Subdivision Entrance Walls and Fences.

Barbed wire and electric fences will be prohibited in front yards except for situations of agricultural operations on A-R property and residential zoning districts where horses can be kept.

Standards for Telecommunications Antennas and Towers.

Extensive work was done on this section. The original section was written in 1998. This was a time when cell phones were not as widely used as they are now, cell systems basically only carried phone calls and the industry was trying to provide cell coverage to the commuting corridors as cell phones were generally used in vehicles, as opposed to, the home which was connected to a land line. Now, cell systems are carrying more than just phone calls with new technologies in hand held devices which provide access to the internet and e-mail requiring more carrying capacity. In 2008, the CDC conducted a study that determined that one (1) in five (5) households in Georgia had disconnected from their land line and were now completely depending on wireless service for phone and internet connection. This has caused the industry to shift its focus to providing service to residential areas. Work on this section also included clarification of existing regulations and reorganization. Key amendments to this section include the following:

A statement was added to clarify that the Board of Commissioners is the only body that may reduce or waive the requirements under this section, through the public hearing process. Normally, the Zoning Board of Appeals provides this function in terms of zoning regulations.

Governmentally owned property (local, state or federal) will be exempt from the tower regulations. The existing regulations state that the County will follow these regulations for the

placement of a cell tower on County property. In the one situation where the County placed a cell tower on County property, the BOC exempted itself from these regulations. The regulations also state that towers shall not be allowed on the same lot as a school or day-care-center. The County has no zoning jurisdiction over property owned by the Board of Education. By the same token, the County has no zoning jurisdiction over property owned by the state or federal governments.

In terms of a private school or day-care-center, the proposed regulations will allow a tower on the same lot as a private school or day-care-center. However, the tower shall be set back a distance equal to the height of the tower from all facilities, excluding parking lots.

The distance from off-site residences was reduced from 1,000 feet to three (3) times the tower height. Staff's review of tower ordinances in the metro region indicated that the 1,000 foot distance is greater than most communities.

In terms of the area outside of the Highway Corridor, the following changes are proposed:

The R-70 zoning district was added to the list of zoning districts where a tower may be located. This is in response to the R-70 blanket zoned area in the north central portion of the County where the tower industry has indicated a lack of service.

The two (2) mile separation between towers is reduced to one and one-half (1.50) miles. Staff's review of tower ordinances in the metro region indicated that only one (1) community that had a separation of one and one-half (1.50) miles and most communities had a separation of less.

A new section on Alternative Tower Structures is proposed. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Alternative tower structures resemble a monopine (man-made pine trees), free-standing clock towers and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells. Key aspects regarding alternative tower structures include the following:

Alternative tower structures will be allowed in the areas and zoning districts which permit standard towers. They will also be allowed in conjunction with existing Conditional Uses that include: a Church or Other Place of Worship; Developed Residential Recreational/Amenity Areas; Private School; and Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.

Alternative tower structures of 120 feet or less may be administratively approved. Alternative tower structures in excess of 120 feet will require public hearings before the Planning Commission and the Board of Commissioners.

All alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission. This is a similar procedure to that of a Preliminary, Final, and Minor Subdivision Plat. The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing, and landscaping that shall be indicated on the Site Plan.

Tower requests that need public hearings will now require a balloon test and a visual simulation based on the balloon test. These are tower industry recommendations. The balloon test is where a balloon is flown from the location of the proposed tower, at the proposed height, and will be conducted on a Saturday, allowing an opportunity for County Officials and the public to view the test. A sign will be posted on the property announcing the proposed tower and balloon test five (5) days prior to the balloon test. The visual simulation shall consist of color photographs of the proposed site, with the existing view, and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.

Tower approvals will expire in 24 months unless a Certificate of Occupancy is issued for the tower. This is necessary because the location of a proposed tower is based on existing and planned towers (approved, but not yet built).

Deadlines for the County to administer tower requests in compliance with Federal Telecommunication requirements are proposed. The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits.

Administrative Variances.

Administrative Variances and Modifications allow the Zoning Administrator to approve administrative variances and modifications of conditions not to exceed 20 percent of the stated requirements, which is too much discretion for staff. Variances of this amount should be heard by the Zoning Board of Appeals. It is proposed that the Zoning Administrator only have authority to grant administrative variances regarding setbacks for an existing structure. Said administrative variance shall not exceed ten (10) percent of the minimum setback requirements up to a maximum of two (2) feet. This has been an issue for residences constructed prior to the requirements of a foundation survey, especially on lots where the property lines are at acute angles, fronting a street with curvatures, or fronting on the turn-around portion of a cul-de-sac.

Miscellaneous new sections to Article V. include the following:

> Septic Systems and Drain Field Lines. Septic systems, including drain field lines, shall be set back a minimum of ten (10) feet from the property line. In the case where a buffer is required, septic systems, including drain field lines, shall be set back a minimum of 25 feet from the property line (see Buffer.)
>
> Buffer. A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (See Development Regulations, Article V. for planting requirements.) Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet as measured from the

property line shall be for the aforementioned required natural vegetation, landscape plantings and other visual screening elements or noise attenuation devices only. Multi-use path access and utilities (including underground stormwater piping) may be located anywhere within the buffer.

Landscaping and Buffer Requirements. A nonresidential structure/use allowed in a residential zoning district shall comply with the planting requirements for the buffer and landscape areas of the Development Regulations.

Lot Width, Minimum. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met. Accessory structures do not have to comply with the lot width at the building line; however, they shall comply with the required setbacks and location requirements. (Commentary: most of this language was contained in the definition of Minimum Lot Width.)

Sales, Garage/Yard. A maximum of three (3) garage/yard sales consisting of a maximum of three (3) days each within a 12 month period shall be allowed per residential lot.

Architectural Yard Features. Architectural Yard Features shall not be located within the right-of-way, shall not be required to comply with the setback requirements, and shall include, but not be limited to: 1) landscaping features such as planters, arbors, and trellises; 2) water features shall include, but not be limited to: fountains, waterfalls, and decorative man-made ponds such as koi ponds; and/or 3) sculptures. Landscaping features such as arbors or trellises shall not exceed ten (10) feet in height as measured at the highest point. Landscaping planters shall not exceed four (4) feet in height at the highest point. Sculptures shall not exceed 20 feet in height or the highest point of the roof of the principle structure, whichever is less. (Note: Check with the Building Permits & Inspections Department for any permitting requirements.)

Wild Animals. All Wild Animals categorized as inherently dangerous that require a license or permit and liability insurance per OCCG Title 27, Chapter 5, shall be prohibited in all residential and A-R zoning districts.

Recreational Vehicle. One (1) recreational vehicle, when utilized for temporary occupancy, shall be allowed to be parked in any zoning district on a lot which contains a single-family dwelling or in any residential zoning district. The duration shall not exceed 14 days and said duration shall be allowed two (2) times per year.

Road Side Sales. Sales of goods or services from a temporary location along a public right-of-way where business is transacted outside of an approved permanent structure are prohibited. Mobile ice cream vendors, mobile food venders which serve building sites, and vendors located at special events shall be exempt.

Refuse/Dumpster Area. The refuse/dumpster area used in conjunction with non-residential uses shall only be located to the side or rear of the principal structure, comply with the setbacks and/or buffer requirements, and be screened per Article V.

Manufactured Home. The placement of a manufactured home in a zoning district which allows a single-family dwelling as a Permitted or Conditional Use, other than MHP, shall comply with the following:

1. Approval shall be required from the Georgia Department of Community Affairs (DCA) and the Housing and Urban Development, as applicable. This approval shall be located

in the electrical panel box of the building unit. The date plat shall be affixed to each building unit which assures compliance at the installation location.

2. A Georgia Insignia for Industrialized Building, when affixed to each building unit, shall indicate that the unit has been constructed and inspected in compliance with the approved plans and date on file with the DCA and/or HUD, as applicable. No deviations from or changes in the approved building plans shall be made without prior approval from the DCA and/or HUD, as applicable.

3. A manual of the structure shall have a State of Georgia Engineer's seal and shall describe, in detail, the building construction and installation requirements.

4. The Manufactured Home shall comply with all applicable zoning requirements, including, but not limited to: minimum heated square footage.

5. The Manufactured Home shall be placed on a permanent foundation.

6. The middle support chassis shall be removed.

7. The electrical and gas meters are to be set in the structure once all applicable final inspections are approved.

8. All applicable requirements shall be met within 90 calendar days and prior to the issuance of a Certificate of Occupancy.

Miscellaneous key amendments to existing sections include the following:

Outside ~~Storage~~ ***Display*** Exempt from Screening. Outside ~~storage~~ ***display*** of ~~motor~~ vehicles***, motorcycles, boats, recreational vehicles, farm equipment, utility trailers, and heavy equipment,*** for lease or sale ***and manufactured homes and landscape materials*** shall be exempt from the screening requirements of this Ordinance, subject to the minimum landscape and buffer requirements. Merchandise which is moved inside on a daily basis shall be exempt from the screening requirements; however***,*** such display ~~must~~ ***shall*** comply with all minimum landscape and buffer requirements. ***Outside sales display shall be exempt from screening; however, the outside sales display shall comply with the required setbacks, buffers and landscape requirements. The outside installation and display of products shall be limited to those items generally utilized outside, including, but not limited to: swimming pools, spas/hot tubs, patios and patio accessories, plant materials and/or children's play equipment.***

Raising and Keeping of Horses in Residential Districts***.*** The raising and keeping of no more than one (1) horse on a lot consisting of a minimum of three (3) acres and one (1) 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 long as, such accessory structure complies with Article V. (Accessory Structures and Uses). The boarding of horses and commercial riding lessons shall be prohibited.***

Mailbox Supports. The use of massive supports that, when struck, could damage vehicles and cause serious injury to vehicle occupants, are prohibited. Concrete posts, brick bases, iron pipes and similar miscellaneous items such as farm equipment or supports filled with concrete cannot be used for mailbox supports. ***This restriction shall not apply on streets with a classification of Internal Local***

(see Development Regulations, Article III. Street Design Standards and Specifications.) (Adopted 12/09/93) (Amended 02/25/99)

Article VI. District Use Requirements

A-R Agricultural - Residential District. Amendments include the following:

Recreation centers and similar institutions owned by non-profit organizations so designated by the Internal Revenue Code are a Permitted Use and are recommended to be a Conditional Use with conditions (buffers and setbacks) similar to like uses such as churches and private schools.

Aquaculture, including pay fishing and an apiary are included with the Permitted Use of raising livestock. An aviary is added as a Conditional Use.

C-S, Conservation Subdivision Amendments include the following:

Reference to the Georgia Greenspace Program (discontinued) has been removed. A covered picnic pavilion, limited to a maximum of 900 square feet, will be allowed in the Conservation Area. Horse Quarters were added as a Conditional Use (see discussion in Residential Zoning Districts).

EST, Estate Residential District A covered picnic pavilion, limited to a maximum of 900 square feet, will be allowed in the Conservation Area. Horse Quarters were added as a Conditional Use (see discussion in Residential Zoning Districts).

Residential Zoning Districts Horse Quarters were added as a Conditional Use (see Article VII.) in all of the Residential Zoning Districts. Horse Quarters relates to the keeping of horses in a residential zoning (one horse for the first three acres and one horse for each additional acre) and allowing a property owner the ability to construct a structure specifically for the housing of the horses which will not count to the number of customary accessory structures.

Non-residential Zoning Districts The uses of College and/or University and Private School were separated in terms of Permitted Uses and Conditional Uses. These uses are Conditional Uses in A-R and the residential zoning districts with sizable setbacks and buffers when adjacent to A-R or residentially zoned property, but were classified as Permitted Uses in the O-I, C-C, and C-H zoning districts subject to lesser setbacks and buffers. It is proposed that as Permitted Uses they will be restricted to classrooms and administration only. If the full range of uses, including athletic fields, stadiums, playgrounds, etc. is proposed the uses are classified as Conditional Uses with the same setbacks and buffers required when adjacent to A-R and residentially zoned property.

Two (2) new Conditional Uses are proposed for the C-C and C-H zoning districts. These uses are Seasonal Sales as Outdoor Displays and Temporary Tent Sales (see Article VII.). Conditions generally address duration, sale items (Seasonal Sales), operating hours, parking, exemption from screening requirements, Fire Marshal approval for tents and clean-up.

Indoor shooting ranges were added to the C-H and M-1 zoning districts as Conditional Uses. The conditions require that the shooting range meets National Rifle Association standards and all

state and federal regulations. Outdoor shooting ranges were added to the M-1 zoning district and the A-R zoning district (to replace the Conditional Use of Rifle Range.) The conditions require that the shooting range meets National Rifle Association standards and all state and federal regulations.

Several Permitted Uses were deleted, as they were viewed as unnecessary in the M-2. Manufacturing and Heavy Industrial District, and were allowed in the M-1 zoning district. The deleted uses include the following: Appliance sales and repair; Athletic events (temporary in nature); Blueprinting; Carnivals (temporary in nature); Car wash; Catering service; Community fairs (temporary in nature); Drive-in theater; Electrical repair; Horse show (temporary in nature); Farm equipment sales; Furniture store; Hardware; Home furnishings; Farmer's market; Mini-storage facilities with a unit floor space not to exceed 425 feet; Nursery, plant; Paint shop, automobile; Parts store, automobile; Rent-alls; Rescue squad; Restaurants; Rodeo (temporary in nature); Taxi service; Tire sales; Utilities, public facilities; and Utility trailer rentals and rent-alls;

Planned Unit Development.

A new Planned Small Business Center (PSBC) classification is proposed for the Planned Unit Development zoning district. This district was created with the assistance of several local business center owners through numerous meetings with the Planning Commission. The intent of the Planned Small Business Center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. Only those uses (Permitted and Conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed. The Development Plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety. Amendments to the Fayette County Comprehensive Plan will indicate the following areas for the PUD-PSBC:

(1) Those properties located in the unincorporated area of the county fronting SR 85 North, north of Banks Road to the Clayton County Boundary designated as Commercial and/or Industrial on the Fayette County Future Land Use Plan;

(2) Those properties located in the area of SR 314 and Bethea Road designated as Industrial on the Fayette County Future Land Use Plan; and

(3) Those properties located in the unincorporated area of the county fronting SR 54 East, east of the city limits of Fayetteville to Nash Creek designated as Commercial.

Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards

Various amendments are proposed to the list of existing Conditional Uses to provide clarification, the following new Conditional Uses are proposed for Article VII:

e. Heliport. (These regulations shall not apply to a hospital which maintains a heliport for medical purposes.)

(1) F.A.A. Air Space Clearance approval for visual flying flight operations and landing areas shall be required, where applicable.

(2) A Site Plan, prepared by a Registered Surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

(3) A heliport shall be a minimum of 300 feet from all property lines as measures from the center point of the heliport landing area.

4. Amphitheater, Outdoor. (Allowed C-H and M-1 Zoning Districts)

a. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends (see Fayette County Code, Offenses and Miscellaneous Provisions and Noise Control.)

b. The out door amphitheater shall not be located closer than 300 feet from any A-R or residentially zoned property.

Aviary. (Allowed in the A-R Zoning District)

a. Shall be licensed through the Georgia Department of Agriculture.

b. Shall be limited to residents of the dwelling with no outside employment.

c. A farm outbuilding shall house the aviary and shall be exempt from architectural standards. A farm outbuilding shall be located in the side or rear yard of the principal structure and comply with the required setbacks.

b. Pet Cemetery

(1) Minimum lot area shall be five (5) acres.

(2) The remains of only one (1) pet shall be buried in a single gravesite and shall not be stacked one (1) above another.

(3) The remains shall be a minimum of three (3) feet below the grade.

(4) Cemetery plots shall be of sufficient size to provide for a minimum one (1) foot undisturbed area between graves.

(5) The owner/operator shall maintain and post a copy of the Cemetery Rules and Regulations and a current burial plot diagram at all times.

(6) A pet cemetery shall be maintained in perpetuity via deed restrictions.

12. Charter and/or Motor Coach Bus Service. (Allowed in C-H Zoning District)

a. All buses shall be parked to the rear of the principal structure.

b. All buses shall be screened in accordance with Article V. General Provisions, Outside Storage.

c. Overhead bay doors shall not be open to the street.

d. The following uses shall be allowed: Administrative office, passenger pickup, and storage of buses.

e. On-site maintenance/repairs are prohibited.

26. Horse Quarters in Residential Zoning Districts. (Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD Zoning Districts)

a. Minimum lot size: Over ten (10) acres

b. Minimum side yard setback: 50 feet

c. Minimum rear yard setback: 75 feet

d. Horse Quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, a Horse Quarters may be constructed prior to the principal residential structure.

e. Horse Quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.

f. Only one (1) Horse Quarters structure shall be permitted and shall not be counted as an accessory structure.

g. Riding lessons and boarding are prohibited.

h. Number of horses (see Article V.)

38. Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office. (Allowed in the A-R Zoning District)

a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.

b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.

c. A minimum 50 foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.

d. Minimum setbacks for structures and use areas.

(1) Front yard: 100 feet

(2) Side yard: 50 feet

(3) Rear yard: 75 feet

e. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood or similar building materials compatible with the area.

f. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.

g. The construction of one (1) open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.

42. Seasonal Sales, Outdoor. (Allowed in C-C and C-H Zoning Districts and Churches) (see Article VII., Church or Other Place of Worship)

a. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R Zoning District, which has a bona fide farming operation, is exempt from seasonal sales requirements;

b. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from Article V. Screening Standards, except as provided herein;

c. Location of seasonal sales as outdoor display, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;

d. Outdoor sales of seasonal agricultural products shall be limited to: Natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, and nuts; and natural plants;

e. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;

f. Off-street parking shall be required;

g. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by the Sign Ordinance shall be submitted to the Planning and Zoning Department; and

h. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the Conditional Use Permit.

44. Shooting Range, Indoor. (Allowed in C-H and M-1 Zoning Districts)

a. The Indoor Shooting Range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.

b. The Indoor Shooting Range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.

c. The Indoor Shooting Range shall meet Section 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.

45. Shooting Range, Outdoor. (Allowed in A-R and M-1 Zoning Districts)

a. The Outdoor Shooting Range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.

b. The Outdoor Shooting Range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.

c. The Outdoor Shooting Range shall meet Sections 12-5 (Discharging Firearms) and 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.

45. Stadium, Outdoor Athletic. (Allowed in the C-H and M-1 Zoning Districts)

The outdoor athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

48. Temporary Tent Sales. (Allowed in the C-C and C-H Zoning Districts)

a. Said tent sales shall not be operated longer than 28 calendar days per year;

b. Tents shall require the approval of the Fayette County Fire Marshal;

c. Off-street parking shall be required;

d. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m..;

e. Location of outdoor sales, as well as, a temporary tent:

1. Shall comply with zoning requirements for setbacks.

2. Shall be exempt from Article V. Screening Standards, except where provided herein.

3. Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.

50. Wind Farm. (Allowed in the M-1 and M-2 Zoning Districts) The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.

Miscellaneous key amendments to existing sections include the following:

25. Home Occupation. (Allowed in A-R, ~~residential~~ ***EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, M-1, M-2, and BTP*** Zoning Districts***)*** ~~and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.)~~ ***The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from non-residential areas and uses.*** (Amended 10/23/08)

a. Residents. Only residents of the dwelling may be engaged in the home occupation ***within the dwelling. All non-resident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.***

b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, ~~except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District~~.

Customers. The number of customers shall not exceed more than two (2) at a time nor more than a total of 12 customers in any one (1) day and all services rendered to customers shall take place only within the dwelling. The hours of operation shall be limited to 9:00 am to 9:00 pm.

d. Area. Use of the ~~building~~ ***dwelling*** for ~~this~~ ***the*** purpose ***of the home occupation*** shall not exceed ***a total of*** ~~thirty-five (35)~~ ***25*** percent of the principal building.

e. Number. No more than four (4) home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.

f. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.

g. Accessory Buildings. No accessory buildings or outside storage shall be used, except as otherwise provided herein.

h. Music ~~, etc.~~ ***Lessons and/or Tutoring.*** ~~Instructions in music and similar subjects~~ ***Lessons and/or Tutoring shall include, but not limited to: music, dance, computer, martial arts, academic, and speech therapy and*** shall be limited to two (2) students at a time ***nor more than a total of 12 students in any one (1) day and such lessons and/or tutoring shall take place in the dwelling. The hours of operation shall be limited to 9:00 am to 9:00 pm.***

Daycare, Child/Adult: Daycare shall be limited to no more than three (3) children or three (3) adults at any time.

i. Vehicles. Only ***customary passenger*** vehicles***, vans and pick-up trucks*** shall be permitted to remain on the premises ***in association with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, 10 feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.***

j. Uses. The following and similar uses shall not be considered home occupations: automobile service station; automobile and related ~~machine~~ ***vehicular*** sales ***lot on-premise***; ***on-premise*** automobile***, motorcycle, and/or farm/heavy construction equipment*** repair or ***service/***maintenance; ambulance service; ***beauty salon, barber shop,*** rescue squad; ***on-premise*** amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic ~~or~~ ***with or without*** animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; ***taxidermy, welding; on–premise pet grooming; medical/dental facilities; on-premise repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing;*** and massage therapy.

7-2. Nonconformances.

Generally, this section was compiled and reorganized as portions of this verbiage were scattered throughout the ordinance in different Articles. The reorganization consisted of addressing the three (3) basic types of nonconformances: lots, uses, and structures.

The following new sections are proposed for nonconforming lots:

Consideration for the Rezoning of Legal Nonconforming Lots. Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:

1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and

2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the Zoning Board of Appeals shall be required.

Creation of a Legal Nonconforming Lot for Enhancements to a Development. Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, tot lots, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs and the preservation of historic and agricultural structures for ornamentation (see Nonconforming Structures). A tot lot shall only be equipped with playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children. A minimum 15 foot setback shall be maintained for any playground equipment or any historic or agricultural structures utilized for ornamentation. The lot must be labeled: "Not a Building Lot" on the Preliminary Plat and/or the Final Plat, as applicable. The lot shall be under the ownership of the Home Owner's Association, Property Owner's Association, or Developer/Property Management entity, as applicable.

Creation of a Legal Nonconforming Lot for a Legal Nonconforming Cemetery or Burial Ground. The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat and/or site plan, as applicable. A minimum 20 foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

There are no new sections proposed for nonconforming uses, just clarification of existing language. The following new sections are proposed for nonconforming structures:

Nonconforming Structures. Any legally existing structure, which fails to comply with the provisions herein, as of the effective date of this Ordinance (November 13, 1980), or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a Request for a Variance (Article IX) shall be considered.

Maintenance or Repair of Legal Nonconforming Structures. The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a Certificate of Occupancy (per applicable International Residential Code and International Building Code.)

A property that is improved with an existing structure, which would become nonconforming in terms of the architectural requirements within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character,

except as is required in a Transportation Corridor Overlay Zone regarding enlargement of an existing nonconforming structure.

A property that is improved with an existing structure, which would become nonconforming in terms of the maximum height limits within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.

A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

A property that is improved with accessory structures, which would become nonconforming in terms of the accessory structure requirements within the Zoning Ordinance, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

Transportation Corridor Overlay Zone

The following new section is proposed for the S.R. 54 West Overlay Zone and General State Route Overlay Zone:

Architectural Option.

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

Minor amendments to the overlay zones includes an allowance for stained glass windows in conjunction with a church or place of worship and the requirement of a two (2) foot knee wall for large display and storefront windows.

The following is a summary of the recommended amendments to the Fayette County Zoning Ordinance which affect more than one Article:

Kennel

The control of the number of household pets that may be kept on a lot (residential or nonresidential) has been handled through zoning under the regulations for a Kennel which is somewhat of a backdoor approach. Under Article III. the definitions of Animal and Kennel are utilized. The definitions are as follows:

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus). It shall not include livestock (see Sec. 3-62.) The number of animals kept shall be limited to three (3).

Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include not more than one (1) litter of dogs or cats of not more than six (6) months of age. (Amended 08/25/05)

Based on these definitions any location (including a private residence) where three or more animals (which includes dogs and cats or a combination there of) are kept is considered a Kennel. In addition, the definition of Animal actually contains a restriction/regulation. Staff has strived to eliminate regulations from definitions.

A Kennel is a Conditional Use in the A-R, C-C, C-H, and M-1 zoning districts. The Conditional Use requirements are as follows:

All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.

Based on the condition above, a Kennel is not allowed in any residential zoning district. For example, under the ordinance a citizen with four cats in their house located on a lot that is in a residential zoning district is in violation of the Zoning Ordinance. In addition, the terms "kennel" and "structures, pens, runs, or enclosures" are normally associated with dogs not cats.

The issue of controlling the number of household pets that may be kept on a lot still needs some work and may be better controlled through a mechanism other than zoning. The location and regulation of a Kennel as a use where dogs are breed or boarded for profit, should be addressed by the Zoning Ordinance However, in the interim, it is recommended that the regulations for a Kennel be applied to dogs only. Therefore, it is recommended that the definition of Animal be deleted from Article III and the definition of Kennel be amended as follows:

Kennel. Any location where ~~any combination of animals~~ ***domestic dogs (canis familiaris)*** are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include ***a location*** ~~not more than~~ ***where*** one (1) litter of dogs ~~or cats~~ of not more than six (6) months of age ***are kept***.

F A Y E T T E C O U N T Y Z O N I N G O R D I N A N C E

1980

Inclusive of Amendments from 11/13/80 through 10/22/09

FAYETTE COUNTY COMMISSIONERS

Jack Smith
Herb Frady
Eric Maxwell
Robert Horgan
Lee Hearn

COUNTY ADMINISTRATOR

Jack Krakeel

COUNTY CLERK, BOARD OF COMMISSIONERS

Carol Chandler

DIRECTOR OF COMMUNITY DEVELOPMENT

Peter Frisina

ZONING ADMINISTRATOR

Dennis Dutton

FAYETTE COUNTY PLANNING COMMISSION

Tim Thoms
Al Gilbert
Bill Beckwith
Jim Graw
Douglas L. Powell

PLANNING COMMISSION SECRETARY

Robyn S. Wilson

COUNTY ENGINEER
Phil Mallon

COUNTY ATTORNEY
Scott Bennett

ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE

For the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of Fayette County, Georgia, the Board of Commissioners of Fayette County, under the authority of the General Planning and Zoning Enabling Act of 1957, Georgia Laws 1957, page 420, Act No. 358, hereby ordains and enacts into law the following Articles and Sections.

ARTICLE II. SHORT TITLE

This Ordinance shall be known and cited as "The Zoning Ordinance of Fayette County, Georgia, 1980."

01/23/09 – BOC Retreat – Beginning of a year plus long process
(Parcel and tract changed to lot; chairman to Chairman; and vice-chairman to Vice-Chairman throughout the Ordinance)
07/15/10 – PC Workshop
08/04/10 – BOC Workshop

ARTICLE III. DEFINITIONS

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. ***The word "shall" is always mandatory while the word "may" is merely discretionary.*** The following specific definitions shall apply:

Accessory. A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acquisition of Property for a Public Purpose. The acquisition of property by an entity with the power of eminent domain.

Acre, gross. A measure of land equal to 43,560 square feet.

Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100 year floodplain; all water***/stormwater*** impoundments; and all lands proposed to be dedicated to a governing authority.

Adult Day Care Facility. Adult Day Care Facilities shall include any building, or portion thereof, used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day. (Adopted 06/28/07)

Agriculture. The raising of soil crops***, including forestry and landscape planting materials,*** and***/or*** livestock in a customary manner on lots of land at least five (5) acres in size, including all associated activities.

Aircraft. Any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in, the air.

Aircraft Landing Area. Areas designed for safe landing and departures, including runways and heliports.

Airplane. A fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Aircraft Hangar. Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Alteration. ~~Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.~~ ***Any construction or renovation to an existing structure, other than repair.***

Amphitheater. An open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

~~Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus). It shall not include livestock (see Sec. 3-62. The number of animals kept shall be limited to three (3). (Adopted 08/25/05)~~

Animal, ~~Exotic~~ ***Wild***. This shall include any species or family or breed (including hybrids) of ~~exotic~~ ***wild*** animals listed by the Georgia Department of Natural Resources (DNR) as being ~~exotic or~~ wild (~~State law Ref.~~ OCGA ~~§27-5-1~~ ***Title 27, Chapter 5*** as presently stated and as hereafter amended). ~~Unless otherwise provided in OCGA §27-5-4 as presently stated and as hereafter amended; it shall be prohibited for any person to import, transport, transfer, sell, purchase, or possess any wild or exotic animal listed in OCGA §27-5-5 as presently stated and as hereafter amended. (Adopted 08/25/05)~~

Antenna. ~~Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.~~ ***A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.***

Apiary. A place where bees and beehives are kept.

Aquaculture. The hatching, raising, and breeding of fish and/or aquatic plants for sale.

Automobile Service Station. A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Aviary. Any place where birds are kept confined for breeding, boarding, or similar purposes.

Basement. ~~The area below the first floor level in a building and having not more than one-half (½) of its height above grade.~~ ***That portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.***

Bed and Breakfast. (see Hotel).

Breezeway. A roofed, open-sided or screened passageway connecting two (2) structures, such as a house and a garage.

Buffer. A portion of a ~~parcel~~ ***lot*** which is set aside to provide a separation of uses from abutting ~~parcels, uses, or streams~~ ***lots.*** ~~through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices~~.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure ***for*** any person, animal, ***livestock***, process, equipment, goods or property of any kind.

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. ***Architectural features, which are not utilized for habitable space, shall not be included in the calculation of building height.*** See also, Tower Height. (Amended 07/24/03; 05/26/05)

Building Line, Front. A line running ~~between the side property lines as~~ parallel ~~as possible~~ to the street which touches the nearest point of the principal structure to the street. (Amended 01/24/08)

~~Building Line, Minimum. (Deleted in its entirety 01/24/08)~~

Building, Principal. A building in which the principal use of the lot is conducted.

~~Business Park. A planned center for the delivery of goods and services consisting of at least ten (10) acres and identifiable as a unit.~~

~~Business Vehicles. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.~~ ***Relocate to Vehicles, Business.***

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond commonly containing a changing area, and/or seating area, and/or a restroom. (Amended 01/24/08)

Campground Facilities. Any lot where two (2) or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy ~~of fifteen (15) days or less~~.

Care Home. A convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons. (Amended 12/15/05)

Carport, attached. A roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district. (Amended 06/26/08)

Carport, detached. A roofed, open-sided motor vehicle shelter~~, in a residential zoning district~~. (Adopted 06/26/08)

Cemetery. A burial ground.

Cemetery or Burial Ground, Legal Nonconforming. An existing cemetery or burial ground established before the effective date of this Ordinance (November 13, 1980) or subsequent amendments which fails to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

~~Cemetery, Commercial. The operation of a burial ground where burial sites are sold or exchanged for donations; however, this definition shall not include a cemetery maintained by and adjacent to a church.~~

Church or other Place of Worship. A building used for public worship***,*** including, ***but not limited to:*** temple~~s~~, synagogue~~s~~***, pagoda, shrine, cathedral, tabernacle, and mosque/masjid*** ~~and related Sunday School or Church School facilities~~.

Child Care, In-Home. A custodial care business, conducted as a home occupation in a residential dwelling, where not more than three (3) children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable State requirements and/or certifications. The children of the owner are not included in the count.

Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or Lodge, Private. All incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development ***(see Open Space).*** (Adopted 08/14/08 and enacted 10/01/08)

Convenience Store. A small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

County Engineer. ~~A person so designated by the Board of Commissioners.~~ ***The official to whom the responsibilities normally associated with this title has been delegated.***

Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub. (Adopted 01/24/08)

Cultural Facility. A facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Curb Cut. The point at which vehicular access is provided to a lot from an adjoining street.

Day Care Facility. An agency, organization, or individual providing daytime care for four (4) or more ~~individuals~~ ***children*** not related by blood or marriage or not the legal wards of the attendant adult. See also, Nursery School ~~or Kindergarten~~.

Daylight Hours. That period of time beginning ~~thirty (30)~~ ***30*** minutes before sunrise and ending ~~thirty (30)~~ ***30*** minutes after sunset.

Day Spa. An establishment commonly offering beauty care, facials, massages and/or body treatments, including the sales of related products.

Density. The number of dwelling units per net acre.

Density, High. High density is defined as more than four (4) dwelling units per net acre.

Density, Low. Low density is one (1) dwelling unit or fewer per two (2) net acres.

Density, Medium. Medium density is one (1) to three (3) dwelling units per net acre.

Dog Pen /Run. Any outside open air enclosure, consisting of 400 square feet or less, used for the purpose of containing dogs.

Drive-In. A retail or service enterprise wherein service is provided to ~~the~~ customer***s*** o~~n the outside of the principal building~~ ***who remain in their vehicles***.

Drive-Thru. An opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Dwelling. A building or portion of a building, designed for, or occupied for residential purposes ***constituting a residence***.

Dwelling, Multi-Family. A dwelling designed for three (3) or more families living independently of each other.

Dwelling, Single-Family. A detached dwelling designed for a single family.

Dwelling, Townhouse. One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, Two-Family. A building containing two (2) single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.

Dwelling Unit. One (1) or more rooms within a structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping, sanitation, and which is physically set apart from any other rooms or dwelling units in the same building.

Educational/Instructional Facility. A specialized training establishment.

F.A.A. The Federal Aviation Administration.

Family. One (1) or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit. (Amended 12/09/04)

Farm. A lot ~~of land~~ devoted to the raising of agricultural products and/or livestock.

F.C.C. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails. (Adopted 08/14/08 and enacted 10/01/08)

Financial Institution - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. (Adopted 08/26/04)

Floor Area, Accessory Structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Principal Structure. The area of a dwelling exclusive of ***unheated space shall be measured from the face of the exterior walls*** ~~of a dwelling~~. Unheated space ***shall*** include**,** ***but not be limited to:*** attic, basement, garage, carport, patios, and open porches ~~measured from the exterior face of the exterior walls of a dwelling~~.

Front Door. The main entrance to residence or building which is normally oriented to a street.

~~Garage, Parking. A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.~~ ***Relocate to Parking Garage/Lot***

~~Garage, Private. An enclosed accessory building or an enclosed portion of a principal building used only for private storage of permitted motor vehicles.~~

~~Garage, Repair. A garage intended to be used to make commercial automobile or other motor vehicle repairs.~~

Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing Authority. The Fayette County Board of Commissioners.

Grocery Store. A retail establishment which primarily sells food and household goods but is substantially larger and carries a broader range of merchandise than a convenience store.

Habital Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Helicopter. A rotary winged aircraft that depends principally upon the lift generated by one (1) or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport. An area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Home Occupation. An occupation ~~involving the sale of goods or services~~ conducted within a dwelling by ~~members of a family residing~~ ***residents*** in the dwelling.

Horse Quarters. A structure used to house horses in the residential zoning districts.

Horse Stable. A structure used to house and/or board horses in an A-R Zoning District.

Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care.
The term "hospital" shall include a sanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building in which overnight accommodations are provided to the public ***and the innkeeper***. The term "hotel" includes the term~~s~~ "motel" and ~~"tourist court"~~ ***"bed and breakfast".***

~~Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.~~

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a non-residential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/***Auto Grave*** ~~or Salvage~~ Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked Automobile. See Vehicle, Abandoned.

Kennel. Any location where ~~any combination of animals~~ ***domestic dogs (canis familiaris)*** are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include ***a location*** ~~not more than~~ ***where*** one (1) litter of dogs ~~or cats~~ of not more than six (6) months of age ***are kept***. (Amended 08/25/05)

Kindergarten. See ~~Nursery School or Day Care Facility~~ ***School, Private***.

Landscape Areas. A maintained area of grass ***and/***or ornamental planting materials.

Livestock. Animals ~~that are kept or raised, for use, profit, or for food~~, including***,*** but not limited to: horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, ***chinchilla, fox, mink or other fur-bearing animal,*** and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats. (Amended 08/25/05)

Loading Space. Space logically and conveniently located for pick-up and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot. A ~~lot~~ ***tract*** of land of varying size which is designated as a single unit of property.

Lot, Corner. A lot located at the intersection of two (2) streets.

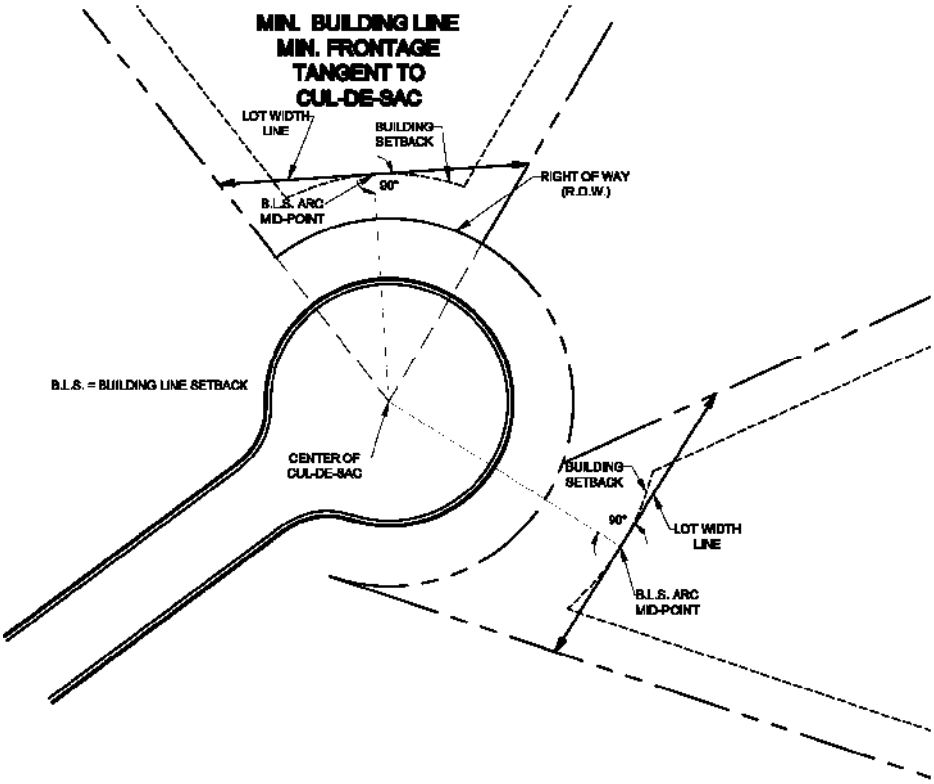
Lot Depth. The distance between the front and rear lot lines.

Lot, Interior. A lot which has frontage on only one (1) street.

Lot, Landlocked. A lot of record having no frontage on a ~~County-maintained~~ street.

Lot, Through. A lot, other than a corner lot, having frontage on more than one (1) street.

Lot Width, Minimum. The 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 turn around portion of a cul-de-sac*** along the front minimum building line ~~for a depth of at least eighty (80) feet~~ (see graphic).



Lot of Record. An area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with the Fayette County Subdivision ~~Rules and~~ Regulations, or in a legally recorded deed.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, ~~is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on a site, it~~ is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Mini-storage Facility. Storage facilities which are leased to the public.

Motel. See Hotel.

Museum. A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study and enjoyment.

Non-Emergency Medical Transport Service. A service licensed by the State of Georgia under OCGA 31-11-1 through 31-11-82 as applicable and as administered by the Department of Human Resources providing prearranged non-emergency medical transport. (Adopted 07/26/07)

Nonconformance, Illegal. A lot, use, building, or structure established after the effective date of this Ordinance (November 13, 1980) or subsequent amendments which fail to comply with the provisions herein.

Nonconformance, ***Legal***. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of this Ordinance ***(November 13, 1980)***, or as the result of subsequent amendments, ***or due to the acquisition of property for a public purpose, a rezoning, or a variance.***

Nursery School ~~or Kindergarten~~. An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult. See also, Day Care Facility.

Open Space. Land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate ***(see Common Area).***

Overlay Zone. A zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Parking Garage/Lot. A structure, lot or any portion thereof which is open to the public in which one (1) or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Parking Space. An area for off-street motor vehicle parking.

Pavilion. A freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Planning Commission. The commission to which the responsibilities associated with the Planning Commission has been delegated.

Playhouse. A small house-like structure designed for children to play in.

Public Utility Facility. A location of or for Public Utilities**,** such as an electric substation ~~or water treatment plant~~ or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission. (Adopted 06/24/04)

Pole Barn. A large structure ***consisting of a roof supported by poles ,*** for the storage of farm products, feed, or the housing of farm animals or farm equipment, ~~supported by poles,~~ in agricultural zoning districts.

Porte Cochere. An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch. (Adopted 06/26/08)

Public Water Facilities. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

~~Rifle Range, Commercial. Any rifle range operated wherein a fee is charged for its use.~~

~~Rifle Range, Private. Any rifle range used by a club or a group of more than two (2) non-resident members.~~

Runway Safety Area. A cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, Garage/Yard. Garage/yard sales shall include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "moving sale", or "estate sale".

School, Private. An elementary (Kindergarten thru sixth grade and can include Pre-K), middle or high school, supported with private funds, providing a curriculum that meets State Board of Education requirements, including schools serving school age children with special needs.

School, Trade/Vocational. See Educational/Institutional Facility.

Service Area. A designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Setback. The area as designated by this Ordinance 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.

Sewer System, Central Sanitary. Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release.

~~Sewer System, Community Sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than thirty (30) lots via a pipe network with transportation to a common collection point for on-site treatment via a drip irrigation discharge system.~~

~~Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.~~

Shooting Range, Indoor. An indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting Range, Outdoor. An outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Solar Farm. Any lot where more than three (3) ground mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground mounted solar panels are located.

Solar Panel. A device consisting of an array of connected solar cells or photovoltaic cells that converts solar energy (light from the sun) into heat or electricity.

Special Event. A temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split Zoning. A lot divided by more than one (1) zoning district.

Stadium, Athletic. An open-air facility primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

~~Storefront Warehouse. A wholesale or retail establishment where at least fifty (50) percent of the building is used for storage of the products.~~

Story. The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Street. ~~A roadway for traffic which may or may not be publicly owned.~~ ***A public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be 1) owned and operated/maintained by Fayette County (i.e., those within a Public Right-of-Way); 2) privately owned but open for public use and maintained by Fayette County (i.e., those within a prescriptive easement); or 3) privately owned and maintained (i.e., a private road). Public streets are designated by type on the Fayette County Thoroughfare Plan.***

Street, Access. A street ~~intended to carry traffic between commercial uses and a major thoroughfare~~ ***that provides for access to lots***.

Street, Private. A street ~~that is privately owned and~~ used ***for access that is not owned or maintained by a governmental agency such as the County, a municipality, the State, or Federal Government***.

Street, Public. A street that is used for travel by the general public, ~~whether or not it~~ ***that*** is owned ***or maintained*** by a ~~public~~ ***governmental*** agency ***such as the County, a municipality, the State, or Federal Government***.

Structure. A combination of materials ~~to form a construction~~ ***assembled*** for use, ***or*** occupancy, ~~or ornamentation~~ whether installed on, above, or below the surface of land or water. ~~Among other things~~ ***For the purposes of this ordinance***, structures include, ***but not limited to,*** buildings, manufactured homes, ~~signs~~ ***towers***, ***recreational courts,*** and swimming pools, but do not include ***driveways***, ***signs, septic systems,*** walls, or fences.

Subdivision. All divisions of a lot ~~or lot~~ of land into ***a minimum of*** two (2) or more lots~~, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition: (Amended 04/22/04)~~

~~(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality; (Amended 04/22/04)~~

~~(b) The division of land into lots of five (5) acres or more where no new street is involved. (Amended 04/22/04)~~

Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material. (Adopted 01/24/08)

Taxi Service. A service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include Charter and/or Motor Coach Bus Service.

Thoroughfare, ***Major*** Arterial. ~~A street designated to carry traffic into and out of a city.~~ ***A street designated on the Thoroughfare Plan as a Georgia State Route which provides traffic movement through the region, as well as, traffic movement within and through the County.***

Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic m

Thoroughfare, Collector. ~~A street designated to carry traffic between minor thoroughfares and major thoroughfares.~~ ***A street designated on the Thoroughfare Plan which collects/carries traffic from local and other collector streets and provides a connection to arterial streets.***

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either arterial or collector.

Thoroughfare, Minor. A street designated ~~to carry primarily local or neighborhood traffic.~~ ***on the Thoroughfare Plan as a County Local or Internal Local primarily for access to abutting properties, providing for minimum speeds, and traffic volumes.***

~~Tourist Court. See Hotel.~~

Tot lot. An improved and equipped play area ***which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches*** for small children usually up to elementary school age.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, ~~guy~~ ***guyed*** towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower ~~Facilities~~ ***Facility***. ~~Includes~~ ***The area containing a tower*** ~~towers~~, antennas, ~~and~~ all accessory ***equipment cabinets or*** buildings ~~and structures~~, ***and required security fencing,*** excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also, Building Height.

Tower, Planned. Any tower that is in the approval process or has been approved, but not yet constructed. (see Article V.)

Tower structure, alternative. ***Tower structures designed to diminish, camouflage, or conceal*** the ~~presence~~ ***appearance*** of antennas or towers including: ***monopine*** (man-made ***pine*** trees), ***free-standing*** clock towers ***and*** bell ~~steeples~~ ***towers***, light poles, ***flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells*** and***/or*** similar alternative design ~~mounting~~ ***tower*** structures ~~that camouflage or conceal the presence of antennas or towers~~.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to ~~June 27, 1996~~ ***December 10, 1998.***

Townhouse. See Dwelling, Townhouse.

Trailer ~~(Office Type)~~ ***, Temporary***. A vehicle designed for towing, not intended for use as a dwelling, ~~temporary or permanent,~~ and restricted to such uses as a ~~temporary~~ construction office***/storage facility***, ***real estate*** sales office ~~and/or storage facility~~, ***and*** ~~temporary~~ operations office ***or classrooms*** pending construction of a permanent facility.

Training Center. A facility used for business or professional conferences, seminars, and training programs.

Tutoring. The provision of instruction.

Uses, Conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, Permitted. Those uses that are allowed in a particular zoning district as a matter of right.

Uses, Principal. The main purpose for which a lot is intended and for which it may be used.

Variance. A modification of the terms of this Ordinance granted by the Zoning Board of Appeals in accordance with criteria as set forth herein.

Vehicle, Abandoned. A vehicle which does not bear a ~~current~~ license plate with a~~n~~ ~~appropriate~~ ***current*** decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building or unless it is stored on a ~~bona fide~~ ***permitted auto*** sales lot and is in a satisfactory operating condition.

Vehicle/Boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding manufactured homes.

Vehicle, Business. Any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

Vehicle, Passenger. A wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a motor coach/bus.

Vehicle, Recreation ~~Vehicle~~. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half (8.5) feet in width and ~~forty-five (45)~~ ***45*** feet in length.

Walkway. A passage to provide walking assess such as walks, paths and steps.

Wall. Structures made of masonry or concrete ***commonly used as an enclosure for a lot***. (Adopted 08/14/08 and enacted 10/01/08)

Warehouse. A building ~~in which at least seventy-five (75) percent of the gross floor area~~ ~~is~~ devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water Distribution System, Central. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water Impoundment. A body of water confined by a dam, dike, floodgate, or other barrier.

Weight, Curb. The total weight of a vehicle with standard equipment, all necessary operating consumables (e.g. motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind Farm. Any lot where more than one (1) wind turbine for the purpose of generating electricity is located.

Wind Turbine. A freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

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

Yard, Front. The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

Yard, Rear. The area between the rear property line and the rear building line, extending the full width of the lot.

Yard, Side. The area between the side property line and the side building line, extending from the front yard to the rear yard.

Zoning Administrator. The person who has been designated by the Board of Commissioners to administer the enforcement of this Ordinance.

Zoning Board of Appeals. The board to which the responsibilities associated with the Zoning Board of Appeals has been delegated.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

4-1. Zoning Districts. For the purposes of this Ordinance, the unincorporated areas of Fayette County are divided into zoning districts designated as follows:

1.	A-R	Agricultural - Residential District	(Sec. 6-1)
2.	C-S	Conservation Subdivision	(Sec. 6-2)
3.	EST	Estate Residential District	(Sec. 6-3)
4.	R-85	Single Family Residential District	(Sec. 6-4)
5.	R-80	Single Family Residential District	(Sec. 6-5)
6.	R-78	Single Family Residential District	(Sec. 6-6)
7.	R-75	Single Family Residential District	(Sec. 6-7)
8.	R-72	Single Family Residential District	(Sec. 6-8)
9.	R-70	Single Family Residential District	(Sec. 6-9)

10.	R-55	Single Family Residential District	(Sec. 6-10)
11.	R-50	Single Family Residential District	(Sec. 6-11)
12.	R-45	Single Family Residential District	(Sec. 6-12)
13.	R-40	Single Family Residential District	(Sec. 6-13)
14.	R-20	Single Family Residential District	(Sec. 6-14)
15.	DR-15	One and Two Family Residential District	(Sec. 6-15)
16.	RMF	Multi Family Residential District	(Sec. 6-16)
17.	MHP	~~Mobile~~ ***Manufactured*** Home Park District	(Sec. 6-17)
18.	O-I	Office - Institutional District	(Sec. 6-18)
19.	C-C	Community Commercial District	(Sec. 6-19)
20.	C-H	Highway Commercial District	(Sec. 6-20)
21.	L-C	Limited Commercial District	(Sec. 6-21)
22.	M-1	Light Industrial District	(Sec. 6-22)
23.	M-2	Manufacturing and Heavy Industrial District	(Sec. 6-23)
24.	BTP	Business Technology Park	(Sec. 6-24)
25.	PUD	Planned Unit Development	(Sec. 6-25)

4-2. Maps. The boundaries of each zoning district shall be shown on a map entitled the "Zoning Map of Fayette County". ~~The location and classification of all streets within these districts shall be shown on a map entitled the "Street and Road Classification and Major Thoroughfare Plan, Fayette County, Georgia". Each~~ ***The*** map shall be dated and certified by the Chairman and Clerk of the Board of Commissioners, Fayette County, Georgia. Said map~~s~~ and all explanatory matter thereon are hereby made a part of this Ordinance. The Zoning Administrator shall retain said maps and all amendments thereto.

4-3. Amendments. If, in accordance with the provisions herein, amendments are made to the aforementioned maps, the Zoning Administrator shall record such amendment on the appropriate map and indicate thereon the effective date of the amendment.

4-4. Boundary Rule. Where uncertainty exists with respect to the boundaries of any zoning district, the following rules shall apply unless otherwise specifically indicated:

A. Where the zoning district boundaries are indicated on the zoning map as approximately following the centerlines of a street, road, highway, railroad right-of-way line, stream bed, river bed, corporate city limits line, ~~militia district line,~~ or land lot line, then such lines shall be construed to be the zoning district boundary lines.

B. Where the zoning district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such boundaries shall be construed as being at the scaled distance from the centerline of same and parallel thereto.

C. Where a zoning district boundary, ***enacted by the adoption of the Fayette County Zoning Ordinance and Official Zoning Map on November 13, 1980,*** ~~line~~ divides a lot ~~which existed at the time of enactment of this Ordinance~~, the Zoning Administrator may, administratively change the zoning of the smaller portion of said lot to coincide with the zoning of the larger portion of said lot. ***Said administrative rezoning, by the Zoning Administrator, shall take place prior to submittal of a Preliminary Plat, Final Plat, Site Plan, and/or building permit, as applicable.*** Any changes in boundaries which occur pursuant to this provision shall be reported to the Clerk of the Board of Commissioners.

D. Where a zoning district boundary divides a lot created after November 13, 1980, the property shall be rezoned to one (1) zoning district prior to submittal of a Preliminary Plat, Final Plat, Site Plan, and/or building permit, as applicable. Any existing development/structure located on a lot with multiple zonings which were lawfully built and existing prior to the adoption of this regulation (adoption date) and which does not conform to the provisions of this Article, shall be allowed to remain in place and shall be deemed a Legal Nonconformance which may include the lot, use, and/or structure.

In addition, any development (Preliminary Plat, Final Plat, Site Plan, and/or building permit, as applicable) that involves multiple lots to be utilized as one (1) lot shall be required to be combined.

E. Corporate Limits. Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County, on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in

the same manner as a property line. Setbacks are measured from corporate city limit lines and/or county boundary lines.

ARTICLE V. GENERAL PROVISIONS

5-7. ***Conflicting Requirements. Should any requirements conflict within this ordinance or with any other County requirements, the most restrictive shall apply.***

5-1. Use. ~~No building, structure or land shall be used or occupied in a manner inconsistent with the requirements herein. No building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered in a manner inconsistent with the requirements herein.~~ ***No land, building, or structure shall be used in any manner or for any purpose that is inconsistent with this ordinance, or amendment thereto, except as otherwise provided herein. In addition, no building or structure shall be erected, moved, altered, or enlarged in any manner that is inconsistent with this ordinance, or amendment thereto, except as otherwise provided herein.***

5-2. Use, Prohibited. If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district***, except as otherwise provided herein***.

5-3. Principal Structure or Use. In all residential or agricultural-***residential*** zoning districts, no more than one (1) principal structure or use shall be located on a lot, except as otherwise provided herein. In all non-residential zoning districts, no more than one (1) principal use shall be located on a lot, ~~except as otherwise provided herein~~. ***The principal use on a non-residentially zoned lot shall either be either non-residential or residential, but not both, except as otherwise provided herein.***

5-4. Use on a Lot. Construction of buildings, ~~and~~ structures, and establishment of uses shall occur only upon a lot as ~~defined~~ ***required*** herein**.**

5-6. Reduction of Lot Area. No lot shall be reduced in size so that the lot ***size,*** width or depth, size of yard, lot area per family, or any other requirement of this Ordinance is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.

5-5. Height and Density. No building or other structure shall hereafter be erected or altered so as to:

A. Exceed the height limit; or

B. Accommodate or house a greater number of families per lot than allowed.

5-15. Street Frontage for Access. (Amended 08/26/99)

A. For access purposes, all residential or non-residential lots ~~must~~ ***shall*** have frontage on a street and/or a cul-de-sac that is either: (Amended 08/26/99)

1. ~~Deeded to the County through a warranty deed~~ ***A public street***; or

2. ~~County or State-maintained~~ ***A private street built to County standards;*** or

~~3.~~ ~~D~~***d***eeded to a homeowner's association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

B. All residential lots ~~are required to~~ ***shall*** have ***at least*** ~~a continuous minimum lot width of~~ 100 feet ***of immediate frontage on a street. This 100 foot width shall be maintained from the lot's frontage on the street to the body of the lot where the minimum lot width is met.*** ~~from the front property line to the building line and at least 100 feet of immediate street frontage on a street described in subsection A. above~~ ***This requirement shall be met*** unless: (Amended 06/25/98)

1. The lot is "Landlocked Property" as provided in Section 5-14; or

2. ***The lot fronts only the turn-around portion of a cul-de-sac. Each lot which fully fronts the turn-around portion of a cul-de-sac shall have a minimum of 50 feet of street frontage and this provision shall be limited to a maximum of four (4) lots.*** ~~The lot is one (1) of four (4) or less lots located on the turn-around portion of a cul-de-sac. Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of fifty (50) feet of street frontage. There shall be a maximum of four (4) lots which fully abut the cul-de-sac. In addition, if fifty percent (50%) or more of the frontage of a lot abuts the turn-around portion of a cul-de-sac, then that lot shall be classified as a cul-de-sac lot.~~ (Amended 08/26/99)

C. ~~For access purposes~~, ~~a~~ ***A***ll nonresidential lots ~~are required to~~ ***shall*** have at least ~~a continuous minimum lot width of~~ 125 feet ***of frontage on a street. This 125 foot width shall be maintained from the lot's frontage on the street to the body of the lot where the minimum lot width is met*** ~~from the front property line to the building line and at least 125 feet of frontage on a street described in subsection A. above~~ ***This requirement shall be met*** unless: (Amended 08/26/99)

1. The lot is "Landlocked Property" as provided in Section 5-14; or

2. ***The lot fronts only the turn-around portion of a cul-de-sac. Each lot which fully fronts the turn-around portion of a cul-de-sac shall have a minimum of 50 feet of street frontage and this provision is limited to a maximum of four (4) lots.*** ~~The lot is one of four (4) or less lots located on~~

~~the turn-around portion of a cul-de-sac. Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of fifty (50) feet of street frontage. There shall be a maximum of four (4) lots which fully abut the cul-de-sac. In addition, if fifty percent (50%) or more of the frontage of a lot abuts the turn-around portion of a cul-de-sac, then that lot shall be classified as a cul-de-sac lot.~~ (Amended 08/26/99)

5-16. Landlocked Property. In the event property is landlocked, as of the effective date of this Ordinance ***(November 13, 1980)***, the property owner shall be entitled to one (1) building permit, provided: (Amended 02/22/07)

A. No other principal building exists or is being constructed on said property;

B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;

C. The property owner has acquired a ~~twenty (20)~~ ***20*** foot easement to a County maintained street, and said easement has been duly recorded and made a part of the property deed; and

D. In the event said property is divided into two (2) or more lots, no further building permits shall be issued until such time as there exists a street meeting all of the requirements as specified in the Fayette County Subdivision Regulations.

5-10. Encroachment on Public Rights-of-Way. No building, structure (including prohibited mailbox supports as described in ~~Section 5-37~~ ***Article V***), service area or required off-street parking and loading facilities, except driveways ***and associated headwalls***, shall be permitted to encroach on public rights-of-ways. (Amended 02/25/99)

5-17. Obstruction of Vision. No fence, wall, structure, shrubbery, or other obstruction to vision between the height of three (3) feet and fifteen (15) feet, as measured from road grade, except utility and light poles shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of streets, roads, highways, railroads or any combination thereof.

5-21. Requirements for Moving a Building. No dwelling unit or other permanent structure shall be relocated in the County unless, when relocated, it meets all requirements herein and other applicable County code requirements.

5-22. Buildings under Construction. Nothing in this Ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this Ordinance, ***including amendments,*** and the construction of which shall be diligently pursued until completion.

5-41. ***Septic Systems and Drain Field Lines. Septic systems, including drain field lines, shall be set back a minimum of ten (10) feet from the property line. In the case where a buffer is required, septic systems, including drain field lines, shall be set back a minimum of 25 feet from the property line (see Buffer.)***

5-9. ~~Open Space~~ ***Yard*** not to be Encroached Upon. No ~~open space~~ ***yard*** shall be encroached upon or reduced in any manner except in conformity with the ~~yard,~~ setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. ~~Shrubbery~~ ***Landscaping,*** driveways, ***vehicle parking areas, walkways and associated steps,*** retaining walls, ***walls and*** fences, curbs, and planted buffer strips shall not be construed to be encroachments. ~~Open space areas shall be permanently maintained as open space and appropriately landscaped. These areas may not be used for vehicular access, parking or similar uses except as otherwise provided herein~~.

5-13. Common Area. When a common area***, open space, or conservation area*** is located between a lot and the ~~road/~~ street ~~right-of-way~~, the setback on the lot shall be measured from the right-of-way as a front yard setback or from the common area as a side or rear setback and whichever is greater shall apply. (Adopted in its entirety 08/14/08 and enacted 10/01/08)

5-19. Structures Permitted above the Height Limit. ~~The height limits shall not apply to a church spire, belfry, cupola, dome or ornamental tower not intended for human occupancy, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances. A freestanding flagpole is also permitted above the height limit, provided the total height is under 70 feet. Total height shall be measured from the finished grade at the location of the flagpole to the highest point.~~ ***The height limit shall not apply to structures and architectural features not intended for human occupancy, including, but not limited to: a spire, belfry, cupola, dome, monument, water tower, observation tower, telecommunication tower, chimney, smoke stack, conveyer, mast or aerial, heating ventilation and air conditioning (HVAC) equipment, elevator equipment, roofed solar panels, satellite/ communications equipment, and parapet wall not extending more than four (4) feet above the roof line of the building.*** (Amended 09/26/02).

5-20. Permitted Encroachments of Yards and Setbacks. Architectural features ***connected to a structure*** such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways. In the case of automobile service stations, hotels, and similar uses which service the motoring public, canopies shall be allowed over a driveway or walkway ~~within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the right-of-way~~. One (1) flagpole per lot shall also be allowed to encroach into the

front yard setback, provided it is ***not*** located ~~not less~~ ***within*** ~~than~~ ~~fifteen (15)~~ ***15*** feet ~~from~~ ***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 of Georgia 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. (Amended 09/26/02)

5-42. Lot Width, Minimum. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met. Accessory structures do not have to comply with the lot width at the building line; however, they shall comply with the required setbacks and location requirements.

5-11. ~~Single Family Dwelling. Single family dwellings are permitted uses in A-R and all residential zoning districts.~~

~~A.~~ Additions to a Single Family Structure.

A. All additions to a Single Family Dwelling ~~must~~ ***shall*** be attached to the primary structure, via either a heated ~~and cooled~~ corridor that has minimum interior dimensions of six (6) feet in width and eight (8) feet in height, or by a direct access common wall. Said corridor ~~must~~ ***shall*** be attached to the primary residence at a location that is currently heated ~~and cooled~~. (Adopted 06/23/05)

B. Porte Cochere. A porte cochere shall be attached at an entrance of a single-family dwelling and shall meet the following standards: (Adopted 06/26/08)

1. Shall consist of a singular roof line that is consistent with the single-family dwelling roof design, and supported by posts/columns and shall remain open on the remaining three (3) sides; (Adopted 06/26/08)

2. Shall be consistent with the architectural character/facade of the single-family dwelling; and (Adopted 06/26/08)

3. A porte cochere shall not be utilized as a carport, garage, storage building, open storage, or living area. (Adopted 06/26/08)

5-12. Accessory Structures and Uses. (Adopted in its entirety 01/24/08)

A. The following accessory structures and uses are permitted in A-R and all residential zoning districts. Farm outbuildings and ***commercial*** greenhouses are regulated as Conditional Uses under Article VII. and shall be allowed in the A-R Zoning District only. ***One (1) semi-trailer may be utilized as a farm outbuilding provided the property is zoned A-R and the semi-trailer is being used to store***

agricultural items. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.

1. ~~Well~~, Well/pump house;
2. Guest house;
3. Greenhouse (for private use);
4. Swimming pool, pool deck, pool equipment enclosure, and pool screen enclosure;
5. Garage;
6. Recreational court;
7. Gazebo;
8. Cabana, covered patio, and covered deck;
9. Storage building; ~~and~~
10. Carport~~.~~***;***
11. ***Solar Panel (ground mounted);***
12. ***Wind Turbine/Windmill (ground-mounted);***
13. ***Aircraft Hangar, detached (see Article VII);***
14. ***Dog House and Dog Pen/Run;***
15. ***Playhouse; and***
16. ***Outdoor Kitchen and/or Fireplace.***

B. Structure Limitations. Construction of an accessory structure shall occur concurrently with or after the construction of the principal structure. Accessory structures shall not be used as dwelling units or for lodging purposes, except a guest house.

C. Number and Size. The number and size of accessory structures shall conform to the requirements described herein.

1. Accessory structures shall be limited to one (1) of the following options:

   a. Two (2) accessory structures, per individual lot, with each accessory structure not to exceed 900 square feet of floor area. One (1) of these accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or

   b. One (1) accessory structure, per individual lot, not to exceed 1,800 square feet of floor area, or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or

   c. Two (2) accessory structures per individual lot consisting of a freestanding guest house (not to exceed 700 square feet of heated and finished ~~living~~ ***floor*** ~~space~~ ***area***) and an accessory structure which may not exceed 1,100 square feet of floor area.

2. At least ~~fifty (50) percent~~ ***50 percent*** of the square footage of an accessory structure ***building*** shall be fully enclosed, except as otherwise provided ~~in Section 5-10~~ ***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 ~~seventy (70)~~ ***70*** square feet or less, ***dog pen/run consisting of 200 square feet or less,*** swimming pool, recreational court, aircraft hangar (see Article VII.), farm outbuilding (see Article VII.), ***commercial*** greenhouse (see Article VII.), ***ground/pole mounted solar panel consisting of less than 200 square feet, and ground-mounted wind turbine/windmill, uncovered outdoor kitchen and/or fireplace*** ~~and accessory structures incidental to commercial and industrial uses~~ shall not be included in determining the number of accessory structures provided herein.

4. Total Square Footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure: a) the upper level space is accessed by permanent stairs; and b) that portion of the upper level space where the ceiling width, measured at least seven (7) feet in height, is more than ~~fifty percent (50%)~~ ***50 percent*** of the ceiling width measured at least five (5) feet in height.

D. Location on Lot. Accessory structures shall conform to the dimensional requirements within each zoning district. No structure shall be located in the front yard except: a detached garage (see 1. and 2. below for requirements); well/pump house consisting of ~~seventy (70)~~ ***70*** square feet or less; or farm outbuildings and ***commercial*** greenhouses located in an A-R Zoning District, where the lot consists of five (5) acres or more. ***A well/pump house of 70 square feet or less may be located within the setbacks.*** 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 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 a secondary front yard with regard to the location of accessory structures.

On a through lot, 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 accessory structures.

1. Detached Garage located in the Front Yard of a Single Frontage Lot and a Through Lot. A detached garage located in the front yard shall meet the following requirements:

   a. Shall not exceed 900 square feet of floor area;

   b. Located no more than ~~thirty-five (35)~~ ***35*** feet from the principal structure;

   c. ***Shall*** ~~N~~not exceed ~~twenty-three (23)~~ ***23*** feet in height;

   d. No more than ~~fifty percent (50%)~~ ***50 percent*** of the footprint of the garage may be located beyond the front building line of the principal structure;

   e. The width of the portion of the garage facing the street shall not exceed ~~sixty percent (60%)~~ ***60 percent*** of the width of the principal structure; and

   f. No portion of the garage may be located directly between the principal structure and the street.

2. Detached Garage Located in the Front Yard of a Corner Lot.

   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 ~~thirty-five (35)~~ ***35*** feet from the principal structure; and

(3) ***Shall*** ~~N~~not exceed ~~twenty-three (23)~~ ***23*** feet in height.

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 ~~must~~ ***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 (1) opening for vehicular access.

c. A separate electrical meter is not permitted, unless otherwise required by the power company providing service to the property.

d. The garage shall be connected to the principal structure by at least one (1) of the following:

(1) An attached or detached breezeway. Said breezeway shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached breezeway shall be constructed within six (6) inches of the principal structure and the garage; or

(2) An attached raised deck. Said attached raised deck shall be a minimum height of ~~fifteen (15)~~ ***15*** inches. The deck shall have a minimum width of six (6) feet. Said deck shall have

guard rails measuring a minimum of three (3) 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 (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached pergola shall be constructed within six (6) inches of the principal structure and the garage.

E. Guest Houses. Only one (1) guest house is allowed per individual lot. Any living area included in an accessory structure is a guest house. A guest house shall not be used as tenant space.

1. Size. A guest house shall not exceed 700 square feet of heated and finished ~~living space~~ ***floor area***.

F. Architectural Standards. All 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 ~~gable, hip, or gambrel roof only, with a minimum pitch of 4 1/2" in 12",~~ ~~and a~~ façade 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 accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming accessory structure shall match the architectural design of the existing nonconforming accessory structure.*** Elevation drawing denoting compliance ~~must~~ ***shall*** be submitted as part of the building permit application.

G. Temporary Accessory Storage. Portable on demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing ~~a~~ renovation project for the purpose of storage of household items for a period not to exceed one (1) year.

Portable on demand storage units are defined as any container, storage unit or other portable structure, other than an accessory building or shed complying with all building codes used to store household items. Only two (2) portable on demand storage units are allowed per lot.

H. 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.

I. Cabana, 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 (1) story, and comply with the Architectural Standards for an accessory structure 200 square feet or greater.

J. 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.***

K. Solar Panels (ground-mounted). Ground mounted solar panels shall be limited to three (3) per lot, the total cumulative square footage of ground mounted solar panels shall not exceed 900 square feet, shall not exceed ten (10) feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of 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 (1) accessory structure/use.

L. 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 (1) ground mounted wind turbine/windmill. The ground mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.

~~K.~~***M.*** Nonconformance. All accessory structures or uses which had a building permit issued prior to January 24, 2008**,** (the adoption date) are legally non-conforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All accessory structures or uses permitted after January 24, 2008**,** (the adoption date) ~~must~~ ***shall*** comply with the current requirements.

5-17. Walls, Fences, and Entrance Structures located in a front yard in A-R and all residential zoning districts and Residential and Nonresidential Subdivision Entrance Walls and Fences.
(Amended in its entirety 08/14/08 and enacted 10/01/08)

A. All walls and fences shall comply with the following:

1. No wall or fence shall be constructed in a public right-of-way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant. Walls and fences in the right-of-way shall be removed.

2. Any vehicular driveway shall have a minimum clearance of ~~fourteen (14)~~ ***14*** feet in width and ~~fourteen (14)~~ ***14*** feet in height to allow for the passage of emergency vehicles.

3. All walls and fences shall be maintained and repaired as required in the International Property Maintenance Code.

4. A Zoning Compliance Certificate will be required for all walls and fences located in a front yard prior to construction. A scaled drawing shall be submitted to the Planning & Zoning Department which shall include, but not ***be*** limited to: wall and/or fence elevations, location, height of wall/fence, posts/columns, and ornamental statues, figurines, and light fixtures, visibility, spacing over the entire linear footage of wall/fence, changes in grade, building materials, and other requirements of the ordinance.

B. Walls and Fences not exceeding four (4) feet in height shall comply with the following:

1. A wall or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, chain link or other ***similar*** wire materials, or other architecturally engineered facades which match these materials. ***Barbed wire and electric fences are prohibited, except as otherwise provided herein (see Exemptions).***

2. Posts or columns, light fixtures, ornamental statues, and figurines shall not be included in the measurement of the four (4) foot wall height.

C. Walls and Fences exceeding four (4) feet in height shall comply with the following:

1. A wall and/or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials. ***Barbed wire and electric fences are prohibited, except as otherwise provided herein (see Exemptions).***

2. A solid wall and/or fence shall not exceed four (4) feet in height and any portion of a wall and/or fence higher than four (4) feet shall have a minimum visibility of 50 percent which shall be uniformly spaced over

the entire linear footage of the wall and/or fence. Columns and posts shall not be included in this calculation.

3. A vehicular entry structure shall not be subject to the four (4) foot wall and fence requirement or the minimum visibility of 50 percent within 35 feet of either side of the driveway.

D. Walls and fences that cannot meet height requirements due to changes in grade shall make adjustments to each section (as created by the columns or posts) of the wall or fence to meet the requirements to the greatest degree possible. In some cases, this will result in a stair-step pattern as the wall or fence moves along the grade.

E. Exemptions.

The following shall be exempt from the above requirements:

1. In any residential zoning district where horses are kept in accordance with Article V. General Provisions, Raising and Keeping Horses in Residential Districts, a wall or fence made of chain link or other wire materials is exempt from the four (4) foot maximum height requirement and shall not exceed a maximum of five (5) feet in height in a front yard.

2. Where the use of the property is for farming in an A-R zoning district, including the raising and selling of crops and/or livestock, ***the property*** is exempt from the four (4) foot maximum height requirement, and exempt from the construction requirements of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.

3. Walls and Fences in any residential or A-R zoning district;

a. On a corner lot, in order to reduce road noise, a solid wall and/or fence along a street which is classified as an Arterial or Collector per the Fayette County Thoroughfare Plan shall be exempt from the four (4) foot maximum height requirement and the 50 percent visibility requirement. However, this exemption shall not apply to the street which the front door of the residence is facing.

b. Where a temporary fence is used in conjunction with a construction site, said fence is exempt from the requirements of this section.

c. A fence required for a telecommunication tower site shall comply with the requirements of Article V. General Provisions, Telecommunication Antennas and Towers and shall be exempt from the requirements of this section.

d. A wall or fence used in conjunction with a storm water facility shall be exempt from the requirements of this section.

e. A wall or fence used in conjunction with any non-residential Permitted Use or Conditional Use, including but not limited to: an Animal Hospital, Kennel; Cemetery and Mausoleum; Church or Other Place of Worship; Colleges and Universities; Day Care Facility; School, Private; Telephone, and Electric or Gas Sub-Station or other Public Utility Facilities shall be exempt from the requirements of this section.

f. With regard to the location of a wall or fence, a through lot shall be exempt from the four (4) foot maximum height requirement and the minimum 50 percent visibility requirement, except for the area between the street from which the lot is accessed and the front building line, which shall be treated as a front yard.

E. Residential and Nonresidential Subdivision Entrance Walls and Fences.

Subdivision Entrance Walls and Fences shall be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA). Common property shall be shown on the Preliminary Plat and/or Final Plat. Said walls and fences shall not be subject to the four (4) foot height or 50 percent ~~(50%)~~ visibility requirements, but shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.

(**Note:** Check with the Building Permits & Inspections Department for any permitting requirements for walls/fences/subdivision entrances.)

F. Nonconformance.

All walls and fences which were lawfully built and existing on October 1, 2008, and which do not conform with the provisions of this Article, shall be allowed to remain in place and shall be considered to be a legally existing non-conforming wall or fence. Additionally, any walls or fences built prior to October 1, 2008, that were in compliance with all codes and ordinances when it was built except for the height of the wall or fence, and which do not conform with the provisions

of this Article, shall be considered a legally existing non-conforming wall or fence and shall be allowed to remain in place. All walls and fences built after October 1, 2008, shall comply with this Article.

5-45. Sales, Garage/Yard. A maximum of three (3) garage/yard sales consisting of a maximum of three (3) days each within a 12 month period shall be allowed per residential lot.

5-? ***Architectural Yard Features. Architectural Yard Features shall not be located within the right-of-way, shall not be required to comply with the setback requirements, and shall include, but not be limited to: 1) landscaping features such as planters, arbors, and trellises; 2) water features shall include, but not be limited to: fountains, waterfalls, and decorative man-made ponds such as koi ponds; and/or 3) sculptures. Landscaping features such as arbors or trellises shall not exceed ten (10) feet in height as measured at the highest point. Landscaping planters shall not exceed four (4) feet in height at the highest point. Sculptures shall not exceed 20 feet in height or the highest point of the roof of the principle structure, whichever is less.*** (**Note:** Check with the Building Permits & Inspections Department for any permitting requirements.)

5-31. Parking of Business Vehicles. In any residential district, except A-R on lots of ten (10) acres or larger, no business vehicle exceeding 8,000 pounds (~~empty vehicle~~ ***curb*** weight) shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups**,** and providing services.

Business vehicles weighing less than 8,000 pounds shall not be parked on streets abutting such lots. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction. ***School buses shall be exempt (see Article III, Vehicle, Business). This provision shall not be allowed in conjunction with a Home Occupation (see Article VII).***

5-32. Access to Major Thoroughfares. Lots having driveway access to arterial and collector streets shall be provided with a convenient vehicle turn-around which shall be of adequate design to permit vehicles to enter such arterial or collector streets in a forward manner.

5-33. Raising and Keeping of Horses in Residential Districts**.** The raising and keeping of no more than one (1) horse on a lot consisting of a minimum of three (3) acres and one (1) 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 long as, such accessory structure complies with Article V. (Accessory Structures and Uses). The boarding of horses and commercial riding lessons shall be prohibited.***

5-? ***Wild Animals. All Wild Animals categorized as inherently dangerous that require a license or permit and liability insurance per OCCG Title 27, Chapter 5, shall be prohibited in all residential and A-R zoning districts.***

5-34. Mailbox Supports. The use of massive supports that, when struck, could damage vehicles and cause serious injury to vehicle occupants, are prohibited. Concrete posts, brick bases, iron pipes and similar miscellaneous items such as farm equipment or supports filled with concrete cannot be used for mailbox supports. ***This restriction shall not apply on streets with a classification of Internal Local (see Development Regulations, Article III. Street Design Standards and Specifications.)*** (Adopted 12/09/93) (Amended 02/25/99)

5-25. ***Recreational Vehicle. One (1) recreational vehicle, when utilized for temporary occupancy, shall be allowed to be parked in any zoning district on a lot which contains a single-family dwelling or in any residential zoning district. The duration shall not exceed 14 days and said duration shall be allowed two (2) times per year.***

5-35. Site Plan Requirement. All proposed non-residential development shall be depicted on a Site Plan consistent with the requirements listed in the Development Regulations.

5-8. Yard Service, Required Open Space to one (1) building. No part of any yard, ~~or~~ 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, or off-street parking or loading space similarly required for any other building, structure, or use except as provided herein.

5-18. Side and Rear Yards ***and Buffers*** Not Required Next to Railroad. Within any non-residential zoning district, side yards ~~and~~ rear yards***, and buffers*** shall not be required adjacent to railroad rights-of-way.

5-47. ***Buffer. A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (See Development Regulations, Article V. for planting requirements.) Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet as measured from the property line shall be for the aforementioned required natural vegetation, landscape plantings and other visual screening elements or noise attenuation devices only. Multi-use path access and utilities (including underground stormwater piping) may be located anywhere within the buffer.***

5-46. ***Landscaping and Buffer Requirements. A nonresidential structure/use allowed in a residential zoning district shall comply with the planting requirements for the buffer and landscape areas of the Development Regulations.***

5-44. Road Side Sales. Sales of goods or services from a temporary location along a public right-of-way where business is transacted outside of an approved permanent structure are prohibited. Mobile ice cream vendors, mobile food venders which serve building sites, and vendors located at special events shall be exempt.

5-14. Pavilion. A pavilion is an accessory structure which is allowed in non-residential zoning districts**,** except as otherwise provided herein.

5-26. ***Nonresidential*** Screening required. Any outside service area, refuse***/dumpster*** area, storage area or outside equipment area shall be screened from view in accordance with ~~Section 5-19~~ ***Article V.***

5-27. Refuse/Dumpster Area. The refuse/dumpster area used in conjunction with non-residential uses shall only be located to the side or rear of the principal structure, comply with the setbacks and/or buffer requirements, and be screened per Article V.

5-28. Screening Standards. Walls and fences or combinations thereof shall achieve a 100 percent screen prior to the issuance of a Certificate of Occupancy. Walls and fences required for screening purposes shall be limited to wood, brick, stone, concrete or concrete block (with
architectural treatment), or any such wall or fence combined with vegetative screening materials which shall be compatible with or enhance the appearance of adjoining properties. Chain link fences with wooden***, metal, or vinyl*** inserts may be utilized to establish a screen in the M-1 and M-2 Zoning Districts.

5-29. Outside Storage. Outside storage of merchandise, equipment, and parts shall be allowed in the side and rear yards subject to such requirements to the extent indicated below as long as such storage is screened in accordance with ~~Section 5-19~~ ***Article V***. Storage contained in a structure which is not enclosed by walls shall be deemed outside storage. Outside storage is allowed only within the M-1, M-2, C-C, and C-H Zoning Districts. ~~Within the C-C and C-H Zoning Districts outside storage is limited to no more than twenty-five (25) percent of the floor area of all buildings.~~

5-30. Outside ~~Storage~~ ***Display*** Exempt from Screening. Outside ~~storage~~ ***display*** of ~~motor~~ vehicles***, motorcycles, boats, recreational vehicles, farm equipment, utility trailers, and heavy equipment,*** for lease or sale ***and manufactured homes and landscape materials*** shall be exempt from the screening requirements of this Ordinance, subject to the minimum landscape and buffer requirements. Merchandise which is moved inside on a daily basis shall be exempt from the screening requirements; however**,** such display ~~must~~ ***shall*** comply with all minimum landscape and buffer requirements. ***Outside sales display shall be exempt from screening; however, the Outside sales display shall comply with the required setbacks, buffers and landscape requirements. The outside installation and display of products shall be limited to those items generally utilized outside,***

including, but not limited to: swimming pools, spas/hot tubs, patios and patio accessories, plant materials and/or children's play equipment.

5-23. Office Trailer. The temporary use of an office trailer shall require a permit to be issued by the Zoning Administrator prior to locating the trailer on a site. Said permit shall require a fee as established by the Board of Commissioners of Fayette County and shall specify the precise location of the trailer. Said permit shall be issued for a six (6) month period. Renewals of additional six (6) month periods are available so long as the applicant possesses a current building permit for property within the development. ~~The trailer shall be identified by a sign denoting the name of the business for which it is being used.~~

5-24. Temporary Classrooms. The temporary use of ~~industrialized buildings~~ ***a trailer*** for classrooms shall require a permit issued by the Zoning Administrator. Said permit shall require a fee established by the Board of Commissioners. It ~~must~~ ***shall*** be demonstrated on a site plan that such a use will comply with all zoning requirements. Required on-site parking for temporary classrooms ~~must~~ ***shall*** be provided prior to the issuance of any temporary classroom permit. Each ~~industrialized building~~ ~~must~~ ***trailer shall*** be approved for occupancy by the Fire Marshal. Site is defined, for the purpose of this Section, to be the entire area indicated on an approved overall site plan. (Amended 12/09/99)

Initial Placement of Temporary Classrooms. Upon the issuance of a building permit for the principal structure on site, a maximum of four (4) temporary classroom permits may be issued for a period not to exceed two (2) years, or ~~thirty (30)~~ ***30*** days after the issuance of any type of Certificate of Occupancy on site should that occur prior to the two (2) year deadline. (Adopted 12/09/99)

Subsequent Placement of Temporary Classrooms. Upon issuance of a building permit for an expansion on-site, additional temporary classroom permits may be issued, the number of which shall be based on the following: one (1) temporary classroom per 2,000 square feet of proposed addition devoted to classroom use, with a maximum of four (4) temporary classrooms. Subsequent temporary classroom permits may be issued for the expansion period and shall expire in one (1) year, and may be renewed for a six (6) month period due to documented construction delays, with no further extensions. (Adopted 12/09/99)

5-36. Administrative Variances ~~and Modifications~~. The Zoning Administrator shall have the authority to approve ***administrative variances regarding setbacks for an existing structure. Said administrative variance shall not exceed ten (10) percent of the minimum setback requirements up to a maximum of two (2) feet.*** ~~minor changes to plan elements,~~ ***This shall not include setbacks required for Conditional Uses.*** ~~dimensional requirements~~ ~~and conditions of zoning when the conditions in A. below exist:~~

~~A. Evaluation. The evaluation of a request for a minor change to plan elements, dimensional requirements, landscape requirements, and conditions of zoning shall determine that:~~

~~1. The basic design and concept expressed on approved plans or in County regulations have been preserved; and~~

~~2. The minor change is made necessary by:~~

~~a. Discovery of topographic, geographic or geologic conditions that were unknown at the time of plan or plat approval; or~~

~~b. Unforeseen developments, on or off the site, which impact the reasonableness of the plan element, dimensional requirement or condition of zoning.~~

~~B. Limitations. The Zoning Administrator shall have the authority to approve administrative variances and modifications of conditions not to exceed twenty (20) percent of the stated requirements:~~

~~1. Required buffers between lots identified for industrial, commercial, and office institutional uses on the Land Use Plan may be reduced to twelve (12) foot deep landscape areas; and~~

~~2. Front and side yards adjoining major thoroughfares shall not be administratively reduced by more than five (5) percent.~~

5-48. Manufactured Home. The placement of a manufactured home in a zoning district which allows a single-family dwelling as a Permitted or Conditional Use, other than MHP, shall comply with the following:

1. Approval shall be required from the Georgia Department of Community Affairs (DCA) and the Housing and Urban Development, as applicable. This approval shall be located in the electrical panel box of the building unit. The date plat shall be affixed to each building unit which assures compliance at the installation location.

2. A Georgia Insignia for Industrialized Building, when affixed to each building unit, shall indicate that the unit has been constructed and inspected in compliance with the approved plans and date on file with the DCA and/or HUD, as applicable. No deviations from or changes in the approved building plans shall be made without prior approval from the DCA and/or HUD, as applicable.

3. A manual of the structure shall have a State of Georgia Engineer's seal and shall describe, in detail, the building construction and installation requirements.

4. The Manufactured Home shall comply with all applicable zoning requirements, including, but not limited to: minimum heated square footage.

5. The Manufactured Home shall be placed on a permanent foundation.

6. The middle support chassis shall be removed.

7. The electrical and gas meters are to be set in the structure once all applicable final inspections are approved.

8. All applicable requirements shall be met within 90 calendar days and prior to the issuance of a Certificate of Occupancy.

5-40. Standards for Telecommunications Antennas and Towers. (Amended in its entirety and adopted 12/10/98)

A. Purpose and Intent. The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission~~s~~ towers, including**,** but not limited to, cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two (2)-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related ~~accessory~~ equipment ***cabinets*** or buildings. The intent of this ordinance is ~~to~~: (1) to implement the provisions of the Telecommunications Act of 1996**,** on a local level; (2) to control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in non-residential areas or in areas where the adverse impact on the community is minimal, and (3) to advocate the shared use of new and existing tower sites through co-location, thereby discouraging the proliferation of towers throughout Fayette County.

B. Authority. Only the Board of Commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.

C. Applicability**.**

1. District Height Limitations. ~~The requirements set forth herein shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district.~~ The ~~height limitations~~ ***Height Limits specified for each zoning district*** ~~applicable to buildings and structures~~ shall not apply to towers and antennas. ***The requirements set forth herein shall govern the height of towers and antennas.***

2. ~~Public~~ ***Governmentally Owned*** Property. ~~Notwithstanding anything contained herein to the contrary, this section shall not prevent the Board of Commissioners of Fayette County from authorizing the location or use of a tower for public purposes. In the event the Board of Commissioners of Fayette County authorizes the use of a tower for public purposes, the applicable criteria of this section shall not apply~~. ***These requirements shall not apply to any governmentally owned property, including properties owned by the Board of Commissioners, Board of Education, or a municipality, as well as, the State or Federal government, that are used for the location of any tower facility.*** (Amended 04/11/02)

3. Amateur Radio Antennas. This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is ~~under~~ ***less than*** ~~seventy (70)~~ ***70*** feet in height and is owned and operated by a federally-licensed amateur radio station operator.

4. Pre-Existing Towers and Antennas.

   a. Any tower or antenna which existed prior to December 10, 1998***, that does not comply with the requirements herein*** shall be deemed ***legally nonconforming.*** ~~a pre-existing tower and shall not be required to meet the requirements of this ordinance, other than the applicable requirements of Sections 5-40.C., F. and G. herein. Additions to or the enlargement of towers and/or tower facilities that were constructed and antennas that were installed prior to December 10, 1998, shall not be deemed to constitute the expansion or enlargement of a nonconforming use or structure.~~ ***Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of Site Plan Requirements.*** Amended 10/25/01)

   b. ~~Co-location of antenna on a pre-existing tower which does not comply with the setback requirements of this ordinance may locate proposed accessory equipment buildings within the existing fenced area provided the minimum setbacks of the existing tower facilities are met. All other requirements of Section 5-40 stated herein shall apply. (Amended 10/25/01)~~

   ~~c. Per Section 5-40.H. herein, an annual Tower In Use Certification shall be required and any pre-existing towers or antennas that are not in use for a continuous period of twelve (12) months shall be removed.~~

   c. Replacement of ~~an existing~~ ***a pre-existing legally nonconforming*** tower structure is permitted provided that all of the following apply: (Add in its entirety 05/25/00)

(1) The replacement tower is constructed ~~on site within close proximity to the existing tower at the same or greater setbacks than previously established~~ ***within 25 feet of the existing tower and is not greater in height than the existing tower.***

~~b. The replacement tower complies with the height requirements for the area in which it is located;~~

(2) The tower being replaced is removed from site within ~~fifteen (15)~~ ***90*** calendar days from the issuance of the Certificate of Occupancy for the ~~new~~ ***replacement*** tower;

(3) Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height;

~~d. Proposed accessory equipment buildings comply with established setbacks for existing tower facilities without increasing nonconformity; and,~~

(4) A site plan ~~for the new~~ ***indicating the location of the replacement*** tower ~~facilities is administratively approved~~ ***shall be required***.

D. General Requirements.

1. Towers and tower facilities shall be on a lot which meets the minimum lot size for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.

2. Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.

a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus ten (10) feet.

b. All towers shall be set back from all adjoining properties zoned non-residential a distance of 100 feet.

c. All towers shall be set back from the street right-of-way (existing or required) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see Article III. Street Design Standards and Specifications of the Development Regulations.)

d. ***All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three (3) times the tower height or a minimum of 500 feet, whichever is greater.***

.e. ***Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.***

3. ***Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a Private School Conditional Use.***

4. ***All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:***

a. ***up to 70 feet : one carrier;***

b. ***greater than 70 up to 120 feet : two carriers;***

c. ***greater than 120 feet up to 150 feet : three carriers;***

d. ***greater than 150 feet up to 180 feet : four carriers;***

e. ***greater than 180 feet up to 250 feet : five carriers; and***

f. ***greater than 250 feet: six carriers.***

5. ***All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with vinyl slat inserts for screening. Access to the communication tower shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.***

6. ***A landscaped strip ten (10) feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every ten (10) feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and***

requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.

7. ***Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one (1) to two (2) feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer.***

8. ***No signage shall be a placed on a tower structure or antenna.***

9. ***Application Requirements: All applicants for new tower construction shall include the following information at time of application submittal: site and landscape plans drawn to scale; a report including all tower specifications and a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower's proposed uses; the general capacity of the tower and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space will be leased; proof of ownership of the proposed site or authorization to utilize it; and copies of any easements necessary.***

10. ***Inventory of Existing or Planned Tower Sites. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower or any planned towers can accommodate the applicant's proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:***

a. ***Each applicant for a new tower and antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the search area of the applicant's proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal. The inventory shall include the following information:***

(1) ***All tower owners and the number of carriers for each tower site;***

(2) ***The site location, total height, and design type of each tower;***

(3) ***Details of all existing and planned towers or structures located***

within the search area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;

(4) Other limiting factors that render existing towers and structures unsuitable; and

(5) Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.

b. The Planning and Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

c. If it is determined that the applicant cannot feasibly locate an antenna on an existing tower or planned tower, the applicant shall demonstrate that the proposed new tower is designed to accommodate the required number of carriers.

11. Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations. Additional information indicated on the site plan shall include, total tower height including antennas, type and design of any tower facility, including equipment buildings or cabinets, ingress/egress, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property and other information necessary to assess compliance with this ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

The following scenarios shall not require submittal of a site plan:

a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers).

b. ***Co-locating an antenna on any existing tower, so long as said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.***

c. ***Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.***

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/ inspections shall be required.

12. ***Aesthetics and Lighting Requirements. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers.***

a. ***Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.***

b. ***If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.***

c. ***Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.***

13. ***Federal Requirements. All towers shall meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna, including modulation studies on frequency usage, to avoid interference with existing systems in operation. Prior***

to submittal for an administrative site plan approval, applicants shall be required to submit a copy of the Determination of No Hazard to Air Navigation from the FAA and a copy of the Carrier's FCC license.

14. ***Building Codes and Safety Standard Requirements. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 60 days to bring such tower into compliance.***

15. ***Removal of Abandoned Antennas and Towers. Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Planning and Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.***

16. ***Performance Bond Required. Prior to the issuance of a Zoning Compliance certificate to erect a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the Bond, not less than $5,000 nor more than 10% of construction costs, shall be set by the Zoning Administrator. Such bond shall be required upon compliance with all aspects of this Section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Planning and Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. The format of the bond shall be approved by the County Attorney.***

E. ***Supplemental Requirements. In addition to the General Requirements above, the following Supplemental Requirements shall apply as specified below.***

1. ***Highway Corridor. Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:***

a. ***The State and County Highways included within the Highway Corridor are S.R. 54, S.R. 85, S.R. 92, S.R. 74, S.R. 314, S.R. 279, S.R. 138, and 85 Connector.***

b. ***The Highway Corridor tower overlay zone (1) permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of Fayette County.***

c. ***An Administrative Approval can be granted for towers of 250 feet or less in height within the Highway Corridor provided that the tower meets all other applicable requirements.***

d. ***Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.***

e. ***All new towers, excluding alternative tower structures, located within the Highway Corridor that are 70 feet or greater in height shall not be located within one (1) statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing governmentally-owned towers where co-location is not permitted or from alternative tower structures.***

2. ***Outside of the Highway Corridor***

a. ***Outside of the Highway Corridor, a tower may be located only in the following zoning districts:***

Manufacturing and Heavy Industrial District (M-2);
Light Industrial District (M-1);
Highway Commercial District (C-H);
Community Commercial District (C-C);
Agricultural Residential (A-R); and
R-70 Single-Family Residential District.

b. ***An Administrative Approval can be granted for towers of 180 feet or less in height outside of the Highway Corridor provided that the tower meets all other applicable requirements.***

c. ***Towers in excess of 180 feet in height outside of the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.***

d. ***All new towers, excluding alternative tower structures, located outside of the Highway Corridor that are 70 feet or greater in height shall not be located within one and one-half (1.50) statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.***

3. ***Alternative Tower Structures.***

a. ***The purpose of an alternative tower structure is to diminish, camouflage or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For example, the use of a monopine is more fitting on a site with stands of mature trees; where as, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.***

b. ***Alternative tower structures shall comply with the General Requirements herein with the exception of the setback requirements from off-site residences, security fencing requirements, landscape requirements, and tower separation requirements of both the Highway Corridor and outside of the Highway Corridor. Alternative tower structures shall be allowed in the Highway Corridor, outside of the Highway Corridor in the zoning districts listed herein, and in conjunction with the following existing Conditional Uses:***

(1). ***Church or Other Place of Worship;***

(2). ***Developed Residential Recreational/Amenity Areas;***

(3). ***Private School; and***

(4). ***Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.***

c. ***Alternative tower structures, in conjunction with the above listed Conditional Uses, shall meet the setbacks established in the General Requirements or the Conditional Use setbacks, whichever is greater.***

d. ***An Administrative Approval can be granted for an alternative tower of 120 feet or less in height provided that the tower meets all other applicable requirements.***

e. ***An alternative tower in excess of 120 feet in height shall require public hearings before the Planning Commission and Board of Commissioners.***

f. ***A maximum of one (1) alternative tower structure shall be allowed per lot.***

g. ***The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.***

h. ***Design Review and Approval Process: Alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission. The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping.***

The Design Review and Approval Process application shall include the following:

(1). ***An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;***

(2). ***A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and***

(3). ***Engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.***

i. ***Monopine Towers.***

(1). ***Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five (5) feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.***

(2). ***Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one (1) foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 MPH, certification of such shall be supplied with the application. Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.***

(3). ***The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by the engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the County that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.***

j. ***Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from the Article V. General Provisions, Structures Permitted above the Height Limit.***

~~F. Permitted Uses.~~

~~1. General. Permitted Uses shall not require administrative site plan approval or public hearings, but shall comply with the applicable requirements of Sections 5-40.F. and G. herein and all other applicable ordinances.~~

~~Specific Permitted Uses.~~

~~d. Installing an antenna on an existing structure, so long as said installation adds no more than twenty (20) feet to the height of said existing structure (including buildings, light poles, water towers, or other free standing non-residential structures excluding signs).~~

~~e. Installing an antenna on any existing tower, so long as said installation does not exceed the maximum height of administrative tower approval for that location. (Amended 10/25/01)~~

~~f. Adding on to an existing mechanical or accessory building, or placement~~

~~of additional equipment cabinets or buildings at a tower site as part of co-location, subject to approval by the Zoning Administrator, County Engineer, and Fire Marshal. (Amended 10/25/01)~~

~~Prior to the installation of any antenna, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator, which notice shall include the location, size, and configuration of such antenna and equipment. Written notice shall be certified by a licensed professional engineer and shall verify that the additional antenna will comply with wind load requirements as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and permits and inspections shall be required. (Amended 10/25/01)~~

D. ~~Use by Right~~ Administrative Approvals.

~~General. The following provisions shall require an administrative approval and shall comply with Sections 5-40.F. and G. herein and all other applicable ordinances. Applicants shall apply to the Zoning Department in conjunction with the site plan review process.~~

~~2. Highway Corridor. Locating towers along the following highway corridors, rather than in residential areas, is specifically encouraged and is permitted as a floating zone (1) (within any zoning district) provided all the following requirements are met:~~

~~a. The State and County Highways included within the Highway Corridor are S.R. 54 (East and West), S.R. 85 (North and South), S.R. 92 (North and South), S.R. 74, S.R. 314, S.R. 279, S.R. 138, 85 Connector, and Bernhard Road (future east-west arterial).~~

~~b. The Highway Corridor tower floating zone (1) permits towers as a Use by Right in any zoning district when located within 1,000 feet of the right-of-way on either side of the above roads in unincorporated areas of Fayette County, provided the tower complies with all required regulations of Section 5-40. (Amended 05/25/00)~~

~~c. Towers within the Highway Corridor are restricted to a maximum of 250 feet in height as an administrative approval, shall be either a monopole or lattice tower, and shall be engineered to accommodate a minimum of five (5) (5) users. (Amended 03/25/99)~~

~~d. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings, can be either a monopole or lattice tower at the discretion of the Boards, and shall be engineered to accommodate six (6) (6) or more users depending on the height of the tower. (Amended~~

~~03/25/99)~~

~~e. The minimum distance between any existing or planned towers in the Highway Corridor shall be one (1) (1) linear mile. The minimum distance requirement shall apply to existing and planned towers within any local government jurisdiction.~~

~~f. No~~ **e**~~quipment buildings, support structures, or tower equipment can be visible from the highway. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) (6) feet in height when planted and spaced every ten (10) feet on center, and supplemented with shrubs a minimum of three (3) (3) feet in height when planted and spaced every eight (8) feet on center, for a completely screened, opaque look around the entire fenced tower facility.~~

~~2. County-Owned Property. Towers may locate on County-owned property (except public schools) at a maximum height of 250 feet as a Use by Right Administrative Approval. The County Attorney shall negotiate compensation for the leased lot for the tower. Prior to site plan approval, the tower owner and subsequent users of the tower shall be required to execute a written agreement, in a form acceptable to the County Attorney, which releases the County from all liability regarding the tower. (Amended 03/25/99)~~

~~3. Other Specific Administrative Approvals.~~

a. ~~Locating any tower or alternative tower structure that is 180 feet or less in height in areas other than the Highway Corridor, provided a licensed professional engineer certifies that said tower~~**,** ~~can structurally accommodate the required number of shared users, and that the Zoning Administrator concludes the tower satisfies the requirements of Sections 5-40.F. and G. and that the tower meets the following height and usage criteria: (Amended 03/25/99)~~

(1) ~~Single user: up to seventy (70) feet;~~

(2) ~~Two (2) users: up to 120 feet; (Amended 03/25/99)~~**;**

(3) ~~Three (3) users: up to 150 feet; and, (Amended 03/25/99); and~~

(4) ~~Four (4) or more users: up to 180 feet. (Added 03/25/99)~~**.**

~~b. All new towers located in the A-R zoning district shall be required to be constructed as monopoles and shall be a minimum of 1,000 feet from the nearest residence, excepting only the residence located upon the same lot as the tower.~~

E. Public Hearing***s*** Required.

~~1. General. If the proposed tower or antenna is not included under the specific permitted uses, Section 5-40.C. or included as a specific administratively approved use, Section 5-40.D., then a public hearing shall be required for the approval of the construction of a tower or the placement of an antenna in all zoning districts. All such uses shall comply with Sections 5-40.F. and G. herein and all other applicable ordinances. Applicants shall apply for a public hearing through the Zoning Department.~~

Public hearings before the Planning Commission and Board of Commissioners are required for the approval of a proposed tower, antenna, or equipment cabinet or building that is not allowed under the Permitted Uses or Administrative Approvals, and/or cannot comply with the Development Requirements, Supplemental Requirements, or Alternative Tower Structures. The procedure for said public hearings shall follow the procedure in Article XI for rezonings. Applicants shall apply for ~~a~~ public hearing***s*** through the ***Planning and*** Zoning Department. ***The application with deadline submittal and public hearing dates is available in the Planning and Zoning Department. The application shall include the following:***

~~a. In granting an approval, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.~~

a. ***A scaled Concept Plan graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks (both on and off-site), ingress/egress, landscaping areas, and zoning of the subject property and adjacent property~~, and maximum effective radiated power~~;***

b. An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements;

c. ***A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four (4) daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of the week. A sign announcing the dates of the balloon test shall be posted on the property by the County a minimum of five (5) calendar***

days prior to the initial balloon test: and

d. ***The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven (7) calendar days prior to the Planning Commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An***
Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.

~~2.~~ Factors Considered in Public Hearing Applications. ~~The Board of Commissioners, or its designee (governing authority), shall consider the following factors in determining whether to approve an application. although the governing authority may waive or reduce the burden on the applicant of one (1) (1) or more of these criteria, if in the sole discretion of the governing authority, the goals of this ordinance are better ***adequately*** served thereby: (Amended 12/15/05)~~ ***The following factors shall be considered when evaluating a tower application.***

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential zoning district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. ~~Surrounding topography~~ ***Topography of the site and its effect on the efficiency of the tower in terms of coverage***;

e. Surrounding tree coverage and foliage ***and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets***;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress;

h. ~~Two (2)~~ ***The degree of the tower's compliance with the one (1) statute mile separation (Highway Corridor) and one and one-half (1.5) statute***

mile separation (~~non-highway~~ outside ***the Highway*** Corridor); and (Adopted 12/15/05)

i. ***The degree of the tower's compliance with the o***ne (1) ***statute*** mile separation (***inside the*** highway corridor). (Adopted 12/15/05)

3. In granting its approval, the County, through the Board of County Commissioners or its designee, may impose ~~special~~ conditions that ~~it feels~~ are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property.

~~F. Development Requirements.~~

~~1. Tower facilities may be located only in the following zoning districts, with the exception of towers located within an established Highway Corridor floating zone:~~

~~Manufacturing and Heavy Industrial District (M-2);~~
~~Light Industrial District (M-1);~~
~~Highway Commercial District (C-H);~~
~~Community Commercial District (C-C); and~~
~~Agricultural Residential (A-R).~~

~~2. Lot Area. Tower facilities shall be on a lot which meets the minimum lot size for the district in which it is located. Tower facilities may be located on a lot containing another principal or accessory use. A Tower may occupy a leased lot being a portion of the lot (parent lot). For purposes of determining if a tower or antenna complies with the minimum tower setbacks, the boundaries of the entire lot (parent lot) shall control.~~

3. ~~All new towers over seventy (70) feet in height shall not be located within two (2) linear miles from any existing or planned tower that is over seventy (70) feet in height, with the exception of proposed towers within the Highway Corridor. The minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted.~~

4. ~~Towers shall not be located on the same lot as a school or day-care center.~~

5. ~~Setbacks: Setbacks for tower facilities shall be measured from the boundaries of the lot, not the boundaries of the leased lot to the nearest tower facilities including all equipment, slabs, or other structures associated with the operation of the tower.~~

a. ~~All towers and tower facilities located outside the Highway Corridor shall be set back from all adjoining properties zone (1)d residential or A-R a distance equal to the height of the tower or 200 feet, whichever is greater.~~

b. ~~All towers and tower facilities located outside the Highway Corridor shall be set back from all adjoining properties zone (1)d non-residential a distance equal to the height of the tower or 100 feet, whichever is greater.~~

~~c.~~ ~~All towers and tower facilities located within the Highway Corridor shall be set back, as follows:~~

~~(1) A minimum of 100 feet from the ultimate planned right-of-way line;~~
~~(2) A minimum of 50 feet from all adjoining properties zone (1)d non-residential;~~
~~(3) A minimum of 200 feet from all adjoining properties zone (1)d residential or A-R or the height of the tower, whichever is greater; and~~
~~(4) A minimum of 1,000 feet from the nearest residence except for a residence located on the same lot as the tower.~~

6. ~~All anchors for guyed towers shall comply with the minimum setbacks of the zoning district.~~

7. ~~Security Fencing. All tower facilities shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with vinyl slat inserts for screening. Access to the communication tower shall be through a locked gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.~~

~~Landscaping. Unless otherwise specified herein, the Development Regulations of Fayette County shall apply.~~

a. ~~The tower and related facilities shall be landscaped with a standard buffer that shall consist of a landscaped strip ten (10) feet in width surrounding the perimeter of the tower and any accessory structures. The buffer shall consist entirely of evergreens, and once installed shall be a minimum of six (6) feet in height at time of planting.~~

b. ~~Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be a sufficient buffer, in lieu of the required landscaping. If existing vegetation to remain is requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan.~~

~~c. Landscaping shall be installed on the outside of required fence.~~

8. ~~Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one (1) to two (2) feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer. (Amended 02/24/00)~~

G. ~~Supplemental Requirements.~~

1. ~~Application Requirements: All applicants for new tower construction shall include the following information at time of application submittal: site and landscape plans drawn to scale; a report including all tower specifications and a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower's proposed uses; the general capacity of the tower and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space will be leased; proof of ownership of the proposed site or authorization to utilize it; and copies of any easements necessary.~~

2. ~~Inventory of Existing or Planned Tower Sites. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower nor any towers in the approval process can accommodate the applicant's proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:~~

   a. ~~Each applicant for a tower or antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the service operating area of the applicant's proposed tower or antenna location, and provide the Zoning Department with an inventory of said tower sites at the time of application submittal. The inventory must include the following information:~~

      1. ~~All property owners and the lessees for each tower site;~~

      2. ~~The site location, total height, and design type of each tower;~~

      3. ~~Details of all existing and any planned towers or structures located within the geographic service area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and~~

~~electromagnetic interference with antenna(s) on the existing towers or structures;~~

~~(4) Comparison of all fees or costs required to co-locate on an existing tower or structure versus construction of a new tower if proposed. Applicants shall submit in writing a detailed estimate of total co-location development costs for each site and the estimated cost for development of a new tower;~~

~~4. Other limiting factors that render existing towers and structures unsuitable; and~~

~~5. Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.~~

~~c. The Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

~~***d.*** If it is determined that the applicant cannot feasibly locate an antenna on an existing tower, the applicant must then demonstrate that the proposed new tower is designed so that it can accommodate additional antennas as height requirements permit. No single-purpose towers over 70 feet will be permitted unless conclusive proof can be submitted that there is no other feasible alternative.~~

~~3. Site Plan Approval. All tower applicants for new towers or co-location on existing towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations. Additional information indicated on the site plan must include, total tower height including antennas, type and design of all tower facilities, including equipment buildings or cabinets, maximum effective radiated power, ingress/egress, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property and other information necessary to assess compliance with this ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.~~

4. ~~Aesthetics and Lighting. The following compatibility standards shall govern the aesthetics and lighting of all tower facilities, including the installation of antennas on towers.~~

~~a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.~~

~~b. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment as much as possible.~~

~~c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be architecturally compatible with, the color and texture of the supporting structure. and if roof mounted shall be screened by a parapet wall, so as to make the antenna and related equipment visually unobtrusive.~~

~~d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. appropriate~~

~~5. Federal Requirements. All towers must meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna, including modulation studies on frequency usage, to avoid interference with existing systems in operation. Prior to submittal for an administrative site plan approval, applicants shall be required to submit written approval from the FAA which states that the proposed communications towers does not encroach onto or through any established public or private airport approach path or federal airspace as established by the FAA.~~

~~6. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have sixty (60) days to bring such tower into compliance.~~

~~7. County's Right to Co-locate. Fayette County shall have the right to co-locate emergency/public safety equipment at no cost on any approved tower within the County's jurisdiction, provided that the co-location of antennas do not interfere with the normal tower operations. Reserved space on each new tower shall be~~

~~required for future County co-location.~~

~~J~~**7.** ~~Abandoned Antennas and Towers. Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.~~

8. ~~Performance Bond Required. Prior to the issuance of a Zoning Compliance certificate to erect a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the Bond, not less than $5,000 nor more than 10% of construction costs, shall be set by the Zoning Administrator. Such bond shall be required upon compliance with all aspects of this Section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. The format of the bond shall be approved by the County Attorney.~~

~~I.~~ ~~Tower In Use Certification. An annual Tower In Use Certification shall be required for any tower or antenna previously permitted or currently in use as of June 27, 1996. Said certification shall include the total height of the tower and a list of all current users and their height on the tower. Said certification shall be submitted to the Zoning Department, signed and notarized by the tower company representative/agent, by the 31st of January each year. Failure to submit said certification may result in the issuance of a violation.~~

J. Tower Approval Expiration.

Approval for a tower granted either administratively or through the Board of Commissioners, or its designee, shall expire 24 months from the date of approval, unless a Certificate of Occupancy has been issued for the tower.

I. Application Timeframes.

The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information

within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits.

~~5-17. Uses Prohibited. If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district.~~

RELOCATE HEREIN

~~5-20. Nonconforming Lot of Record. Any unimproved nonconforming lot of record existing prior to the adoption of this Ordinance ***(November 13, 1980)*** which has an area or a width which is less than that required by this Ordinance may be used as a building site for a principal structure permitted in that zoning district. All other structures and uses must ***shall*** conform to the applicable regulations contained herein.~~ **RELOCATE TO ARTICLE VII.**

~~5-24. Lots with Well and/or Private Sewage System. Any lot upon which both an individual well and septic tank or private sewage system are to be provided shall be governed by Title 31 of the Official Code of Georgia Annotated, entitled "Health", and shall be further governed by the Georgia Department of Human Resources Rules and Regulations for Individual Sewage Disposal Systems and by the rules and regulations of the Fayette County Health Department as amended and the Fayette County Water System, if applicable. Lots using both well and septic tank systems shall not be less than one and one-half (1.5) acres in size.~~

~~5-25. Regulations for Drip Irrigation Systems. All drip irrigation systems shall comply with those regulations entitled "Land Application by Drip Irrigation" which have been proposed by the water protection branch of the Environmental Protection Division, Department of Natural Resources for the State of Georgia, revised as of May 1, 1995, and as hereinafter amended, and containing the local amendment entitled "Sanitary Sewer System Specifications"; such rules and regulations being adopted hereby in their entirety by this reference.~~

~~5-26. Operation of Sanitary Landfills. Private landfills shall be certified and monitored by the Georgia Department of Natural Resources. Permits for the hauling of garbage shall be obtained from the Board of Commissioners of Fayette County.~~

~~5-32. Manufactured Home Sales. In any zoning district wherein the sale of manufactured homes is permitted, the owner of said business shall be required to restore the site to its original condition after the business has ceased to function. Prior to commencing business, the owner shall file with the Board of Commissioners of Fayette County a site restoration plan detailing the steps to be taken to restore the site. Further, prior to commencement of business, the owner of said business shall file with the Board of~~

~~Commissioners of Fayette County a bond or letter of credit for the performance of said site restoration~~

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-1. 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;

   ~~Recreation centers and similar institutions owned by non-profit organizations so designated by the Internal Revenue Code, as amended;~~ ***(Relocate to Conditional Uses.)***

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);***

3. Growing of crops and the on-premise sale of produce and agricultur~~e~~***al products***, provided 50~~%~~ ***percent*** of the produce***/products*** sold ~~***must***~~ ***shall*** be ~~raised~~ ***grown*** on-premise; (Amended 06/26/03)

4. Plant nurseries and greenhouses (no sales of related garden supplies); and (Amended 06/26/03)

5. Raising of livestock; ***aquaculture, including pay fishing; apiary;*** and the sale thereof.

C. Conditional Uses. The following Conditional Uses shall be allowed in the A-R Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Aircraft Landing Area;

2. Animal Hospital, Kennel (Commercial or Non-commercial), or Veterinary Clinic;
Aviary;

3. Cemetery ~~and Mausoleum (Human or Pet);~~

4. ***Church***~~, Temple,~~ ***and/***or ***other*** Place of Worship;

~~Church or~~ Religious Tent Meeting;

6. Commercial Driving Range;

7. Colleges and Universities;

8. Day Care Facility (Nursery School or Kindergarten);

9. Developed Residential Recreational/Amenity Areas;

10. Farm Outbuilding***, including horse stables,*** and ***Commercial*** Greenhouses; (Amended 04/09/98)

11. ~~Rifle~~ ***Shooting*** Range***, Outdoor***;

12. Golf Course;

13. Home Occupation;

14. Hospital;

15. Kennel (See Animal Hospital, etc.);

16. ***Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;***

17. Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

~~Rifle Range~~;

18. ***Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office;***

~~Church or~~ Religious Tent Meeting;

~~School (Private and Special), and Accessory Sports Arena, Stadium or Recreation Field;~~

19. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities; and

20. Temporary Carnival or Rodeo.

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 [5] 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: ~~seventy-five (75)~~ ***75*** feet

5. Rear yard setback: ~~seventy-five (75)~~ ***75*** feet

6. Side yard setback: ~~fifty (50)~~ ***50*** feet

7. a. Height limit: ~~Thirty-five (35)~~ ***35*** feet as defined in Article III, ~~Sec. 3-12~~. (Adopted 11/18/04)

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 (1) foot for every two (2) feet or part thereof of building height over ~~thirty-five (35)~~ ***35*** feet. (Adopted 11/18/04)

E. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan ~~must~~ ***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; accessory buildings and uses; growing crops and the on-premise 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 ***commercial*** greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock. (Amended 06/26/03)

6-~~24~~*2*. C-S, Conservation Subdivision (Adopted in its entirety 12/05/01)

A. Purpose. The intent of this section is to create a residential Conservation Subdivision procedure. A Conservation Subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space. This open space will be protected from development in perpetuity and will be utilized to protect water quality, water bodies, wetlands, riparian buffers, woodlands, archaeological resources, historic resources, agricultural areas and scenic areas. This open space will also provide flood protection, a reduction in soil erosion and be utilized for recreation. The aforementioned attributes should be taken into consideration in the design of the subdivision. The first step in designing a Conservation Subdivision is to locate and delineate the area and natural attributes to be preserved. The residential lots are located outside of this area. In addition, the clustering of lots can result in lower infrastructure costs both for installation and maintenance. The creation of the ***C-S*** Conservation Subdivision Zoning District is to assist Fayette County in fulfilling the goal of permanently protecting ~~20 percent of the county as greenspace per the Georgia Greenspace Program~~ ***greenspace in the county.*** The Conservation Subdivision Zoning District is intended for those areas designated Low Density Residential (l unit/1 to 2 acres) and Rural Residential (1 unit/2 to 3 acres) on the Fayette County Land Use Plan Map. (Amended 08/26/04)

B. Rezoning Requirements. The following is required for a rezoning request for the Conservation Subdivision Zoning District in addition to what is normally required for a rezoning request:

1. A request for the Conservation Subdivision Zoning District will require a Yield Plan. The number of lots allowed in a Conservation Subdivision will be determined by a Yield Plan which is a conventional subdivision design based on the dimensional requirements of the R-70 Zoning District. This concept is referred to as Neutral Density. The Yield Plan ~~must~~ ***shall*** contain the check list requirements available in the office of the Zoning Administrator. Staff analysis of the Yield Plan will add an additional month to the normal rezoning schedule.

2. ~~The Concept~~ ***A Development*** Plan ***shall be*** required for the rezoning petition ~~will act as the Development Plan for the development~~. The ~~Concept/~~ Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved ~~Concept/~~ Development Plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of

streets, or similar substantial changes, ~~must~~ ***shall*** be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the ~~Concept/~~ Development Plan shall be supported by a written statement as to why the revisions are necessary.

Each Conservation Subdivision shall consist of two areas: the Residential Area and the Conservation Area. The Conservation Area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The Conservation Area will remain in a natural and undisturbed state with minimal improvements and will be regulated in a manner consistent with the Georgia Greenspace Program requirements to the greatest degree possible.

In addition to what is normally required on the ~~Concept~~ ***Development*** Plan, the ~~Concept/~~ Development Plan ~~must~~ ***shall*** include the following;

a. A delineation of the attributes (see Purpose) of the site which will be preserved;

b. A delineation of the Residential Area and the Conservation Area including the acreage within each area;

c. Uses and improvements planned for the Conservation Area with the acreage devoted to each; and

d. Indicate and label existing structures to remain.

C. Uses Permitted within the Residential Area of a Conservation Subdivision . The following permitted uses shall be allowed in the Residential Area of the C-S Zoning District:

1. Single-family dwelling; and

2. Residential accessory ~~buildings~~ ***structures*** and uses ***(see Article V.).***

D. Conditional Uses Permitted within the Residential Area of a Conservation Subdivision. The following Conditional Uses shall be allowed in the Residential Area of C-S Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval***, herein are met:

1. Home Occupation;

2. ***Horse Quarters;***

3. Developed Residential Recreational/Amenity Areas; and

4. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

E. Uses Permitted within the Conservation Area of a Conservation Subdivision . The following permitted uses and structures shall be allowed in the Conservation Area of the C-S Zoning District:

1. Trails and paths (impervious trails and paths are limited to five ***[5]*** percent of the Conservation Area and trails and paths ~~must~~ ***shall*** comply with the Watershed Protection Ordinance ~~in terms of impervious surface requirements~~);

2. Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic Areas ***and one (1) Covered Picnic Pavilion*** are required to be setback 50 feet from any residential property line and are limited to five ***(5)*** percent of the Conservation Area. ***The Covered Picnic Pavilion shall be limited to a maximum of 900 square feet.***

3. Community gardens for the use of the residents of the subdivision only;

~~4. Horse stables, animal containment areas and training/riding facilities for the use of the residents of the subdivision only are required to be setback 50 feet from any residential property line;~~

4. The maintenance of existing orchards and groves including the harvesting of fruit and nuts;

5. The maintenance of existing pastures including the harvesting of hay; and

6. The maintenance of existing farm fields used for row crops including the harvesting of crops. Said fields ~~must~~ ***shall*** be outside of watershed protection areas as described in the Watershed Protection Ordinance. All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with 6. above.

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the C-S Zoning District shall be as follows:

1. Lot area per dwelling unit:

a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)

b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width per dwelling unit:

a. Major thoroughfare:

(1) Arterial: 150 feet

(2) Collector: 150 feet

b. Minor thoroughfare: 125 feet

3. Floor area: 2,100 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~thirty (30)~~ ***30*** feet

6. Side yard setback: ~~twenty (20)~~ ***20*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

G. Use of Existing Structure. The preservation of existing historic residential structures listed in the Architectural Survey of Fayette County is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility ~~must~~ ***shall*** meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and

agricultural structures will be subject to the approval of the Zoning Board of Appeals in terms of nonconformance with this zoning district.

H. Conservation Area Requirements. The Conservation Area of the subdivision shall meet the following requirements:

1. Ownership. Title to the Conservation Area ~~must~~ ***shall*** be conveyed to one ***(1)*** of the following entities:

   a. A Home Owners Association that has been established according to OCGA 44-3-220;

   b. A Conservation Trust organization approved by the Fayette County Board of Commissioners; or

   c. The Fayette County Board of Commissioners (for Conservation Areas with no structures only).

2. Size. Each development eligible for treatment as a Conservation Subdivision ~~must~~ ***shall*** place at least 40~~%~~ ***percent*** of the total subject property into the Conservation Area not withstanding the yield plan. This area ~~must~~ ***shall*** be described by metes and bounds.

3. Permanent Protection. Each Conservation Area regardless of ownership ~~must~~ ***shall*** have a conservation easement as approved by the county attorney filed in the records of the Fayette County Clerk of Superior Court. The easement shall reserve the Conservation Area to conservation uses as defined herein in perpetuity.

6-3. EST, Estate Residential District (Amended in its entirety 08/11/05)

A. Purpose. An Estate Residential subdivision is a residential subdivision where lots are reduced in size and clustered to provide conservation area. Each Estate Residential subdivision will consist of two areas, a residential area and a conservation area. The conservation area will be protected from development in perpetuity by an easement or deed restriction. The conservation area will be utilized for approved recreation for the residents of the subdivision. The clustering of lots can result in lower infrastructure costs both for installation and maintenance. The Estate Residential Zoning District is intended for those areas designated Agricultural Residential (1 unit/5 acres) on the Fayette County Land Use Plan Map. ***The creation of the EST Estate Residential District is to assist Fayette County in permanently protecting greenspace in the county.*** (Amended 07/27/06)

B. Rezoning Requirements. The following is required for a rezoning request for the Estate Residential Zoning District in addition to what is normally required for a rezoning request:

1. A request for the Estate Residential Zoning District will require a Yield Plan. The number of lots allowed in a Estate Residential Zoning District will be determined by a Yield Plan which is a conventional subdivision design based on the dimensional requirements of the A-R Zoning District. This concept is referred to as Neutral Density. The Yield Plan ~~must~~ ***shall*** contain the check list requirements available in the office of the Zoning Administrator.

2. ~~The~~ ~~Concept~~ ***A Development*** Plan ***shall be*** required for the rezoning petition ~~will act as the Development Plan for the development~~. The ~~Concept/~~ Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved ~~Concept/~~ Development Plan, which affects the intent and character of the development, the density or land use pattern, or similar substantial changes, ~~must~~ ***shall*** be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the ~~Concept/~~ Development Plan shall be supported by a written statement as to why the revisions are necessary.

   In addition to what is normally required on the ~~Concept~~ ***Development*** Plan, the ~~Concept/~~ Development Plan ~~must~~ ***shall*** include the following~~;~~***:***

   a. A delineation of the residential area and the conservation area including the approximate acreage within each area; (Amended 07/27/06)

   b. Uses and improvements planned for the conservation area with the acreage devoted to each; and (Amended 07/27/06)

   c. Indicate and label existing structures to remain.

C. Uses Permitted within the Residential Area of an Estate Residential Subdivision . The following permitted uses shall be allowed in the Residential Area of the Estate Residential Zoning District:

1. Single-family dwelling; and

2. Residential accessory ~~buildings~~ ***structures*** and uses ***(see Article V.).***

D. Conditional Uses. ~~Permitted within the Residential Area of an Estate Residential Subdivision.~~ The following Conditional Uses shall be allowed in the residential area of EST Zoning District**,** provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Developed Residential Recreational/Amenity Areas

2. Home Occupation;

3. Horse Quarters; and

4. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

E. Uses Permitted within the Conservation Area of an Estate Residential Subdivision. The following permitted uses and structures shall be allowed in the conservation area of the Estate Residential Zoning District: (Amended 07/27/06)

1. Trails and paths (impervious trails and paths are limited to five [5] percent of the conservation area and trails and paths ~~must~~ ***shall*** comply with the Watershed Protection Ordinance ~~in terms of impervious surface requirements~~); (Amended 07/27/06)

2. Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic Areas ***and one (1) Covered Picnic Pavilion*** are required to be setback 50 feet from any residential property line and are limited to five (5) percent of the conservation area. ***The Covered Picnic Pavilion shall not exceed a maximum of 900 square feet.;*** (Amended 07/27/06)

3. Community gardens for the use of the residents of the subdivision only;

4. The maintenance of existing orchards and groves including the harvesting of fruit and nuts;

5. The maintenance of existing pastures including the harvesting of hay; and

6. The maintenance of existing farm fields used for row crops including the harvesting of crops. Said fields ~~must~~ ***shall*** be outside of watershed protection areas as described in the Watershed Protection Ordinance. All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with 5. above. (Amended 07/27/06)

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the Estate Residential Zoning District shall be as follows:

1. Lot area per dwelling unit: 108,900 square feet (two and one half [2.5] acres)

2. Lot width per dwelling unit: 160 feet

3. Floor area: 2,500 square feet (Amended 05/22/08)

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

G. Use of Existing Structure. The preservation of existing historic residential structures listed in the Architectural Survey of Fayette County is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility ~~must~~ ***shall*** meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the Zoning Board of Appeals in terms of nonconformance with this zoning district.

H. Conservation Area Requirements. The conservation area of the subdivision shall meet the following requirements: (Amended 07/27/06)

1. Ownership. Title to the conservation area ~~must~~ ***shall*** be conveyed to one of the following entities: (Amended 07/27/06)

a. A Home Owners Association that has been established according to OCGA 44-3-220;

b. A Conservation Trust organization approved by the Fayette County Board of Commissioners; or

c. The Fayette County Board of Commissioners (for conservation areas with no structures only). (Amended 07/27/06)

2. Size. A minimum of 40 percent of the total subject property ~~must~~ ***shall*** be set aside in conservation area. The conservation area described in its entirety by metes and bounds, total acreage and percentage of total subject property ~~must~~ ***shall*** be submitted to the Fayette County Zoning Department in the Final Plat stage prior to Final Plat approval. (Amended 07/27/06)

3. Permanent Protection. Each conservation area regardless of ownership ~~must~~ ***shall*** have an easement or deed restriction as approved by the county attorney filed in the records of the Fayette County Clerk of Superior Court. The easement or deed restriction shall reserve the conservation area to uses as defined herein in perpetuity. (Amended 07/27/06)

6-4. R-85 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following uses shall be permitted in the R-85 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-85 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. ***Church***~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-85 Zoning District shall be as follows:

1. Lot area per dwelling unit: 130,680 square feet (three [3] acres)

2. Lot width: 125 feet

3. Floor area: 3,000 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***50*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-5. R-80 Single-Family Residential District.

A. Description of District. This district is composed of certain lands and structures having a very low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-80 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-80 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;

4. ***Horse Quarters;***

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-80 Zoning District shall be as follows:

1. Lot area per dwelling: 130,680 square feet (three [3] acres)

2. Lot width: 175 feet

3. Floor area: 2,500 square feet

4. Front yard setback:

a. Major thoroughfare:

1) Arterial: ~~seventy-five (75)~~ ***75*** feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~thirty (30)~~ ***30*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-6. R-78 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following uses shall be permitted in the R-78 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-78 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters; relocate

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms,

administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-78 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)

2. Lot width: 125 feet

3. Floor area: 3,000 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-7. R-75 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following uses shall be permitted in the R-75 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-75 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;

4. Horse Quarters;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-75 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)

2. Lot width: 125 feet

3. Floor area: 2,500 square feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: 100 feet

      (2) Collector: ~~seventy-five (75)~~ ***75*** feet

   b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-8. R-72 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-72 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-72 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;

4. Horse Quarters;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-72 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)

2. Lot width:

a. Major thoroughfare:

(1) Arterial: 175 feet

(2) Collector: 175

b. Minor thoroughfare: 150 feet

3. Floor area: 2,100 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: ~~seventy-five (75)~~ ***75*** feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet (Amended 06/25/98)

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-9. R-70 Single-Family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the ~~polluting~~ ***depreciating*** effects of excessive densities and development and those uses incompatible with ~~a protected watershed area~~ ***such a residential environment.***

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-70 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-70 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

E. Dimensional Requirements. The minimum dimensional requirements in the R-70 Zoning District shall be as follows:

1. Lot area per dwelling unit: 87,120 square feet (two [2] acres)

2. Lot width:

   a. Major thoroughfare:

      (1) Arterial: 175 feet

      (2) Collector: 175 feet

   b. Minor thoroughfare: 150 feet

3. Floor area: 1,500 square feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: ~~seventy-five (75)~~ ***75*** feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-10. R-55 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following uses shall be permitted in the R-55 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-55 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;

4. Horse Quarters;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-55 Zoning District shall be as follows:

1. Lot area per dwelling unit:

   a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width: 150 feet (Amended 04/09/98)

3. Floor area: 2,500 square feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: 100 feet

      (2) Collector: ~~seventy-five (75)~~ ***75*** feet

   b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~fifty (50)~~ ***50*** feet

6. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-11. R-50 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following permitted uses shall be allowed in the R-50 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-50 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-50 Zoning District shall be as follows:

1. Lot area per dwelling unit:

a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)

b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width:

a. Major thoroughfare:

(1) Arterial: 150 feet

(2) Collector: 150 feet

b. Minor thoroughfare: 125 feet

3. Floor area: 2,100 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~seventy-five (75)~~ ***75*** feet

b. Minor thoroughfare: ~~fifty (50)~~ ***50*** feet

5. Rear yard setback: ~~thirty (30)~~ ***30*** feet

6. Side yard setback: ~~twenty (20)~~ ***20*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-12. R-45 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-45 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-45 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-45 Zoning District shall be as follows:

1. Lot area per dwelling unit:

   a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where neither a central sanitary nor central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width: 125 feet

3. Floor area: 1,800 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: ~~sixty (60)~~ ***60*** feet

(2) Collector: ~~sixty (60)~~ ***60*** feet

b. Minor thoroughfare: ~~forty (40)~~ ***40*** feet

5. Rear yard setback: ~~forty (40)~~ ***40*** feet
(Amended 04/09/98)

6. Side yard setback: ~~twenty (20)~~ ***20*** feet
(Amended 04/09/98)

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-13. R-40 Single-Family Residential District. (Added in its entirety on 04/09/98)

A. Description of District. This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-40 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-40 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6.. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements within the R-40 Zoning District shall be as follows:

1. Lot area per dwelling unit:

   a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one [1] acre)

   b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot Width:

   a. Major thoroughfare:

      (1) Arterial: 150 feet

      (2) Collector: 150 feet

   b. Minor thoroughfare: 125 feet

3. Floor area: 1,500 square feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: ~~sixty (60)~~ ***60*** feet

      (2) Collector: ~~sixty (60)~~ ***60*** feet

   b. Minor thoroughfare: ~~forty (40)~~ ***40*** feet

5. Rear yard setback: ~~thirty (30)~~ ***30*** feet

6. Side yard setback: ~~fifteen (15)~~ ***15*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-14. R-20 Single-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a medium density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the R-20 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);*** and

3. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-20 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Horse Quarters;

4. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

6. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the R-20 Zoning District shall be as follows:

1. Lot area per dwelling unit:

   a. Where a central sanitary sewage or a central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width:

   a. Major thoroughfare:

      (1) Arterial: 150 feet

      (2) Collector: 150 feet

   b. Minor thoroughfare: 125 feet

3. Floor area: 1,200 square feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: ~~sixty (60)~~ ***60*** feet

      (2) Collector: ~~sixty (60)~~ ***60*** feet

   b. Minor thoroughfare: ~~forty (40)~~ ***40*** feet

5. Rear yard setback: ~~thirty (30)~~ ***30*** feet

6. Side yard setback: ~~fifteen (15)~~ ***15*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

6-15. DR-15 One and Two-family Residential District.

A. Description of District. This district is composed of certain lands and structures having a high density one and two-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

B. Permitted Uses. The following Permitted Uses shall be allowed in the DR-15 Zoning District:

1. Single-family dwelling;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);***

3. Growing crops, gardens; and

4. Two-family dwellings.

C. Conditional Uses. The following Conditional Uses shall be allowed in the DR-15 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval***, herein are met:

1. Church~~, Temple,~~ ***and/***or ***other*** Place of Worship;

2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;

~~4. School (Private and Special), and Accessory Sports, Arena, Stadium or Recreation Field; and~~

4. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium; and

5. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the DR-15 Zoning District shall be as follows:

1. Lot area per dwelling:

a. Single-family or two-family dwelling with central sanitary sewage or central water distribution system: 43,560 square feet (one [1] acre)

b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width:

a. Major thoroughfare:

(1) Arterial: 125 feet

(2) Collector: 125 feet

b. Minor thoroughfare: 100 feet

3. Floor area:

a. Single-family dwelling: 1,200 square feet

b. Two-family dwelling: 1,800 square feet

4. Front yard setback:

a. Major thoroughfare:

(1) Arterial: ~~fifty (50)~~ ***50*** feet

(2) Collector: ~~forty-five (45)~~ ***45*** feet

b. Minor thoroughfare: ~~forty (40)~~ ***40*** feet

5. Rear yard setback: ~~thirty (30)~~ ***30*** feet

6. Side yard setback: ~~ten (10)~~ ***10*** feet

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

8. Off-street parking: Parking spaces for three (3) motor vehicles per dwelling unit

6-16. RMF Multi-family Residential District.

A. Description of District. The intent of the RMF District is to provide locations in which high density residential uses can take place. The RMF District is designed to promote desirable housing conditions for high density residential uses, while minimizing the negative impacts associated with said uses on Fayette County's roads, schools, and water supply.

B. Permitted Uses. The following Permitted Uses and Structures shall be allowed in the RMF Zoning District:

1. Apartments; and

2. Townhouses.

C. Conditional Uses. The following Conditional Use shall be allowed in the RMF Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval, herein are met:

Home Occupation; and

Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

~~C~~***D.*** Dimensional requirements. The minimum dimensional requirements in the RMF Zoning District shall be as follows:

1. Maximum requirements per development:

   a. Maximum density: five (5) units per gross acre

   b. Maximum number of dwelling units per development: 160

2. Minimum requirements for a development:

   a. Site area: five (5) acres

   b. Site frontage: ~~fifty (50)~~ ***50*** feet of immediate frontage on at least one (1) street which has been identified as an arterial as specified by the Fayette County Thoroughfare Plan.

   c. Peripheral yard requirements:

      (1) Front yard:

(a) Major thoroughfare:

(i) State-numbered route: 150 feet

(ii) Arterial: 100 feet

(iii) Collector: ~~eighty (80)~~ ***80*** feet

(b) Minor thoroughfare: ~~sixty (60)~~ ***60*** feet

(2) Side yard: ~~forty (40)~~ ***40*** feet

(3) Rear yard: ~~forty (40)~~ ***40*** feet

3. Lot Coverage and Minimum Open Space

a. No more than ~~forty (40)~~ ***40*** percent of any development site may be covered with buildings, structures or parking areas. Driveways, sidewalks, covered patios, private recreation areas, and swimming pools shall not be computed as lot coverage.

b. Private, usable open space, such as balconies, sundecks or patios shall be provided contiguous to each dwelling unit. The area of such open space shall not be less than ten (10) percent of the floor area of the unit served except that balconies shall not be less than five (5) percent.

c. The minimum distance between buildings, including any projections, shall not be less than ~~fifty (50)~~ ***50*** feet.

4. Height limit: ~~thirty-five (35)~~ ***35*** feet

5. Floor area:

a. One bedroom: 600 square feet

b. Two bedroom: 850 square feet

c. Three bedroom: 1,200 square feet

6. Special Location and Spatial Requirements

a. No more than eight (8) dwelling units shall compose a single building.

b. Within a townhouse development, no more than three (3) consecutive dwelling units which form a part of a single building shall have the same front setback or roof line. Such setback and roof line shall be varied by a minimum of ~~sixteen (16)~~ ***16*** inches.

c. All exterior refuse areas or outside storage shall be screened in accordance with ~~Section 5-19~~ ***Article V***.

d. Recreational facilities, including swimming pools, shall not be located within 150 feet of any single-family residential district, unless the recreational facility is screened from view of the single-family district by a principal dwelling or accessory building which exceeds the length of the recreational facility by ~~twenty (20)~~ ***20*** feet in each direction.

e. At least ~~fifteen (15)~~ ***15*** percent of the total land area shall be reserved for recreation available to all residents of the development. At a minimum, recreation areas shall include the following:

(1) One (1) swimming pool at least 1,000 square feet;

(2) Two (2) standard tennis courts;

(3) One (1) children's playground; and

(4) ~~Twenty (20)~~ ***20*** off-street parking spaces.

f. Parking areas shall not be located within the minimum required peripheral front, side, or rear yards of the development. A minimum of three (3) spaces are required per dwelling unit.

7. Circulation System Requirements

a. Principal access drives serving more than ten (10) dwelling units shall be constructed to Fayette County public street standards.

b. Parking areas shall be connected to living units by paved walkways. Sidewalks may be required where necessary for safe pedestrian circulation as determined by the County Engineer.

8. Landscape Areas and Buffers. If a rear or side peripheral yard adjoins a residential or A-R zoning district, a minimum buffer of ~~fifty (50)~~ ***50*** feet shall be provided within the required setback. The front peripheral yard shall be landscaped in accordance with the Development Regulations.

9. Subdivisions. Where developments are designed or otherwise proposed such that each dwelling therein is to be sold along with the land on which it sits and any yards, such divisions shall comply with the Fayette County Subdivision Regulations.

6-17. MHP Manufactured Home Park District.

A. Description of District. This district is composed of certain lands and structures for purpose of providing the proper development of manufactured home parks.

B. Permitted Uses. The following Permitted uses shall be allowed in the MHP Zoning District:

1. Manufactured home park;

2. Accessory ~~buildings~~ ***structures*** and uses ***(see Article V.);***

3. Office trailer; and

4. Growing crops, gardens.

C. Conditional Uses. The following Conditional Uses shall be allowed in the MHP Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval***, herein are met:

1. ~~Nursery schools and kindergartens, provided:~~ ***Day Care Facility (Nursery School).***

~~a. There are off-street loading and unloading spaces;~~

~~b. There is at least 100 square feet of outdoor play area per child: and~~

~~c. A fence of at least four (4) feet in height encloses the entire play area and is constructed in such a manner as to insure maximum safety to the children.~~ **(Relocate to Article VII.)**

1. ***Home Occupation; and***

2. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities

D. Special Regulations. The following regulations shall apply to the MHP Zoning District in addition to any other applicable regulations herein:

1. Development Plan: The applicant shall file a petition with the Zoning Administrator for approval of a Manufactured Home Park. This application shall be supported by six (6) copies of a written summary of the development planned, known as a Letter of Intent, which shall describe the proposed development in detail and a Site Plan. The Site Plan and Letter of Intent shall present the following information:

   a. A draft of the proposed rules and regulations which shall be established and enforced by the management of the Manufactured Home Park;

   b. Existing topographic conditions, including where necessary, contour intervals of not less than two (2) feet based on field surveys or photogrammetric methods at a minimum scale of one (1) inch equal 100 feet (1" - 100');

   c. The existing and proposed land uses and the approximate location of all buildings and structures;

   d. The location of existing and proposed streets and parking areas;

   e. A legal description of the subject property;

   f. Typical elevation drawings, indicating general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises;

   g. A statement of the present ownership of all land within the proposed development;

   h. A summary of acres, dwelling units, and gross density, as well as a statement of the number of acres devoted to buffer areas, and green belts or other amenities, such as lakes, etc.;

   i. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction; and

   j. Specific plans for provision of central water and central sanitary sewage systems.

2. Pre-application Conference. Prior to filing a formal application for a Manufactured Home Park the applicant is required to appear before the Planning Commission in a public hearing in order to provide for review of the general character of the proposed Manufactured Home Park

development (on the basis of a tentative land use sketch, if available), and to obtain information on projected programs or improvements, as well as, County requirements.

3. Approval. An application for approval of a Manufactured Home Park will be considered administratively as a petition for rezoning, and will be subject to the procedures established in this Zoning Ordinance. After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications to the Site Plan and/or Letter of Intent, after receiving the recommendation of the Planning Commission.

4. Use Regulations. In addition to the above listed permitted uses, the buildings or land shall only be used as follows:

   a. Parking and inhabiting of manufactured homes in parks with a minimum of ~~fifty (50)~~ ***50*** spaces, provided all facilities shown on the Site Plan submitted to and approved by the Board of Commissioners are installed and maintained according to the schedule submitted with the Site Plan and stipulations of the Letter of Intent;

   b. Recreation areas, office and/or maintenance and storage buildings, for residents of the Manufactured Home Park only. No repair facilities of any type including automobile repair shall be permitted;

   c. Convenience food stores with a maximum of 1,500 square feet including inside and outside storage, as an accessory to a Manufactured Home Park as designated on an approved Site Plan;

   d. Laundromat, including coin operated dry cleaning, as an accessory to a Manufactured Home Park as designated on an approved Site Plan, upon approval by the Fayette County Health Department;

   e. The sale or display of a manufactured home, provided each such manufactured home offered for sale shall be located on its individual lot and connected to all utilities.

5. Perimeter Requirements:

   a. A buffer zone having a minimum width of 150 feet shall be provided so as to provide a continuous buffer along all side and rear yards of any Manufactured Home Park.

b. A buffer zone having a minimum depth of 100 feet shall extend along the entire frontage of any Manufactured Home Park.

c. Where the existing foliage in the buffer zones is not sufficient to provide and maintain an evergreen visual screen between adjacent properties, landscaping and planting shall be required sufficient to provide visual separation and privacy between a Manufactured Home Park and adjacent properties and/or streets.

6. Storage Requirements. Each Manufactured Home Park shall provide an area for the storage of boats, travel trailers and/or other vehicles which shall be at least ten (10) percent of the gross area of the Manufactured Home Park, provided, however, said ten (10) percent is not located in a flood hazard area.

7. Circulation system. Each Manufactured Home Park shall have a minimum 200 feet of frontage, and only access, an Arterial Thoroughfare. Said access shall not exceed 600 feet in length as measured from the right-of-way.

a. Each Manufactured Home Park over ~~twenty (20)~~ ***20*** acres in size shall have a minimum of two (2) access streets or drives to provide ingress and egress for vehicular traffic.

b. Provision shall be made for safe, all-weather pedestrian movement within the development.

8. Night Lighting. Streets, pedestrian walkways and parking areas shall be adequately lighted.

9. Garbage Refuse Collection Facilities. Garbage refuse collection shall be provided by the Manufactured Home Park owner.

10. Utilities. Each manufactured home shall be connected with water and sanitary facilities in a manner approved by the Fayette County Health Department and in compliance with the regulations of the Fayette County Water System. Each manufactured home shall be served by electricity and gas. All utilities shall be placed underground.

11. Recreation Facilities. A minimum of ten (10) percent of the gross acreage of the Manufactured Home Park shall be provided for common facilities, open space, and recreation for the residents of the Manufactured Home Park.

E. Dimensional Requirements. The minimum dimensional requirements in the MHP Zoning District shall be as follows:

1. No Manufactured Home Park shall be constructed or maintained on a lot ~~or lot~~ of a total area of less than ten (10) acres.

2. Each manufactured home shall be located on a separate lot as follows:

   a. Each lot shall have a minimum width of ~~sixty (60)~~ ***60*** feet.

   b. Each lot shall contain a minimum of 6,000 square feet.

   c. Each lot shall provide a paved concrete or all-weather patio area having a minimum area of 300 square feet.

3. Manufactured Home Siting Requirements. Within ~~sixty (60)~~ ***60*** days of the siting of a manufactured home on its lot, the under-carriage of the manufactured home shall be concealed from view, through the use of permanent non-flammable construction materials. No manufactured home or other structure shall be located within:

   a. Four (4) feet of its individual lot line; or

   b. ~~Fifteen (15)~~ ***15*** feet of any street or drive within the Manufactured Home Park.

4. Height Limit: 35 feet

6-18. O-I, Office-Institutional District. (Adopted 05/26/88)

A. Description of District. This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.

B. Permitted Principal Uses and Structures. The following Permitted Uses shall be allowed in the O-I Zoning District:

1. Office;

2. Art Gallery;

3. ***Bank and/or Financial Institution;***

4. Clinic (Human Treatment);

5. College ***and/or*** University***, including classrooms and/or administration only***;

~~Dance Studio or School~~;

6. ***Educational/Instructional/Tutorial Facilities, including, but not limited to: Academic, Art, Computer, Dance, Driving and/or DUI, Martial Arts, Music, Professional/ Business/Trade, and similar facilities;***

~~Financial Institution~~;

7. Health Club ***and/or*** Fitness Center;

8. Insurance Carrier, Agent, ***and/or*** Broker;

9. Laboratory, Medical, ***and/or*** Dental;

10. Legal Services;

11. Massage Therapy ***(see County Code);***

Military Recruiting Office;

12. Museum;

13. Performing Arts Theater;

14. ***Private School, including classrooms and/or administration only;***

15. Professional Services, ***including, but not limited to: Accounting; Advertising and Marketing Research Services; Architectural Firms; Bookkeeping, Tax Preparation; Brokerage Firms; Computer System Software Design; Consulting Services; Engineering Firms; Internet and Web Hosting Firms; Payroll Services; Photographic Services; Research Services; Specialized Design Services; Telemarketing; and Translation and Interpretation Services.***

16. Real Estate Agent ***and/or*** Broker; and

~~School, Private and Special.~~

C. Permitted Principal Uses and Structures for Office Parks with at least 100,000 square feet of floor area. In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten (10) percent of the total floor area, are located in a building in which office uses comprise at least ~~fifty (50)~~ ***50*** percent of the floor area and have no exterior advertising display:

1. Beauty ***and/or*** Barber Shop;

2. Blueprinting;

3. Cafeteria;

4. Commercial Art ***and/or*** Drafting Service;

5. Day Care Facility;

6. Delivery ***and/or*** Messenger Service;

7. Drug Store;

8. Florist;

9. Gift Shop;

10. Photocopying ***and/or*** Reproduction;

11. Restaurant (limited to five [5] percent of total floor area of office park and included in overall ten [10] percent limitation);

    ~~Restaurant, Fast Food;~~

12. Stenographic and/or Typing Service;

13. Teleconferencing Center; and

14. Travel Agency and/or Ticket Office.

D. Conditional Uses. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Adult Day Care Facility; (Adopted 06/28/07)

2. Animal Hospital ***and/or*** Veterinary Clinic (with no animal boarding or outdoor runs) (Added 06/25/98)

3. Care Home, Convalescent Center, ***and/or*** Nursing Home;

4. Church ***and/or*** other Place of Worship;

5. ***College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;***

6. Day Care Facility (Nursery School ~~or Kindergarten~~);

7. Home Occupation; (Adopted 10/23/08)

8. Hospital;

9. Hotel ***and/or Bed and Breakfast***;

10. Non-Emergency Medical Transport Service; ~~and~~ (Adopted 07/26/07)

11. ***Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;***

12. ~~Church or~~ Religious Tent Meeting; (Added 04/09/98)

13. Single-Family Residence ***and accessory structures and/or uses (see Article V.); and***

14. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.

E. Auxiliary Conditional Uses for an Office Building with a minimum of 10,000 square feet of floor area. The following auxiliary permitted uses shall be allowed within the ~~specific~~ ***area with a land use designation of*** Office ~~Institutional District~~ ***as indicated*** ~~area~~ on the Fayette County ***Future*** Land Use Plan ~~Map~~ ***map*** defined as that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District). Such uses will support and ~~must~~ ***shall*** be compatible with the Fayette County Community Hospital, the medical industry, and the development of the office and institutional uses planned for this area. (Section E. adopted in its entirety 06/24/04)

The following Auxiliary Conditional Uses shall be allowed in the O-I Zoning District:

1. Durable Medical and Rehabilitation Equipment Sales/Rental (i.e. wheelchairs, crutches, etc.);

2. Pharmaceutical Sales (for the purpose of filling prescriptions only);

3. Counter Service Restaurants, including but not limited to: a bakery, café, coffee shop, or deli. No drive-thru***, no drive-in,*** or free standing facilities ~~will~~ ***shall*** be allowed;

4. Optical Care Center to include prescription eyeglass/contact lens~~e~~ sales;

5. Gift Shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e. get well cards, etc.); and

6. Floral Sales.

Development Standards:

Dimensional Requirements

1. These Auxiliary Conditional Uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of ~~twenty~~ ***20*** percent ~~(20%)~~ of the total floor area of the building and ~~must~~ ***shall*** occupy space on the first floor of the building.

2. Multiple uses may be permitted concurrently, but may not exceed the ~~twenty~~ ***20*** percent ~~(20%)~~ limitation.

Architectural Requirements

1. Architecture shall conform to the existing hospital/medical office development. ***The architectural standards of the Transportation Corridor Overlay Zone shall not apply.***

2. Elevation drawings shall be submitted as part of site plan approval

F. Dimensional Requirements. The minimum dimensional requirements in the O-I Zoning District shall be as follows:

1. Lot area:

a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

b. Where ~~a~~ central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)

2. Lot width: 125 feet

3. ***Outside*** Storage ***shall not be permitted.***

~~a. Inside: not to exceed fifteen (15)~~ ***15*** ~~percent of the total gross floor area~~

~~b. Outside: not permitted~~

4. Setbacks, yards adjoining rights-of-way:

a. Major thoroughfare:

(1) Arterial: ~~seventy-five (75)~~ ***75*** feet

(2) Collector: ~~seventy (70)~~ ***70*** feet

b. Minor thoroughfare: ~~fifty-five (55)~~ ***55*** feet

5. Setbacks, yards not adjoining rights-of-way:

a. Side yard: ~~fifteen (15)~~ ***15*** feet

b. Rear yard: ~~fifteen (15)~~ ***15*** feet

6. Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of ~~thirty (30)~~ ***30*** feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.

7. Height limit:

a. ~~Forty (40)~~ ***40*** feet as defined in Article III, ~~Sec. 3-14~~. (Adopted 11/18/04) (Amended 02/23/06)

b. When a structure reaches a minimum height of four (4) floors (including basements), it shall be sprinkled. (Adopted 11/18/04)

8. Use of Existing Structure: When property containing ~~a lawfully existing~~ ***legally conforming*** ~~building and accessory~~ structures***, under the current zoning,*** is rezoned to O-I ~~for use of the existing buildings, the following~~

~~shall apply: :~~ ***the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.***

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

~~b. In the event that a structure which existed at the time of rezoning is removed, demolished or destroyed, any new structure must comply with the provisions of this district.~~

9. Lot coverage limit, including structure and parking area: ~~sixty~~ ***60*** percent ~~(60%)~~ of total lot area (Adopted 06/28/01)

(Adopted in its entirety – 08/27/09)

G. SR 74 North - East Side Special Development District. The following will apply to the area identified in the Fayette County Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as Special Development District and Office on the Fayette County Future Land Use Plan Map. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and (3) to protect existing and future residential areas in the SR 74 North corridor.

The assemblage of parcels will be necessary in some areas to meet the intent of the Special Development District. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.

1. In a planned office development consisting of a minimum of ten (10) acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:

   a. Restaurants (no drive-through, drive-in, or free standing facilities shall be allowed);

b. Personal Services***, including, but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Electrolysis and/or Hair Removal; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon;***

c. Convenience store (no gasoline sales);

d. Blueprinting, graphic, and/or copying service; ~~and~~

e. Office ***and/or*** computer ~~supplies~~ ***sales and/or service; and***

f. Cellular phone/communication device ~~supplies~~ ***sales*** and***/or*** service.

6-19. C-C Community Commercial District.

A. Description of District. This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.

B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District ~~as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein~~.

1. Amusement or Recreational facility***, indoor or outdoor (see County Code)***;

2. Appliance sales and ***incidental*** repair~~, etc.~~;

3. Art studio;

~~4. Auto parts ***and/or*** Tire store, retail;~~

5. Bakery;

6. Bank ***and/or Financial Institution***;

~~Barber shop;~~

~~Beauty shop;~~

~~Business school~~;

7. Catering service;

8. Church ~~and customary related uses~~ ***and/or other Place of Worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;***

~~Clothing store/variety store;~~

9. College~~,~~ ***and/or*** University, including~~ Dormitory and Fraternity or Sorority house when located on main campus~~ ***classrooms and/or administration only***;

10. ***Copy shop;***

11. Cultural facility;

~~Dance school or Studio~~;

Day Spa

12. Dental office;

13. Department store, variety store, and/or clothing store;

14. Drug store;

~~Dry goods store;~~

15. ***Educational/Instructional/Tutoring Facilities, including, but not limited to: Academic, Art, Computer, Dance, Driving and/or DUI School, Martial Arts, Music, Professional/ Business/Trade, and similar facilities;***

16. ***Electronic sales and incidental repair;***

Emission Testing Facility (inside only);

~~Financial institution~~;

17. ***Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);***

18. Florist;

19. Gift shop;

20. Grocery store;

~~Growing crops, garden, shrubbery, flowers, etc. and related sales~~;

~~Gunsmith;~~

21. ***Hardware Store;***

22. ***Health Club and/or Fitness Center;***

23. Jewelry shop;

24. Laboratory serving professional requirements, (e.g. medical, dental, etc.);

~~Laundry pickup station;~~

25. Library;

~~Locksmith;~~

26. Medical office ***(human treatment)***;

27. Messenger***/courier*** service;

Military Recruiting Office;

28. ***Movie Theatre (excluding drive-in);***

29. Museum;

~~Music teaching studio;~~

~~Novelty shop~~;

30. ***Office;***

31. Office equipment sales ***and/or*** service;

32. Parking Garage/Lot;

33. ***Personal Services, including, but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Counseling Services; Electrolysis and/or Hair Removal; Fitness Center; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon.***

~~38.~~ ~~Photography studio;~~

34. ***Plant nursery, growing crops/garden, and related sales;***

35. ***Printing, graphics, and/or reproductions;***

36. Private Clubs ***and/or*** Lodges;

37. ***Private School, including, classrooms and/or administration only;***

38 Radio studio;

39. Recording Studio (Audio and Video);

40. Restaurant, ***including drive-in and/or drive thru)***;

41. Retail establishment;

~~School;~~

~~Shoe repair;~~

42. Taxidermist; ***and***

~~Taxi service;~~

~~Telegraph service~~;

43. Television studio. ~~and~~

~~Watch repair.~~

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Adult Day Care Facility; (Adopted 06/28/07)

2. Animal Hospital, Kennel (Commercial or Non-Commercial), ***and/or*** Veterinary Clinic;

3. Automobile Service Station, including, gasoline sales ***and/or inside or outside emission testing,*** in conjunction with a Convenience Store;

Auto parts and/or Tire sales and installation;

~~Campground Facilities~~;

4. Care Home, Convalescent Center, ***and/or*** Nursing Home;

5. ***Church and/or other Place of Worship;***

6. ***College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;***

7. Commercial Driving Range;

8. Day Care Facility (Nursery School ~~or Kindergarten~~);

9. Dry Cleaning Plant;

~~Fraternities and/or Sororities;~~

10. Golf Course;

11. Home Occupation; (Adopted 10/23/08)

12. Hospital;

13. Kennel (See Animal Hospital, etc.);

14. Laundromat, Self-Service or Otherwise;

15. ***Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;***

16. ~~Church or~~ Religious Tent Meeting;

17. ***Seasonal Sales as Outdoor Displays***;

18. Single-Family Residence ***and accessory structures and/or uses (see Article V.);*** ~~and~~

19. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities***; and***

20. ***Temporary Tent Sales.***

D. Dimensional Requirements. The minimum dimensional requirements in the C-C Zoning District shall be as follows:

1. Lot area:

   a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where ~~a~~ central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)

2. Lot width: 125 feet

3. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: ~~seventy-five (75)~~ ***75*** feet

      (2) Collector: ~~seventy (70)~~ ***70*** feet

   b. Minor thoroughfare: ~~sixty-five (65)~~ ***65*** feet

4. Rear yard setback: ~~fifteen (15)~~ ***15*** feet

5. Side yard setback: ~~fifteen (15)~~ ***15*** feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of ~~fifty (50)~~ ***50*** feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

8. Screening dimensions for parking and service areas as provided in ~~Section 5-19, 5-20~~ ***Article V. General Provisions of the Zoning Ordinance and*** the Development Regulations.

9. Lot coverage limit, including structure and parking area: ~~sixty~~ ***60*** percent ~~(60%)~~ of total lot area (Adopted 06/28/01)

6-20. C-H Highway Commercial District.

A. Description of District. This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the County and the traveling public, reducing traffic congestion, hazards and blight along the public streets.

B. Permitted Uses. The following uses shall be permitted in the C-H Zoning District ~~as long as the area devoted to inside storage does not exceed fifty (50) percent of the gross floor area of the principal structures except as excluded herein for Business Parks~~.

1. Ambulance ~~and Rescue squad~~ ***service, including Non-Emergency Medical Transport service***;

2. Amusement or Recreational facility***, indoor or outdoor (see County Code)***;

3. Appliance sales ***and/or*** repair;

4. Armories, for meetings and training military organizations;

5. Art studio;

~~Athletic events~~;

6. Auto parts, Tire store/installation, Brake installation, Muffler repair, Oil change, Tune-up, and Emission Testing Facilities, ~~and retail~~ ***All service, repairs, and diagnostics shall be conducted within an enclosed building***; (Amended 06/24/04)

7. Bakery;

8. ***Bank and/or Financial Institution;***

~~Barber shop;~~

~~Beauty shop;~~

~~Blueprinting~~;

11. Bookbinding;

12. Building, contracting and related activities, (e.g. sales and storage of building supplies and materials);

13. Bus passenger station ***(pick-up and drop-off only)***;

~~Business park;~~

~~Business school~~;

14. Cabinet manufacturing, ***sales***, repair ***and/or*** installation;

~~Carnival (temporary in nature)~~;

15. Car wash ***and/or*** detailing facility; (Amended 07/22/04)

16. Catering service;

17. Church, ~~and customary related uses~~ ***and/or other Place of Worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;***

18. Clothing store ***and/or*** variety store;

19. College~~,~~ ***and/or*** University, including~~ Dormitory and Fraternity or Sorority house when located on main campus~~ ***classrooms and/or administration only;***

~~Community fair~~;

20. ***Copy shop;***

21. Cultural facility;

~~Dance school or Studio~~;

Day Spa

22. Dental office;

23. Department store;

~~Drive-in Restaurant~~;

~~Drive-in theater~~;

24. Drug store;

~~Dry goods store;~~

25. Educational/Instructional/Tutoring Facilities, including, but not limited to: Academic; Art; Computer; Dance; Driving and/or DUI; Music; Professional/Business/Trade; Martial Arts; and similar facilities;

26. ~~Electric~~ ***Electronic sales and/or*** repair;

Emission Testing Facility (inside only);

27. Engraving;

~~Financial institution~~;

28. ***Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);***

29. ***Flea Market, indoor (see County Code - Pawnbrokers, Dealers in Precious Metals and Gems, and Flea Market Operators);***

30. Florist shop;

31. Freezer locker service, ice storage;

32. Freight express office;

33. Funeral home;

34. Gift shop;

35. Glass sales;

36. Grocery store;

~~Growing crops, garden, shrubbery, flowers, etc., and related sales;~~

~~Gunsmith;~~

37. ***Hardware Store;***

~~Horse show (temporary in nature); (Amended 07/22/04)~~

38. ***Health Club and/or Fitness Center***;

39. Hotel ***and/or Bed and Breakfast***;

40. Jewelry shop;

41. Laboratory serving professional requirements, (e.g. medical, dental, etc.);

~~Laundry pickup station~~;

42. Library;

~~Locksmith;~~

43. Magazine publication ***and/or*** distribution;

44. Manufactured home ***and/or building*** sales ~~room and sales lot~~;

45. Medical office ***(Human Treatment)*** ;

46. Messenger***/courier*** service;

Military Recruiting Office;

47. ***Movie Theatre and/or Drive-In;***

48. Museum;

49. Music teaching studio;

50. Newspaper publication ***and/or*** distribution;

~~Novelty shop~~;

51. ***Office;***

52. Office equipment sales ***and/or*** service;

53. Parking Garage/Lot;

54. Pawn Shops ***(see County Code – Pawnbrokers, Dealers in Precious Metals and Gems, and Flea Market Operators);***

55. ***Personal Services, including, but not limited to: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Counseling Services; Electrolysis and/or Hair Removal; Fitness Center; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon.***

56. Pest control;

~~Photography studio;~~

~~Photostating~~;

57. ***Plant nursery, growing crops/garden, and/or related sales;***

58. Printing***, graphics, and/or reproductions***;

59. Private clubs **and/or** Lodges;

60. ***Private School, including classrooms and/or administration only***;

61. ***Recording Studio (Audio and Video);***

62. Radio studio;

63. Railroad station;

64. Rent-alls;

65. Restaurant, ***including drive-in and/or drive thru)***;

66. Retail establishment;

~~Rodeo (temporary in nature)~~; ~~(Amended 07/22/04)~~

~~School;~~

~~Shoe repair~~;

67. Tattoo Parlor ***(see County Code);***

68. Taxidermist;

69. Taxi service/***Limousine service/Shuttle service (no on-site maintenance and/or repair);***

~~Telegraph service~~;

70. Television studio;

~~Trade schools~~;

71. Upholstery shop; ***and***

72. Utility trailers ***sales*** and/or ***rental*** ~~rent-alls; and~~.

~~Watch repair~~.

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII.***

Conditional Uses, Exceptions, and Modifications, Conditional Use Approval ~~herein~~ are met:

1. Adult Day Care Facility; (Adopted 06/28/07)

2. ***Amphitheater;***

3. Animal Hospital, Kennel (Commercial or Non-Commercial), ***and/or*** Veterinary Clinic;

4. Automobile, Truck, Farm Equipment, or Motorcycle Sales and ~~Accessory~~ ***Incidental*** Repairs; (Amended 06/24/04)

5. Automobile Service Station, including gasoline sales ***and/or inside or outside emission testing,*** in conjunction with a Convenience Store;

6. ***Campground Facilities;***

7. Care Home, Convalescent Center, ***and/or*** Nursing Home;

8 Cemetery;

9. ***Charter and/or Motor Coach Bus Service;***

10. ***Church and/or other Place of Worship;***

11. ***College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;***

12. Commercial Driving Range;

13. Day Care Facility (Nursery School ~~or Kindergarten~~);

14. Dry Cleaning Plant;

15. Experimental Laboratory;

16. Golf Course;

17. Home Occupation; (Adopted 10/23/08)

18. ***Horse show, Rodeo, Carnival, and/or Community Fair;***

19. Hospital;

20. Laundromat, Self-Service or Otherwise;

21. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;

22. ***Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;***

23. ~~Church or~~ Religious Tent Meeting;

24. ***Seasonal Sales as Outdoor Displays;***

25. Self-Storage Facility; (Adopted 06/28/07)

26. Single-Family Residence ***and accessory structures and/or uses (see Article V.);*** ~~and~~

    Shooting Range, Indoor

27. ***Stadium, Athletic;***

28. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities***; and***

29. ***Temporary Tent Sales.***

D. Dimensional Requirements. The minimum dimensional requirements in the C-H Zoning District shall be as follows:

1. Lot area:

    a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

    b. Where ~~a~~ central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)

2. Lot width: 125 feet

3. Front yard setback:

    a. Major thoroughfare:

        (1) Arterial: ~~seventy-five (75)~~ ***75*** feet

(2) Collector: ~~seventy (70)~~ ***70*** feet

b. Minor thoroughfare: ~~sixty-five (65)~~ ***65*** feet

4. Rear yard setback: ~~fifteen (15)~~ ***15*** feet

5. Side yard setback: ~~fifteen (15)~~ ***15*** feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of ~~fifty (50)~~ ***50*** feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

8. Screening dimensions for parking and service areas as provided in ~~Section 5-18, 5-19~~, ***Article V. herein*** and the Development Regulations.

9. Lot coverage limit, including structure and parking area: ~~sixty~~ ***60*** percent ~~(60%)~~ of total lot area (Adopted 06/28/01)

6-21. L-C Limited-Commercial District.

A. Intent. The intent of the L-C Zoning District is to establish small scale business areas which do not generate large amounts of traffic, noise or light. The L-C Zoning District includes small retail and convenience commercial establishments, personal services and business and professional offices. The L-C Zoning District will control architectural character and scale. The adaptive use of existing structures is encouraged when possible. The L-C Zoning District would avoid the development of strip commercial businesses.

B. Permitted Principal Uses. The following Permitted Principal Uses shall be allowed in the L-C Zoning District:

1. Antique shop;

2. Art ***and/or*** Crafts studio;

3. Bakery;

4. ***Bank and/or Financial Institution;***

5. Barber ***and/or Beauty*** shop;

~~Beauty shop;~~

6. ***Book, stationery, and/or card shop;***

7. ***Clothing and accessories;***

8. Dance school and/or studio;

9. Dental office;

~~Financial institution;~~

10. Florist shop;

11. ***Gift Shop***;

12. ***Home furnishings and accessories;***

13. ***Jewelry shop;***

14. Laundry ***and/or dry clean*** pickup station;

15. Medical office (human treatment);

16. Music teaching studio;

17. Office (business and/or professional);

18. Photography studio;

19. ***Restaurant/Restaurant Takeout (no drive-thru or drive-in allowed.); and***

20. Shoe repair~~; and~~.

~~Watch repair~~.

C. Conditional Uses. The following Conditional Uses shall be allowed in the L-C Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Convenience Commercial Establishment;

2. Single-Family Residence and accessory structures and uses (see Article V.);

3. Home Occupation; and

4. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.

D. Regulations. The following regulations shall apply to the L-C Zoning District in addition to any other applicable regulations.

1. These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the Site Plan:

~~1. The principal structure will maintain an architectural character which shall consist of a pitched roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a facade/siding of wood, brick, stone, stucco or sidings which simulate same. Large display windows and glass doors must be visually broken up by smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. An elevation drawing denoting compliance with these requirements must be submitted as part of the site plan.~~

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot and shall be of a type and construction complementary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;

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

c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows;

~~2.~~***d.*** Accessory structures shall maintain the same architectural

character of the principal structure, including the pitched ~~roof~~ ***peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot,*** and ~~must~~ ***shall*** be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement ~~must~~ ***shall*** be submitted as part of the site plan.

~~3~~***2***. No outside storage will be permitted.

~~4~~***3***. The lot ~~must~~ ***shall*** have direct access to an Arterial street.

~~5. The dumpster must be located to the side or rear of the principal structure and screened per the Development Regulations.~~

E. Dimensional Requirements. The minimum dimensional requirements in the L-C Zoning District shall be as follows:

1. Lot area:
   a. Where public water is available: 43,560 square feet (one [1] acre)

   b. Where public water is not available: 65,340 square feet (one and one-half [1.5] acres)

2. Lot width: 125 feet

3. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: ~~seventy-five (75)~~ ***75*** feet

      (2) Collector: ~~sixty (60)~~ ***60*** feet

   b. Minor thoroughfare: ~~fifty-five (55)~~ ***55*** feet

4. Rear yard setback: ~~fifteen (15)~~ ***15*** feet

5. Side yard setback: ~~fifteen (15)~~ ***15*** feet

6. Height limit: ~~thirty-five (35)~~ ***35*** feet

7. Floor to Area Ratio: .1, (gross square footage of site x .1 = square footage of structure). The total maximum square footage for all structures combined on the site shall not exceed ~~10,000~~ ***8,500*** square feet. ~~However,~~

~~to discourage the development of one linear building and to encourage the development of separate clustered buildings on the site, the square footage for the structures may be increased by fifteen (15) percent when more than one (1) building is developed. The distance between structures shall be a minimum of twenty-six (26) feet. In addition to the area required to facilitate vehicular access, each building wall bordering the space between structures must ***shall*** have a five (5) foot landscaped area consisting of five (5) shrubs, two (2) feet tall at planting, per twenty-five (25) linear feet of building wall.~~

8. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of ~~fifty (50)~~ ***50*** feet adjacent to such lot line shall be provided in addition to the required setback (the setback shall be measured from the buffer).

9. Lot coverage limit, including structure and parking area: ~~sixty percent (60%)~~ ***60 percent*** of total lot area (Adopted 06/28/01)

6-22. M-1 Light Industrial District.

A. Description of District. This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land. (Amended 02/22/07)

B. Permitted Uses. The following Permitted Uses shall be allowed in the M-1 Zoning District:

1. Ambulance service***, including Non-Emergency Medical Transport service***;

2. Amusement ***and recreational*** facilities, indoor or outdoor ***(Athletic/Sports instruction facilities and Recreation and Athletic fields and facilities) (see County Code)***;

3. Appliance sales **and/or** repair;

4. Architectural ***and/or*** Design Firms; (Adopted 02/22/07)

5. Armories, for meeting and training of military organizations;

~~Athletic events (temporary in nature)~~;

6. Automobile***, truck, farm equipment, and heavy equipment*** ~~or truck~~ sales ***and repairs***, ~~service station~~, paint ***and/or body*** shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop, ~~automobile repair facilities not specifically permitted under the C-H Zoning District~~; (Amended 06/24/04; Amended 02/22/07)

7. Blueprinting ***and/or*** graphics service; (Amended 02/22/07)

8. Bookbinding;

9. Building construction/contracting and related activities, ~~e.g. sale and storage of supplies and materials~~; (Amended 02/22/07)

10. ***Building supply sales;***

11. Bus passenger station;

12. Cabinet ***manufacturing,*** sales***, repair,*** and/or installation; (Adopted 02/22/07)

~~Carnivals (temporary in nature)~~;

13. Car wash ***and/or*** detailing facility; (Amended 07/22/04)

14. ***Charter and/or Motor Coach Bus Service.;***

~~Community fairs (temporary in nature)~~;

15. Copy ~~center~~ ***shop***; (Adopted 02/22/07)

16. Dental laboratory;

17. Delivery ***and/or*** courier service; (Adopted 02/22/07)

~~Drive-in theater~~;

18. ~~Electrical~~ ***Electronic sales and/or*** repair;

Emission Testing Facility (inside only);

19. Engineering firms; (Adopted 02/22/07)

20. Engraving;

21. Farmer's market;

~~Farm equipment sales~~;

22. Feed ***and/or fertilizer*** sales;

~~Fertilizer sales~~;

23. ***Firearm sales and/or Gunsmith (see County Code – Offenses and Miscellaneous Provisions);***

24. Flooring sales ***and/or*** installation; (Adopted 02/22/07)

25. Freezer locker service;

26. Freight express office;

27. Furniture store;

28. Glass sales;

29. Grading service; (Adopted 02/22/07)

30. Greenhouse;

~~Gunsmith~~;

~~Hardware~~;

31. Home furnishings ***and accessories;***

32. Horse show and equine activity facilities; (Amended 07/22/04)

~~Hotel~~;

33. Ice storage;

34. Insecticide sales ***and/or*** storage;

35. Janitorial service ***and/or*** supply; (Adopted 02/22/07)

36. Land development firms; (Adopted 02/22/07)

37. Land surveying service; (Adopted 02/22/07)

38. Landscaping service, (Adopted 02/22/07)

39. Light manufacturing, including the following:

a. Appliance ***and/or*** electronic device assembly plant**,** including the manufacturing of parts for appliances ***and/or*** electronic devices;

b. Assembly of products from previously prepared materials;

c. Bottling ***and/or*** canning plant;

d. Ceramic products, provided that kilns shall only be by gas ***and/or*** electricity;

e. Construction of signs, including painted signs;

f. ~~Copperage~~ ***Cooperage;***

g. Ice manufacturing;

h. Laundry, cleaning ***and/or*** dying plants;

i. Light sheet metal products such as ventilating ducts and eaves;

~~Musical instruments, toys, novelties, and similar products~~;

k. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;

k. Machine/welding shop and related activities; (Amended 02/22/07)

l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;

m. ***Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.***

n. Tinsmith ***and/or*** roofing service.

40. Locksmith;

41. Magazine publication ***and/or*** distribution;

42. Medical laboratory;

43. Manufactured home ***and/or building assembly and/or sales,*** ~~salesroom, and sales lot~~;

44. Newspaper publication ***and/or*** distribution;

~~Nursery, plant~~;

45. Office Equipment Service and Repair; (Adopted 02/22/07)

~~Office trailer~~;

46. Parking ***Garage/Lot***, ~~automobile~~;

47. Pest control;

48. Petroleum bulk plant (storage);

49. Photostating;

50. Planing and/or saw mill;

51. ***Plant nursery, growing crops/garden and related sales;***

52. Printing ~~shop~~ ***plant***;

~~Public utility facilities~~;

53. Radio studio;

54. Railroad freight station;

55. Railroad passenger station;

~~Recreational facilities, indoor or outdoor~~;

56. Rent-alls;

~~Rescue squad~~;

57. Restaurants (***drive-in/drive-thru prohibited)***;

58. Restaurant supply; (Adopted 02/22/07)

59. Rodeo/rodeo facilities; (Amended 07/22/04)

60. Seed sales ***and/or*** storage;

61. Security system service; (Adopted 02/22/07)

62. Shell home display;

Solar Farm;

~~Shrubbery sales~~;

63. Taxidermist;

64. Taxi service***/Limousine service/Shuttle service/Charter or Motor Coach Bus service***;

65. Television studio/media productions; (Amended 02/22/07)

66. Tire sales;

67. Trade school;

68. Uniform services; (Adopted 02/22/07)

69. Utility trailer ~~rentals~~ ***sales*** and/***or rentals*** ~~rent-alls~~;

70. Warehousing ***and/or*** Distribution; ~~and~~ (Amended 02/22/07)

71. Wholesaling***; and***

72. ***Wrecker, Towing, Impoundment, and/or Automotive Recovery/Transport.***

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-1 Zoning District provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Aircraft Landing Area;

2. ***Amphitheatre, Outdoor;***

3. Animal Hospital, Kennel (Commercial or Non-Commercial), ***and/or*** Veterinary Clinic;

4. Experimental Labs;

5. Feed Lot ***and/or*** Commercial Barn;

6. Home Occupation; (Adopted 10/23/08)

7. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;

8. Recycling facility;

9. Self-Storage Facility; ~~and~~ (Adopted 06/24/04)

Shooting Range, Indoor and /or Outdoor

10. Single-Family Residence ***and accessory structures and uses (see Article V.);***

11. ***Stadium, Athletic;***

10. Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities; and

11. Wind Farm

D. Dimensional Requirements. The minimum dimensional requirements in the M-1 Zoning District shall be as follows:

1. Lot area:

   a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where ~~a~~ central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)

2. Lot width: 125 feet

3. Front yard setback:

a. Major thoroughfare:

(1) Arterial: 100 feet

(2) Collector: ~~eighty (80)~~ ***80*** feet

b. Minor thoroughfare: ~~sixty-five (65)~~ ***65*** feet

4. Rear yard setback: ~~twenty-five (25)~~ ***25*** feet

5. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of ~~seventy-five (75)~~ ***75*** feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

8. Lot coverage limit, including structure and parking area: ~~seventy (70)~~ ***70*** percent of total lot area

9. Screening dimensions for storage areas, loading docks and parking. ~~s~~***S***ee ~~Section 5-18, Section 5-19,~~ ***Article V.*** and the Development Regulations.

6-23. M-2 Manufacturing and Heavy Industrial District.

A. Description of District. This district is composed of certain lands and structures providing for those industrial uses which cannot comply with the regulations of the M-1 Zoning District and located in such a manner as not to be injurious to lands and development in nearby districts.

B. Permitted Uses. The following Permitted Uses shall be allowed in the M-2 Zoning District:

1. Acid storage and manufacture;

2. Railroad classification and repair yard;

3. Truck terminal;

4. Ambulance service***, including Non-Emergency Medical Transport service***;

~~Appliance sales and repair~~;

5. Armories, for meeting and training of military organizations;

~~Athletic events (temporary in nature);~~

6. Automobile***, truck, farm equipment, and heavy equipment*** ~~or truck~~ sales ***and repairs***~~, service station~~, paint ***and/or body*** shop, parts store, including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop;

~~Blueprinting~~;

7. Bookbinding;

8. Building construction/contracting and related activities~~, e.g. sale and storage of supplies and materials~~; (Amended 02/22/07)

9. ***Building supply sales;***

~~Carnivals (temporary in nature);~~

~~Car wash~~;

~~Catering service~~;

~~Community fairs (temporary in nature);~~

~~Drive-in theater~~;

~~Electrical repair~~;

10. Engraving;

~~Farmer's market;~~

~~Farm equipment sales~~;

11. Feed***, pesticides, and/or fertilizer*** sales ***and/or storage***;

~~Fertilizer sales~~;

12. Freezer locker service;

13. Freight express office;

~~Furniture store;~~

14. Glass ~~sales~~ ***manufacturing***;

15. ***Grading service;***

16. Greenhouse;

~~Hardware~~;

~~Home furnishings;~~

~~Horse show (temporary in nature);~~

17. Ice storage;

~~18. Insecticide sales and storage;~~

19. Light manufacturing, including the following:

    a. Appliance ***and/or*** electronic device assembly plant, including the manufacturing of parts for appliances ***and/or*** electronic devices;

    b. Assembly of products from previously prepared materials;

    c. Bottling ***and/or*** canning plant;

    d. Ceramic products provided that kilns shall only be by gas ***and/or*** electricity;

    e. Construction of signs, including painted signs;

    f. ~~Copperage~~ ***Cooperage***;

    g. Ice manufacturing;

    h. Laundry, cleaning ***and/or*** dying plants;

    i. Light sheet metal products such as ventilating ducts and eaves;

    ~~Musical instruments, toys, novelties, and similar products~~;

j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;

k. Machine ***and/or welding*** shop and related activities;

l. Other manufacturing, processing, packaging, or handling of a similar nature, which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;

m. ***Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.***

n. Tinsmith ***and/or*** roofing service~~;~~

20. Magazine publication ***and/or*** distribution;

21. ***Manufactured home and/or building assembly and/or sales,***

~~Mini-storage facilities with a unit floor space not to exceed 425 feet~~;

22. Newspaper publication and distribution;

~~Nursery, plant~~;

~~Office trailer;~~

~~Paint shop, automobile~~;

23. Parking lot ***and/or garage***~~, automobile~~;

~~Parts store, automobile~~;

24. Pest control;

25. Petroleum bulk plant (storage ***and/or*** recycling);

26. Photostating;

27. Planing ***and/or*** saw mill;

28. ***Plant nursery, growing crops/garden and related sales;***

29. Printing ~~shop~~ ***plant;***

30. Public utility facilities;

31. Railroad freight station;

~~Rent-alls;~~

~~Rescue squad;~~

~~Restaurants~~;

~~Rodeo (temporary in nature);~~

32. Seed sales ***and/or*** storage;

Solar Farm;

~~Taxi service;~~

Tire recapping;

~~Tire sales;~~

~~Utilities, public facilities;~~

~~Utility trailer rentals and rent-alls;~~

33. Warehousing ***and/or distribution***; ~~and~~

34. Wholesaling***; and***

35. ***Wrecker, Towing, Impoundment, and/or Automotive Recovery/Transport.***

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-2 Zoning District, provided that all conditions specified in ~~Section 7-1~~ ***Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval*** ~~herein~~ are met:

1. Aircraft Landing Area;

2. Experimental lab;

2. Heavy Manufacturing, packaging, processing or handling of materials;

4. Home Occupation; (Adopted 10/23/08)

5. Junk Yard ***and/or*** Auto Grave Yard;

6. Landfill;

7. Mining ***and/or*** Quarrying;

8. Single-Family Residence ***and accessory structures and uses (see Article V.);***

9. ***Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities;***

10. Transfer Station for Household ~~and~~ /Commercial Garbage ***and/or Recyclable Materials (including processing and handling)***; ***and***

.

11. Wind Farm.

D. Dimensional Requirements. The minimum dimensional requirements in the M-2 Zoning District shall be as follows:

1. Lot area: 87,120 square feet (two [2] acres)

2. Lot width: 125 feet

3. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: 100 feet

      (2) Collector: ~~eighty (80)~~ ***80*** feet

   b. Minor thoroughfare: ~~sixty-five (65)~~ ***65*** feet

4. Rear yard setback: ~~twenty-five (25)~~ ***25*** feet

5. Side yard setback: ~~twenty-five (25)~~ ***25*** feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of ~~seventy-five (75)~~ ***75*** feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.

7. Height limit: ~~thirty-five (35)~~ ***35*** feet

8. Lot coverage limit, including structure and parking area: ~~seventy (70)~~ ***70*** percent of total lot area

9. Screening dimensions for storage areas, loading docks and parking see ~~Section 5-18, Section 5-19,~~ ***Article V.*** and the Development Regulations.

6-24. BTP Business Technology Park District
(Adopted in its entirety 08/27/09)

A. Purpose. The purpose of the Business Technology Park District (BTP) is to provide a business/employment center in a planned campus setting with internal streets serving individual lots that contain a single business or multi-tenant buildings housing uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. Additional requirements would include architectural standards. This district is to provide for high tech firms, light manufacturing/distribution firms, and professional firms with some support establishments (commercial and personal services) primarily for the employees.

B. Permitted Uses. The following Permitted Uses shall be allowed in the BTP Zoning District:

1. Business, professional, ***and/or*** government offices;

2. Scientific, medical, ***and/or*** research laboratories;

3. Business support centers ***and/or*** call centers;

4. Financial, credit, real estate, ***and/or*** insurance establishments;

5. Publishing ***and/or*** printing;

6. Computer services ***and/or*** information technology;

7. Television/radio broadcasting studio, media productions ***and/or*** telecommunication;

8. Training center, trade school~~s~~, ***and/or*** vocational center~~s~~;

9. ***Educational/Instructional/Tutoring Facilities, including, but not limited to: Art; Computer; Dance; Driving and/or DUI; Martial Arts; Music; Professional/Business/Trade; and similar facilities;***

10. Colleges ***and/or*** ***u****U*niversit~~ies~~***y,*** classrooms ***and/or*** administration only;

11. Warehousing, wholesaling and/or distribution of products ***and/or*** merchandise, but not including, retail sales of consumer goods such as are usually sold to the general public;

12. Shipping ***and/or*** courier service; and

13. Light manufacturing and/or fabricating ***and/or*** assembling of products, including, but not limited to the following:

    a. Production of food, beverages, cosmetics, ***and/or*** pharmaceuticals, but not including, fish and meat products, sauerkraut, vinegar, yeast, and rendering plants;

    b. Fabrication and assembly of metal, wood, cloth, ***and/or*** plastic products; and

    c. Production of computer ***and/or*** electronic components and products.

Each BTP development will consist of two ***(2)*** basic sets of uses: the business uses consisting of Permitted Uses 1. through 9. and the light manufacturing/distribution uses consisting of Permitted Uses 10. through 12.

C. Conditional Uses. The following Conditional Uses shall be allowed in the BTP Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Single-Family Residence ***and accessory structures and uses (see Article V.);*** ~~and~~

2. ***Home Occupation;***

3. College ***and/or*** University***, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium; and***

4. ***Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.***

D. Dimensional Requirements. The minimum dimensional requirements in the BTP shall be as follows:

1. Minimum Site Area for a BTP Development: 20 acres

2. Lot Area: 87,120 square feet (two [2] acres)

3. Lot width: 500 feet

4. Front yard setback:

   a. Major thoroughfare:

      (1) Major Arterial: 100 feet

      (2) Arterial: 100 feet

      (3) Collector: 80 feet

   b. Minor thoroughfare: 65 feet

5. Rear yard setback: 25 feet

6. Side yard setback: 25 feet

7. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 75 feet shall be provided adjacent to the lot line, in addition to the required setback. The setback shall be measured from the buffer.

   The business use areas shall be separated from the light manufacturing/distribution use areas by a 30 foot buffer.

8. Height limit: 40 feet

9. Lot coverage limit, including structure and parking area: 70 percent of total lot area.

10. Outside Storage and Refuse Area Requirements. The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.

a. Outside storage of merchandise, equipment, and parts shall be allowed in rear yards only, subject to screening, setback and buffer requirements.

b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.

11. Each BTP development shall have a minimum of 500 feet of frontage, and access, on an Arterial street as specified by the Fayette County Thoroughfare Plan.

E. Other Requirements.

1. Utilities. All utilities shall be underground.

2. Multi-tenant Buildings.

a. Location – Developable frontage on a major arterial road to a minimum depth of 300 feet shall be reserved for Multi-tenant Buildings.

b. Multi-tenant building in this area will be limited to the aforementioned light business uses.

c. Support Uses – In addition to the Permitted Uses in section B, no more than 20 percent of the floor area of an individual multi-tenant building may consist of business operations providing support services for the larger development. Permitted support service uses include:

(i) Restaurant/restaurant take-out (No drive-through, drive-in, or free standing facilities shall be allowed);

(ii) Personal Services ***(i.e.: Alterations; Barber Shop; Beauty Salon; Clothing/Costume Rentals; Counseling Services; Electrolysis and/or Hair Removal; Fitness Center; Laundry Drop-off/Pick-up; Locksmith; Nail Salon; Photography Studio; Shoe Repair; and Tanning Salon.***

(iii) Convenience store (no gasoline sales);

(iv) Blueprinting, graphic, ***and/or*** copying service;

(v) Office ***and/or*** computer supplies; and

(vi) Cellular phone/communication device supplies ***and/or*** service.

F. Rezoning Requirements. The following is required for a rezoning request for the BTP Zoning District in addition to what is normally required for a rezoning request:

1. A Development Plan is required for the rezoning petition and will take the place of the required Concept Plan. The Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved Development Plan, which affects the intent and character of the development, the land use pattern, the location or dimensions of streets, or similar substantial changes, ~~must~~ ***shall*** be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary.

The Development Plan ~~must~~ ***shall*** include what is normally required on the Concept Plan as well as the following;

a. A delineation of the business use area and the light manufacturing/distribution use area, including the acreage within each area and the 30 foot separation buffer;

b. A delineation of the internal transportation network, including roads, multi-use paths, and inter-parcel access/roads as applicable.

c. Requirements of any overlay zone which is applicable to the property; and

d. Indicate and label existing structures to remain.

6-25. Planned Unit Development.

A. Purpose. The intent of this section is to:

1. Encourage the development of large lots of land as: Planned Residential Developments (PRD), Planned Industrial Parks (PIP), Planned Retreats or Lodges (PRL), Planned Entertainment Farming (PEF), ~~and~~ Planned Outdoor Recreation (POR), ***and Planned Small Business Center (PSBC);***

2. Encourage flexible and creative concepts in site planning;

3. Preserve the natural amenities of the land by encouraging scenic and functional open spaces;

4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this Ordinance;

5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and

6. Provide an environment of stable character compatible with surrounding areas.

~~B. Ownership control. At the time a final plat of the Planned Unit Development has been approved by the Planning Commission, as required by this Ordinance, the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity. Individual lots may be sold only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed.~~ **(moved to other section)**

B. Development standards. Each Planned Unit Development shall meet the following standards in addition to any other as hereinafter set forth:

1. The development shall utilize creative ~~or~~ ***and*** flexible design including, but not limited to, varied lot sizes, amenities, mixed uses, etc.;

2. The development shall be compatible with surrounding uses and with the Land Use Plan of Fayette County;

3. Paving of roads. Developers of approved Planned Unit Developments shall be required to pave all new subdivision streets contained within said development in conformance with the rules and regulations of the Development Regulations of Fayette County. Improvements to existing County-maintained roads or planned County roads which pass through a Planned Unit Development will be handled conditionally at the time of rezoning or at the time of a revision to a development plan. However, in any Planned Retreat or Lodge (PRL), the developer shall be required to provide for all-weather roads***, as approved by Public Works,*** suitable for the passage of emergency vehicles.

C. Relation to zoning districts. An approved Planned Unit Development shall be considered to be a separate zoning district in which the development plan, as

approved, establishes the ***uses,*** restrictions and regulations according to which development shall occur. Upon approval, the zoning map shall be changed to indicate the area as a Planned Unit Development.

~~Review and Approval~~ Procedures. The following procedures shall be followed in the establishment of each and every Planned Unit Development:

1. Pre-Application Conference. Prior to filing a ~~formal application~~ ***rezoning petition*** for a Planned Unit Development, the applicant shall meet with the Zoning Administrator in order to review the general character of the proposed development, ~~i.e.,~~ ***including, but not limited to:*** its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.

2. Pre-Recommendation Meeting(s). Prior to ***filing a rezoning petition for a Planned Unit Development and subsequent to the Pre-Application Conference with the Zoning Administrator*** ~~meeting the Planning Commission for a final approval~~, the applicant shall meet with the Planning Commission in a plan review session(s). At this meeting, the applicant shall be required to review any plan with the Planning Commission and provide preliminary data concerning said plan as required by the Planning Commission. ***The Planning Commission may require additional Pre-Recommendation Meetings to review said preliminary data prior to their pre-recommendation.***

3. ~~Recommendation~~ ***Rezoning Petition***. ~~An applicant shall submit a petition to the Planning Commission for its recommendation of the Planned Unit Development.~~ ***A rezoning petition for a Planned Unit Development shall only be submitted subsequent to the Pre-Application Conference with the Zoning Administrator and the Pre-Recommendation Meeting(s) with the Planning Commission.*** This petition shall contain a Development Plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. ***A rezoning petition for a Planned Unit Development shall follow the procedures in Article XI. of this Ordinance.***

   ~~The Planning Commission shall make its determination on the basis of the information contained in the Development Plan, any other information, and the purposes and standards of a Planned Unit Development, as contained herein.~~

4. Development Plan. The following information shall be submitted as the Development Plan:

a. General location map;

b. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than ~~twenty (20)~~ ***20*** feet based on field survey or photogrammetric methods;

c. Map showing the existing flood plains and flood soil as indicated by FEMA;

d. Existing and proposed land uses in the development site and in surrounding areas for a distance of one (1) mile, including the approximate location of all streets;

e. Legal description of the subject property;

f. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;

g. Perspective drawings of representative building types for all non-residential structures which indicate the proposed general architectural style and appearance; and

h. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:

(1) Off-street parking and loading plan;

(2) Economic feasibility report or market analysis;

(3) Area traffic study and circulation plan within the development and to and from existing thoroughfares;

(4) Hydraulic, hydrologic; and drainage engineering studies; ~~and~~

(5) ***Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge, impact study***

(6) ***Based on the Pre-Application Meeting with the Zoning Administrator and/or the Pre-Recommendation***

Meeting(s) with the Planning Commission, ~~O~~other information as ***is deemed necessary*** may be requested, in addition any of the aforementioned required information (items a. thru h.) may be excluded if deemed not applicable.

5. Summary of Intent. The written statement submitted with the Development Plan shall include the following information:

   a. Statement of the present ownership of all land within the proposed development;

   b. Explanation of the character of the proposed development, including, ***but not limited to:*** a summary of ***uses*** ~~acres~~, ***number and type of*** dwelling units, ~~gross~~ ***a net residential*** density ***calculation*** ~~by type of land use~~, and minimum standards for floor area, lot size, yard and spacing requirements;

   c. General statement of the proposed development schedule and progression of unit development or staging; and

   d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the Property Owners Association, where applicable.

6. Approval.

   ~~a. An application for approval of a Planned Unit Development shall be considered administratively as a petition for rezoning and will be subject to the procedures established in this Ordinance.~~

   a. After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the ***Zoning Administrator and*** Planning Commission.

   b. If the proposed development is approved as submitted, the Zoning Administrator shall cause the official zoning map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised Development Plan with the Zoning Administrator prior to changing the map. The Development Plan and all other accompanying information

shall be properly identified and permanently filed with the Zoning Administrator.

7. Subdivision Approval.

   a. At the option of the applicant, a preliminary subdivision plat may be filed along with the Development Plan in order that tentative approval of the subdivision by the Planning Commission may be granted, pending the approval by the Board of Commissioners of the Development Plan.

   b. In no case shall final subdivision approval precede the approval of the Development Plan.

   c. Site development regulations, specifications, and procedures governing the platting of a Planned Unit Development and plat approval shall be in accordance with the Fayette County Subdivision Regulations and Development Regulations.

8. Ownership control. At the time a Final Plat ***is approved and recorded for a*** ~~of the~~ Planned Unit Development***, as applicable,*** ~~has been approved by the Planning Commission, as required by this Ordinance,~~ the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity. Individual lots may be sold only after the Final Plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed.

9. Building and Occupancy Permits. The Zoning Administrator shall approve of the issuance of building permits for buildings and structures in the Planned Unit Development if they are in substantial conformity with the approved Development Plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved Development Plan and all other applicable regulations.

10. Revision of Development Plan. Any change in the approved Development Plan, which affects the intent and character of the development, the density or land use pattern, ***the approved uses,*** the location or dimensions of streets, or similar substantial changes, ~~must~~ ***shall*** be reviewed and approved by the Board of Commissioners upon the recommendation of the ***Zoning Administrator and*** Planning Commission. A request for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary or desirable.

E. Planned Residential Development.

1. Purpose. The intent of a Planned Residential Development ***(PRD)*** is to encourage creativity and resourcefulness in ***residential*** ~~land planning and~~ development and to provide ***open space***, parks and recreational facilities for the residents of the development ***and/or the general public***.

2. Permitted ***Residential*** Uses. Planned Residential Developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. ~~Customary home occupations and~~ Residential accessory buildings and uses shall also be allowed ***per Article V***.

3. Permitted Recreational Uses. A list of proposed recreational uses shall be submitted with the Summary of Intent. Only those uses approved through the rezoning process shall be allowed in the PRD.

4. Permitted Incidental Uses. The following incidental uses shall be allowed in a PRD:

a. Day Care Facility (including an outdoor play area only);

b. Church and/or other Place of Worship (including a parsonage and outdoor play area only); and

c. School, Private (including an outdoor play area but excluding housing or a stadium).

The buffers and setbacks for these uses along the exterior boundary of the PRD shall be consistent with the applicable Conditional Use Requirements listed in Article VII.

5. Conditional Uses. The following Conditional Uses shall be allowed in the PRD Zoning District, provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:

a. Home Occupation;

b. Horse Quarters (see article V. Raising and Keeping Horses in Residential Districts) ; and

c. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

6. Minimum Dimensional and Other Requirements. The minimum

dimensional requirements in the PRD shall be as follows:

a. Development size: 100 contiguous acres located within ***the A-R and/or*** residential zoning districts

b. Each single-family dwelling shall be placed on a separate lot.

c. Side yard setback: ~~fifteen (15)~~ ***15*** feet

d. Rear yard setback: ~~thirty (30)~~ ***30*** feet

e. Maximum density: four (4) units per acre (single-family attached); and one (1) unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.

7. Common Open Space Requirements. Planned Residential Developments shall meet the following common open space requirements:

a. A minimum of 2,500 square feet per lot shall be reserved for open space. The open space shall not be located in the following areas: street rights-of-way (public or private); all land located within the 100-year flood plain; water impoundments; and all lands proposed to be dedicated to a governing authority.

b. The open space ~~shall~~ ***may be publicly owned, privately owned, or*** be deeded to and maintained by the Property Owners Association, comprised of the residents of the development. ***When the open space is to be deeded to the Property Owners Association t***he initial owner of the development shall be responsible for the organization of said association. The organization, responsibilities and financing of the Property Owners Association shall be established in appropriate deed covenants, which shall run with the land and which shall appear in each and every deed of property given by the initial owner.

c. ***Approved recreational uses may be located in the open space.***

8. General Deed Covenants. Appropriate deed covenants, which shall run with the land, shall be made a part of each deed of property given by the initial owner of the development in order to ensure the continuance of the Planned Residential Development in accordance with all approved plans and this section. A copy of the covenants ~~must~~ ***shall*** be given to the Zoning Administrator as a part of the record of the Planned Residential Development.

~~6.~~ ~~Stage Development. The entire development may be divided into logical geographical sections for the purposes of construction, landscaping, etc., subject to the approval of the Planning Commission.~~

~~7.~~ ~~Performance Bond. The initial owner shall furnish such bond or bonds as may be deemed by the County Engineer, in a form acceptable to the County Attorney, reasonably required to assure performance of the Planned Residential Development plan and to protect the public interest in the event of abandonment of said development prior to completion.~~

F. Planned Industrial Park.

1. Purpose. The intent of a Planned Industrial Park (PIP) is to encourage the development of a localized industrial park designed to meet light and heavy industrial purposes.

2. Permitted Uses. ~~All~~ ***Only*** those uses ~~permitted~~ ***(Permitted and Conditional)*** in the M-1 and M-2 Zoning Districts shall be ~~allowed~~ ***proposed for*** ~~in~~ the PIP. ***Only those uses approved through the rezoning process will be allowed in the PIP.***

3. Minimum Dimensional and Other Requirements. The minimum requirements for a PIP shall be as follows:

a. Location: M-1 or M-2 Zoning District

b. The development shall have access and egress only to an Arterial Thoroughfare.

c. Development size: ten (10) acres

d. Front, side, and rear yard setbacks along the exterior boundaries of the development shall be consistent with either the M-1 or M-2 Zoning District, whichever is applicable.

e. Height limit: thirty-five (35) ***35*** feet

G. Planned Retreat or Lodge.

1. Purpose. The intent of a Planned Retreat or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of a group or organization whereby food and lodging may be furnished for a definite and temporary period.

2. Permitted Uses. ~~All~~ ***Only*** those uses ***(Permitted and Conditional)*** allowed

in the A-R Zoning District shall be ~~allowed~~ ***proposed for*** ~~in~~ a PRL. ***Only those uses approved through the rezoning process will be allowed in the PRL.***

3. Conditional Uses. The following Conditional Uses shall be allowed in the PUD-PRL Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:

Home Occupation; and

Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

4. Minimum Dimensional and Other Requirements. The minimum requirements for a PRL shall be as follows:

a. Location: A-R Zoning District

b. Development size: ~~fifty (50)~~ ***50 contiguous*** acres

c. Maximum density: one (1) unit for each ten (10) acres of the development

d. Each structure whose principal purpose is to provide housing shall have access to a street maintained by the County. Said access shall have a minimum width of ~~sixty (60)~~ ***60*** feet.

e. No structure shall be permitted within 150 feet of the right-of-way of any abutting street maintained by the County.

f. A buffer zone of 150 feet shall be provided around the periphery of the development.

g. Height limit: ~~thirty-five (35)~~ ***35*** feet

H. Planned Entertainment Farming.

1. Purpose. To allow certain incidental uses to an active farming operation to preserve agricultural areas. An active farming operation is defined as any area of 100 or more ***contiguous*** acres from which $10,000 or more of agricultural products are grown and sold on an annual basis. Income verification may be required. Agricultural products are defined here as the growing of annual crops, the raising of livestock and/or horses, and dairy farming.

2. Permitted Uses. The following Permitted Uses shall be allowed in a PEF:

a. Single-family dwelling and accessory uses and structures associated with the single-family dwelling exclusively as per ~~Section 5-10~~ ***Article V***;

b. Farm buildings (~~must~~ ***shall*** be bonafide structures related to the farming operation);

c. Growing of crops;

d. Raising and selling livestock;

e. Dairy farm and production;

f. Greenhouses and Shrubbery sales;

g. Farmer's market (limited to sales of crops grown on premises by owner of property);

h. Pick-your-own produce;

i. Processing of agricultural products (~~must~~ ***shall*** meet Conditional Use requirements per the A-R Zoning District);

j. Horse stables and Horseback riding;

k. Horse show (by permit, temporary, fourteen [14] days per year);

l. Rodeo (by permit, temporary, fourteen [14] days per year);

m. Petting zoo;

n. Educational tours;

o. ~~Picnicking~~ ***Picnic Area***;

p. Sit down restaurant, Banquet facility, Bakery and Catering (no drive-thru, and ~~no~~ selling of alcoholic beverages, shall be ~~permitted~~ ***prohibited***) (minimum seating capacity of ~~fifty [50]~~ ***50*** persons);

q. Gift shop in association with Restaurant only; and

r. Pay fishing and bait sales in association with pay fishing.

3. ***Conditional Uses. The following Conditional Use shall be allowed in the PUD-PEF Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:***

Home Occupation; and

Telephone, Electric, or Gas Sub-Station or other Public Utility Facilities.

4. Minimum Dimensional and Other Requirements. The minimum requirements for PEF shall be as follows:

a. Location: A-R Zoning District

b. Development size: 100 ***contiguous*** acres

c. Single-family dwellings and those accessory uses and structures associated with the single-family dwelling shall meet those requirements established within the A-R Zoning District.

d. All other non-residential structures shall meet the following setbacks:

(1) Front yard: 200 feet

(2) Rear yard: 100 feet

(3) Side yard: 100 feet

e. A Site Plan is required indicating the location of all structures/activities.

f. All parking and access areas ~~must~~ ***shall*** be paved and landscaped per the Development Regulations.

g. All service areas shall be screened per ~~Sections 5-18 and 5-19~~ ***Article V.*** herein.

h. All parking and service areas ~~must~~ ***shall*** be to the rear of any restaurant building.

i. Only structures whose principal purpose is for the storage of farm

equipment and/or animals ~~shall~~ ***may*** have a metal facade. All other structures shall have a non-metallic facade.

j. ~~Must~~ ***Shall*** comply with all County, (including Fire Marshal), State and Federal requirements.

I. Planned Outdoor Recreation.

1. Purpose. The intent of a Planned Outdoor Recreation Development (POR) is to provide the residents of Fayette County adequate recreational opportunities outside of existing public facilities, parks, private recreation and amenity areas.

2. Permitted Uses. The following Permitted Uses shall be allowed in a POR:

a. Outdoor Athletic Fields;

b. Outdoor Athletic Courts;

c. Accessory Uses:

(1) Picnic and Playground Areas;

(2) Concession Facilities;

(3) Press Box Facilities;

(4) Restroom Facilities;

(5) Maintenance and/or Equipment Facilities;

(6) Ticket Sales Facilities;

(7) Bleachers;

(8) Dugouts;

(9) Lights; and

(10) Scoreboards.

3. Prohibited Uses. The following uses shall be prohibited in a POR:

a. Motorized or other Wheeled Vehicle Sports;

b. Swimming Pools and Water related activities;

c. Archery;

d. Firearms and Target Range;

e. Explosives and Fireworks;

f. Paintball and similar activities; and

g. Amusement Park activities and rides.

4. ***Conditional Uses. The following Conditional Use shall be allowed in the PUD-POR Zoning District provided that all conditions specified in Article VII. Conditional Uses, Exceptions, and Modifications, Conditional Use Approval are met:***

Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

5. Minimum Dimensional and Other Requirements. The minimum requirements for a POR shall be as follows:

a. Development size: ~~fifty (50)~~ ***50 contiguous*** acres

b. The development shall have ingress and egress only to an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.

c. Maximum number of outdoor athletic fields and/or courts: eight (8)

d. Setbacks:

(1) No Permitted Uses shall be allowed within 100 feet of the right-of-way.

(2) No Permitted Uses shall be allowed within 500 feet from any A-R or residential zoning district.

(3) No Permitted Uses shall be allowed within ~~fifty (50)~~ ***50*** feet from any non-residential zoning district.

e. A buffer of 100 feet plus the required setbacks shall separate all Permitted Uses from any A-R or residential zoning district. Off-street parking areas may be located within the setback areas.

f. Landscaping and buffer areas shall be planted in accordance with the Development Regulations.

g. Paved access and paved parking shall be provided as follows:

(1) ~~Forty (40)~~ ***40*** spaces per outdoor athletic field; and

(2) Ten (10) spaces per outdoor athletic court.

h. Hours of operation are to be determined at the time of development plan approval. No play permitted after 10:00 P.M.

i. Lights ~~must~~ ***shall*** be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents. No lighting permitted after 10:30 P.M.

j. Adequate trash receptacles and grounds maintenance ~~must~~ ***shall*** be provided to maintain a litter free recreation area. Dumpsters ~~must~~ ***shall*** be screened on all sides.

k. Outside loudspeaker system use permitted until 10:00 P.M.

l. Height limit: ~~thirty five (35)~~ ***35*** feet, with the exception of lights.

J. Planned Small Business Center

1. Purpose. The intent of the Planned Small Business Center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. A PUD-PSBC will allow innovative and creative design and promote high standards in the development layout.

2. Uses: Only those uses (Permitted and Conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed.

3. Minimum Dimensional and Other Requirements.

a. Minimum Lot Size: Minimum of ten (10) acres.

b. The proposed site shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare, as specified by the Fayette County Thoroughfare Plan.

c. ***Front, side, and rear yard setbacks and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 Zoning District, as applicable to the use.***

d. ***The Development Plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety.***

e. ***Location: Only those areas indicated in the Fayette County Comprehensive Plan shall be given consideration for PUD-PSBC.***

f. ***Height limit: 35 feet***

(ALL of the following has been moved to the beginning of this section)

~~K. Review and Approval Procedures. The following procedures shall be followed in the establishment of each and every Planned Unit Development:~~

~~3. Pre-Application Conference. Prior to filing a formal application for a Planned Unit Development, the applicant shall meet with the Zoning Administrator in order to review the general character of the proposed development, i.e.,~~ ***~~including, but not limited to:~~*** ~~its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.~~

~~4. Pre-Recommendation Meeting(s). Prior to meeting the Planning Commission for a final approval, the applicant shall meet with the Planning Commission in a plan review session(s). At this meeting, the applicant shall be required to review any plan with the Planning Commission and provide preliminary data concerning said plan as required by the Planning Commission.~~

~~5. Recommendation. An applicant shall submit a petition to the Planning Commission for its recommendation of the Planned Unit Development. This petition shall contain a Development Plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing.~~

~~The Planning Commission shall make its determination on the basis of the information contained in the Development Plan, any other information,~~

~~and the purposes and standards of a Planned Unit Development, as contained herein.~~

~~6. Development Plan. The following information shall be submitted as the Development Plan:~~

~~a. General location map;~~

~~a. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than twenty (20)~~ ***20*** ~~feet based on field survey or photogrammetric methods;~~

~~b. Map showing the existing flood plains and flood soil as indicated by FEMA;~~

~~c. Existing and proposed land uses in the development site and in surrounding areas for a distance of one (1) mile, including the approximate location of all streets;~~

~~e. Legal description of the subject property;~~

~~g. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;~~

~~h. Perspective drawings of representative building types for all non-residential structures which indicate the proposed general architectural style and appearance; and~~

~~i. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:~~

~~(1) Off-street parking and loading plan;~~

~~(2) Economic feasibility report or market analysis;~~

~~(3) Area traffic study and circulation plan within the development and to and from existing thoroughfares;~~

~~(4) Hydraulic, hydrologic; and drainage engineering studies; and~~

~~(5) Other information as may be requested.~~

~~6. Summary of Intent. The written statement submitted with the Development Plan shall include the following information:~~

~~a. Statement of the present ownership of all land within the proposed development;~~

~~b. Explanation of the character of the proposed development, including, ***but not limited to:*** a summary of acres, dwelling units, gross density by type of land use, and minimum standards for floor area, lot size, yard and spacing requirements;~~

~~c. General statement of the proposed development schedule and progression of unit development or staging; and~~

~~d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the Property Owners Association, where applicable.~~

~~6. Approval.~~

~~a. An application for approval of a Planned Unit Development shall be considered administratively as a petition for rezoning and will be subject to the procedures established in this Ordinance.~~

~~b. After review and public hearing, the Board of Commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the Planning Commission.~~

~~d. If the proposed development is approved as submitted, the Zoning Administrator shall cause the official zoning map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised Development Plan with the Zoning Administrator prior to changing the map.~~

~~The Development Plan and all other accompanying information shall be properly identified and permanently filed with the Zoning Administrator.~~

~~7. Subdivision Approval.~~

~~a. At the option of the applicant, a preliminary subdivision plat may be filed along with the Development Plan in order that tentative approval of the subdivision by the Planning Commission may be granted, pending the approval by the Board of Commissioners of the Development Plan.~~

~~b. In no case shall final subdivision approval precede the approval of the Development Plan.~~

~~c. Site development regulations, specifications, and procedures governing the platting of a Planned Unit Development and plat approval shall be in accordance with the Fayette County Subdivision Regulations and Development Regulations.~~

~~?. Ownership control. At the time a final plat~~ ***is approved and recorded for a*** ~~of the Planned Unit Development~~***, as applicable,*** ~~has been approved by the Planning Commission, as required by this Ordinance, the land comprising the area for the Planned Unit Development shall be under one ownership, i.e., either an individual, a corporation or some other single legal entity. Individual lots may be sold only after the final plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the Planned Unit Development as originally approved and developed.~~

~~8. Building and Occupancy Permits. The Zoning Administrator shall approve of the issuance of building permits for buildings and structures in the Planned Unit Development if they are in substantial conformity with the approved Development Plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved Development Plan and all other applicable regulations.~~

~~9. Revision of Development Plan. Any change in the approved Development Plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, must~~ ***shall*** ~~be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A request for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary or desirable.~~

ARTICLE VII. CONDITIONAL USES, ~~EXCEPTIONS, AND MODIFICATIONS~~, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS

7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.

A. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan ~~must~~ ***shall*** be submitted to the Zoning Administrator and approved by the ~~appropriate County officials~~ ***applicable departments.*** This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meeting***s*** and/or events which are conducted no longer than ~~fourteen (14)~~ ***14 calendar*** days per year.

B. Conditional Uses Allowed:

1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts ***and Church or Other Place of Worship (see Article VII.)*** (Adopted 06/28/07)

a. The facility shall comply with all licensing requirements of the State of Georgia. (Adopted 06/28/07)

b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m. (Adopted 06/28/07)

2. Aircraft Landing Area. (Allowed in the A-R, M-1, and M-2 Zoning Districts) ***The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.***

a. F.A.A. ***Air Space Clearance*** approval ***f***or visual flying flight operations and landing areas ~~is~~ ***shall be*** required, where applicable.

b. For any newly developed landing area for fixed wing aircraft, a 1,000 foot clear zone as defined by the F.A.A. extending from the end of all runways shall be maintained through ownership or easement, and in no case shall the end of a runway be closer than 200 feet from ~~adjoining properties~~ ***the property line.***

c. Any newly developed landing area ***for fixed wing aircraft*** shall be located at least 300 feet, as measured from the centerline of the runway, from ~~any contiguous~~ ***all*** property line***s***.

d. Any ***on-site*** roofed structure shall be setback at least 200 feet from the nearest point on the centerline of the runway.

e. Heliport. (These regulations shall not apply to a hospital which maintains a heliport for medical purposes.)

(1) F.A.A. Air Space Clearance approval for visual flying flight operations and landing areas shall be required, where applicable.

(2) A Site Plan, prepared by a Registered Surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

(3) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.

Add in Its Entirety 11/14/02:

3. Aircraft Hangar. ~~Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.~~ (Allowed in the A-R, M-1 and M-2 Zoning Districts)

1. An Aircraft Hangar ~~must~~ ***shall*** comply with all of the above criteria of ~~Section 7-1.B.1.~~ ***Article VII,*** Aircraft Landing Area.

2. Use of an Aircraft Hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An Aircraft Hangar shall not include any living quarters or be used for residential purposes.

3. In the A-R zoning district, on lots of less than ten (10) acres in size, there shall be a maximum of one (1) detached hangar allowed.

4. In the A-R zoning district, no trade or business of any kind shall be conducted from an Aircraft Hangar.

5. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:

a. A detached hangar is an accessory structure which shall

require a building permit, and shall comply with minimum building setbacks.

b. A detached hangar shall not be constructed prior to construction of the single-family dwelling.

c. A detached hangar shall be located to the side or rear of the principal dwelling.

d. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.

4. ***Amphitheater, Outdoor. (Allowed C-H and M-1 Zoning Districts)***

a. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends (see Fayette County Code, Offenses and Miscellaneous Provisions and Noise Control.)

b. The out door amphitheater shall not be located closer than 300 feet from any A-R or residentially zoned property.

5. Animal Hospital, Kennel (Commercial or Non-Commercial), ***and/***or Veterinary Clinic. (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts):

All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.

6. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial kennel) (Allowed in O-I Zoning District):

All structures shall not be located closer than 55 feet (30 foot buffer and 25 foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed ***except during the convalescence period***. (Amended 10/22/98)

7. ~~Sales and/or Repairs of~~ Automobile, Truck, Farm Equipment, or Motorcycle. ***Sales and Incidental Repairs.*** (Allowed in C-H Zoning District). (Amended 04/28/05)

1. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions: (Adopted 04/28/05)

a. All activities except sales shall be conducted indoors.

b. No outside storage of equipment or parts shall be permitted.

c. No external loud-speakers allowed. (Adopted 04/28/05)

2. ***A full range of repairs shall be allowed incidental to a sales use and those repairs that are not listed as a permitted use in the C-H Zoning District, shall comply with the following:*** ~~All repair facilities either incidental to a sales use or as a principal use and are not listed as a permitted use in the C-H Zoning District, shall comply with the following conditions:~~ (Adopted 04/28/05)

a. All repair activities shall be conducted indoors. (Adopted 04/28/05)

b. No outside storage of equipment or parts shall be permitted. (Adopted 04/28/05)

c. All overhead doors ~~must~~ ***shall*** face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, ~~Section 5-19.~~ Screening Standards of the Fayette County Zoning Ordinance or utilizing vegetative materials. (Adopted 04/28/05)

d. All ***wrecked*** vehicles ***stored*** for repair ~~must~~ ***shall*** be screened ~~per~~ ***in accordance with*** Article V. General Provisions, ~~Section 5-30.~~ Outside Storage ~~of the Fayette County Zoning Ordinance~~. (Adopted 04/28/05)

e. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 pm and 7:00 am. (Adopted 04/28/05)

f. No external loud-speakers allowed. (Adopted 04/28/05)

8. Automobile Service Station, including gasoline sales ***and/or inside or outside emission testing,*** in conjunction with a Convenience Store. (Allowed in C-C and C-H Zoning Districts)

a. Service areas, facilities, and ***gasoline*** pump islands shall not be located closer than ~~seventy-five (75)~~ ***75*** feet from a residential or A-R Zoning District.

b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:

(1) Major thoroughfare:

(i) Arterial: ~~thirty-five (35)~~ ***35*** feet

(ii) Collector: ~~thirty (30)~~ ***30*** feet

(2) Minor thoroughfare: ~~twenty-five (25)~~ ***25*** feet

c. Canopies shall extend no closer than ~~fifteen (15)~~ ***15*** feet from any street right-of-way.

d. Underground storage tanks shall be set back no closer than ~~twenty (20)~~ ***20*** feet from all property lines.

e. ***A dynamometer shall not be utilized in conjunction with outside emission testing.***

X. Aviary. (Allowed in the A-R Zoning District)

a. Shall be licensed through the Georgia Department of Agriculture.

b. Shall be limited to residents of the dwelling with no outside employment.

c. A farm outbuilding shall house the aviary and shall be exempt from architectural standards. A farm outbuilding shall be located in the side or rear yard of the principal structure and comply with the required setbacks.

9. Campground Facilities. (Allowed in the ~~C-C~~ ***C-H*** Zoning District)

a. Campsites shall be utilized by Recreational Vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).

b. ~~The campground~~ ***Each campsite*** shall be utilized for short-term occupancy ~~of fifteen (15)~~ ***not to exceed 15 calendar*** days~~ or less~~, provided; however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.

c. ~~Said uses~~ ***Campground facilities*** shall be permitted only on a lot which ~~possesses at least sixty (60) feet of~~ front~~age~~***s*** on a Major Thoroughfare (as defined by the Fayette County Thoroughfare Plan).

d. The lot area shall be at least ten (10) acres.

e. The maximum density shall not exceed four (4) campsites per gross acre.

f. A minimum ~~fifty (50)~~ ***50*** foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (~~pursuant to the~~ ***see*** Sign Ordinance).

g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:

(1) Front yard: ~~seventy-five (75)~~ ***75*** feet

(2) Side yard: ~~twenty-five (25)~~ ***25*** feet

(3) Rear yard: ~~twenty-five (25)~~ ***25*** feet

h. At least ten (10) percent of the gross acreage shall be reserved for recreational areas.

i. Accessory uses shall be allowed provided that the following requirements are met:

(1) Such uses and structures shall be restricted to the use of occupants of the park and their ~~q~~***g***uests;

(2) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.

(3) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.

(4) Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.

(5) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.

j. The Site Plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County ***Environmental*** Health Department.

10. Care Home, Convalescent Center ***and/***or Nursing Home. (Allowed in the C-C, C-H, and O-I Zoning Districts)

a. Minimum lot size: three (3) acres

b. Such uses shall be permitted only on a lot which fronts on a~~n~~ ~~Arterial~~ ***Major*** Thoroughfare unless such use is part of a planned development which has access to a~~n~~ ~~Arterial~~ ***Major*** Thoroughfare.

c. A ***minimum*** ~~fifty (50)~~ ***50*** foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.

d. Minimum setbacks:

(1) Front yard: 100 feet

(2) Side yard: ~~fifty (50)~~ ***50*** feet

(3) Rear yard: ~~fifty (50)~~ ***50*** feet

e. The facility shall comply with all licensing requirements of the State of Georgia.

f. Rooms ***and/***or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities ***to accommodate a minimum of 50 percent of the residential capacity at one (1) seating***, and central recreational facilities shall be provided. (Amended 12/15/05)

g. ~~Service areas and facilities shall not be located closer than 100 feet from a residential or A-R Zoning District (of which fifty [50] feet shall be a buffer).~~

h. ~~Twenty-four (24)~~ ***24*** hour staff shall be required. (Adopted 12/15/05)

i. All ~~living facilities~~ ***rooms and/or suites*** ~~must~~ ***shall*** be connected to the ***aforementioned*** central facilities through internal passageways (i.e. hallways, corridors, etc.) (Adopted 12/15/05)

11. Cemetery ~~and Mausoleum~~. (Human or Pet) (Allowed in A-R and C-H Zoning Districts ***and a Human Cemetery is allowed in conjunction with a Church or Other Place of Worship (see Article VII.***)

a. Human Cemetery

(1) Minimum lot area shall be ten (10) acres ~~for a human cemetery and five (5) acres for a pet cemetery~~.

(2) A crematorium ***or mausoleum*** shall be allowed only in conjunction with a cemetery ~~or a mausoleum~~.

(3) Grave sites shall be set back at least ~~fifty (50)~~ ***50*** feet from all property lines.

(4) ~~No structure~~ ***A crematorium*** ~~other than grave markers~~ shall be ~~located within~~ ***set back*** ~~350~~ ***300*** feet ***from all property lines*** ~~of a residential or A-R Zoning District~~.

(5) A ~~twenty (20)~~ ***20*** foot buffer shall be provided in addition to required setbacks along all property lines which adjoin A-R or residential zoning districts. ***The setback shall be measured from the buffer.***

b. Pet Cemetery

(1) Minimum lot area shall be five (5) acres.

(2) The remains of only one (1) pet shall be buried in a single gravesite and shall not be stacked one (1) above another.

(3) The remains shall be a minimum of three (3) feet below the grade.

(4) Cemetery plots shall be of sufficient size to provide for a minimum one (1) foot undisturbed area between graves.

(5) The owner/operator shall maintain and post a copy of the Cemetery Rules and Regulations and a current burial plot diagram at all times.

(6) ***A pet cemetery shall be maintained in perpetuity via deed restrictions.***

12. ***Charter and/or Motor Coach Bus Service. (Allowed in C-H Zoning District)***

a. ***All buses shall be parked to the rear of the principal structure.***

b. ***All buses shall be screened in accordance with Article V. General Provisions, Outside Storage.***

c. ***Overhead bay doors shall not be open to the street.***

d. ***The following uses shall be allowed: Administrative office, passenger pickup, and storage of buses.***

e. ***On-site maintenance/repairs are prohibited.***

13. Church~~, Temple,~~ or ***Other*** Place of Worship. (Allowed in O-I, A-R, ~~and residential~~ ***R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15*** Zoning Districts)

a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.

b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.

c. ~~A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.~~ ***A minimum 50 foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R Zoning District. The setback shall be measured from the buffer.*** However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas.

d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein.)

(1) Front yard: 100 feet

(2) Side yard: ~~fifty (50)~~ ***50*** feet

(3) Rear yard: ~~seventy-five (75)~~ ***75*** feet

e. Uses and/or structures incidental to a church ~~such as~~ ***shall be limited to:*** a private school, parsonage, gymnasium, playground, ***tot lot,*** ~~and/or~~ athletic field***, day care facility, adult day care facility, administration, human cemetery (provided that all requirements for a Cemetery herein are met), broadcast facility, including a tower (see Article V), and seasonal sales (see Article VII. Seasonal Sales as Outdoor Displays)*** shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements~~ specified in subsections 8.c. and 8.d., above.~~ Outdoor lighting for recreation purposes shall be prohibited.

f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met ***(see Article VII. Day Care Facility /Nursery School.)***

g. Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met ***(see Article VII. Adult Day Care Facility.)*** (Adopted 06/28/07)

h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.

i. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco***, wood,*** or similar building materials compatible with the area.

j. ***Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.***

k. The construction of one (1) open air pavilion ~~over 900 square feet~~ utilized for picnics/social gatherings only is allowed under the following conditions:

~~The property must be zoned A-R with a minimum of 15 acres;~~

~~The pavilion must be at least 150 feet from any property line;~~

(1) The pavilion ~~must~~ ***shall*** be constructed following the construction of the main sanctuary building;

(2) The floor area ~~cannot~~ ***shall not*** exceed ~~twenty (20)~~ ***40*** percent of the square footage of the main sanctuary building; and

(3) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed ~~twenty (20)~~ ***40*** percent of the main sanctuary building square footage.

14. College and/or University***, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium***. (Allowed in the A-R, BTP***, O-I, C-C, and C-H*** Zoning District***s***) (Amended 08/27/09)

a. The lot area shall be at least ten (10) acres.

b. Such use shall be permitted only on a lot which fronts on a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.

c. ~~A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.~~ ***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.***

d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows ***and shall be measured from the buffer, if applicable***:

(1) Front yard: 100 feet

(2) Side yard: ~~fifty (50)~~ ***50*** feet

(3) Rear yard: ~~100~~ ***75*** feet

e. Uses and/or structures incidental to colleges and universities such as a gymnasium, dormitory, ***fraternity, sorority,*** and/or athletic field shall be allowed, provided; all buildings and use areas meet the minimum setback and buffer requirements specified~~ in subsections 10.c. and 10.d.,~~ above.

f. ***All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.***

g. ***Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.***

15. Commercial Driving Range and Related Accessories. Related Accessories limited to: Putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. (Allowed in C-C, C-H, and A-R Zoning Districts)

a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.

b. All greens, fairways, and driving areas shall be set back at least ~~fifty (50)~~ ***50*** feet from any non-residential zoning district.

c. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence, provided that lighting is not directly visible from said residence(s).

d. No outside loudspeaker system shall be utilized.

16. Convenience Commercial Establishment. Facility is limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches and other freshly-prepared foods for off-site consumption. (Allowed in the L-C Zoning District)

a. Maximum floor area: 3,500 square feet

b. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same

architectural character of the principal structure including the pitched roof, and ~~must~~ ***shall*** be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement ~~must~~ ***shall*** be submitted as part of the Site Plan.

c. Gasoline pumps, air hoses, and water hoses shall be setback as follows:

(1) Major thoroughfare:

(i) Arterial: ~~fifty (50)~~ ***50*** feet

(ii) Collector: ~~forty-five (45)~~ ***45*** feet

(2) Minor thoroughfare: ~~forty (40)~~ ***40*** feet

d. Canopies used in conjunction with the sale of gasoline shall extend no closer than ~~thirty-five (35)~~ ***35*** feet from any street right-of-way.

e. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.

f. Underground storage tanks shall be set back at least ~~twenty (20)~~ ***20*** feet from all property lines.

g. The number of gasoline pumps shall be limited to no more than six (6) or a total of 12 pumping stations.

17. Day Care Facility (Nursery School ~~or Kindergarten~~). (Allowed in C-C, C-H, O-I, ~~and~~ A-R***, and MHP*** Zoning Districts ***and Church or Other Place of Worship (see Article VII.***)

a. A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the State certification~~s~~ lapse or be revoked, the Conditional Use permit shall be null and void.

b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.

c. Outdoor play areas shall be located to the side or rear of the principal building.

d. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.

e. A fence measuring at least four (4) feet in height shall enclose the entire play area.

f. If the side or rear yard abuts a residential or A-R Zoning District, a minimum ~~fifty (50)~~ ***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.

~~Service areas, facilities, and playgrounds areas shall not be located closer than 150 feet from a residential or A-R Zoning District.~~

g. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.

h. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.

18. Developed Residential Recreational/Amenity Areas. (Allowed in subdivisions in the A-R ~~and residential~~ ***EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, and C-S*** zoning districts, with Final Plat approval.)

a. Lot area: Per zoning district

b. Said area ~~must~~ ***shall*** be shown on the Preliminary and Final Plats and labeled as follows: "Not a residential building lot, for recreational purposes only."

c. Landscape and buffer areas shall be planted in accordance with the Development Regulations.

d. In addition to the required landscape areas, a six (6) foot landscape or buffer area shall be required along the rear property line where adjacent to an A-R or residential zoning district.

e. Paved parking area is required per the Development Regulations.

f. No activity and lighting permitted after 10:00 p.m.
(Amended 07/28/05)

g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings. (Adopted 07/28/05)

19. Dry Cleaning Plant. (Allowed in the C-C and C-H Zoning Districts)

a. Dry cleaning plants using cleaning systems which make use of solvents rated at above ~~forty (40)~~ ***40*** by the Underwriter's Laboratories, Inc. Standard of Classification known as Class I Systems shall be prohibited;

b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but not less than ~~forty (40)~~ ***40*** according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, ~~shall not be established in a building with other occupancy~~ ***shall meet all requirement of the National Fire Safety Association Code***;

c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;

d. Fuel for operation of the equipment shall be smokeless fuel; and

e. Central water and central sanitary sewage systems are required. ***This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.***

20. Experimental Labs. (Allowed in the C-H, M-1 and M-2 Zoning Districts)

a. Minimum lot area: three (3) acres if use is hazardous as defined by the Environmental Protection Agency (EPA).

b. Said use ~~must~~ ***shall*** comply with all applicable State and/or Federal licensing requirements.

21. Farm Outbuildings***, including Horse Stables*** and ***Commercial*** Greenhouses. (Allowed in the A-R Zoning District) (Amended 04/09/98)

a. Farm Outbuilding. All structures permitted in this category ~~must~~ ***shall*** be ~~bonafide~~ structures related to ~~the~~ ***a bonafide*** 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. (Amended 04/09/98)

b. ***Commercial*** Greenhouses. All structures permitted in this category ~~must~~ ***shall*** be ~~bonafide~~ structures related to ~~the~~ ***a bonafide*** cultivation or ~~protection~~ ***production*** of landscape planting materials. ***Commercial Greenhouses shall be exempt from architectural standards.*** (Added 04/09/98)

c. Horse Stables. All structures permitted in this category shall be related to the bonafide shelter and/or boarding of horses. Riding lessons and boarding shall be permitted; however, a Site Plan shall be required for these uses. Horse Stables are exempt from architectural standards (see Article V.)

~~c.~~***d.*** Farm size over ten (10) acres, no restriction of size of Farm Outbuildings, ~~and~~ ***Commercial*** Greenhouses***, and Horse Stables***. (Amended 06/25/98)

~~d.~~***e,*** Farm size five (5) to ten (10) acres, one (1) detached Farm Outbuilding, ~~or~~ ***Commercial*** Greenhouse***, or Horse Stable consisting of*** a maximum of 1,800 square feet in size. (Added 06/25/98)

Farm Outbuildings***, Horse Stables,*** and ***Commercial*** Greenhouses may have plumbing and electricity, but shall not be used for residential purposes. ~~A farm outbuilding may be used as a barn for horses and/or livestock, storing farm equipment, and any other agricultural purposes.~~ Farm Outbuildings***, Horse Stables,*** and ***Commercial*** Greenhouses shall not be located within 100 feet of the ~~main~~ ***principal*** residential structure or connected to any structures on site. ***Farm Outbuildings, Horse Stables, and/or Commercial Greenhouses may be constructed prior to the principal residential structure.*** (Added 06/25/98)

22. Feed Lot and/or Commercial Barn. Barns and feed lots ~~must~~ ***shall*** be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District).

~~Fraternities and/or Sororities. All facilities shall be located on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. (Allowed in the C-C and C-H Zoning Districts).~~

23. Golf Course (minimum eighteen [18]-hole regulation) and Related Accessories. Related accessories are limited to: putting green, chipping green, sandtrap, artificial/natural surface, bunker, clubhouse, pro shop, and

snack bar. (Allowed in the C-C, C-H, ***and*** A-R, ~~and EST~~ Zoning Districts).
(Amended 04/09/98)

a. Said facilities shall be for daytime use only.

b. All structures, greens, and fairways shall be set back at least 100 feet from any property line.

c. No outside loudspeaker system~~s~~ shall be utilized.

24. Heavy manufacturing, packaging, processing or handling of materials. (Allowed in the M-2 Zoning District).

Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.

25. Home Occupation. (Allowed in A-R, ~~residential~~ ***EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, M-1, M-2, and BTP*** Zoning Districts***)*** ~~and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.)~~ ***The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from non-residential areas and uses.*** (Amended 10/23/08)

a. Residents. Only residents of the dwelling may be engaged in the home occupation ***within the dwelling. All non-resident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.***

b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, ~~except that bonafide agricultural products grown on~~

~~the premises may be displayed in an Agricultural-Residential Zoning District~~.

Customers. The number of customers shall not exceed more than two (2) at a time nor more than a total of 12 customers in any one (1) day and all services rendered to customers shall take place only within the dwelling. The hours of operation shall be limited to 9:00 am to 9:00 pm.

d. Area. Use of the ~~building~~ ***dwelling*** for ~~this~~ ***the*** purpose ***of the home occupation*** shall not exceed ***a total of*** ~~thirty-five (35)~~ ***25*** percent of the principal building.

e. Number. No more than four (4) home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.

f. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.

g. Accessory Buildings. No accessory buildings or outside storage shall be used, except as otherwise provided herein.

h. Music ~~, etc.~~ ***Lessons and/or Tutoring.*** ~~Instructions in music and similar subjects~~ ***Lessons and/or Tutoring shall include, but not limited to: music, dance, computer, martial arts, academic, and speech therapy and*** shall be limited to two (2) students at a time ***nor more than a total of 12 students in any one (1) day and such lessons and/or tutoring shall take place in the dwelling. The hours of operation shall be limited to 9:00 am to 9:00 pm.***

Daycare, Child/Adult: Daycare shall be limited to no more than three (3) children or three (3) adults at any time.

i. Vehicles. Only ***customary passenger*** vehicles***, vans and pick-up trucks*** shall be permitted to remain on the premises ***in association with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, 10 feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.***

j. Uses. The following and similar uses shall not be considered home occupations: automobile service station; automobile and related ~~machine~~ ***vehicular*** sales ***lot on-premise***; ***on-premise*** automobile***, motorcycle, and/or farm/heavy construction equipment*** repair or ***service/***maintenance; ambulance service; ***beauty salon, barber shop,*** rescue squad; ***on-premise*** amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic ~~or~~ ***with or without*** animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; ***taxidermy, welding; on–premise pet grooming; medical/dental facilities; on-premise repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing;*** and massage therapy.

26. ***Horse Quarters in Residential Zoning Districts. (Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD Zoning Districts)***

a. ***Minimum lot size: Over ten (10) acres***

b. ***Minimum side yard setback: 50 feet***

c. ***Minimum rear yard setback: 75 feet***

d. ***Horse Quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, a Horse Quarters may be constructed prior to the principal residential structure.***

e. ***Horse Quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.***

f. ***Only one (1) Horse Quarters structure shall be permitted and shall not be counted as an accessory structure.***

g. ***Riding lessons and boarding are prohibited.***

h. ***Number of horses (see Article V.)***

27. ***Horse Show, Rodeo, Carnival, and/or Community Fair. (Allowed in the A-R and C-H Zoning Districts)***

a. Said ***horse show,*** rodeo, carnival, ***and/or community fair*** shall not be operated longer than ~~fourteen (14)~~ ***14 calendar*** days per year.

b. Tents shall require the approval of the Fayette County Fire Marshal.

c. Off-street parking shall be required.

d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.

28. Hospital. (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts)

a. Minimum lot size: ten (10) acres

b. Such use shall be permitted only on a lot which fronts on an Arterial Thoroughfare, as designated on the Fayette County Thoroughfare Plan, unless such use is part of a planned development which has access to an Arterial Thoroughfare.

c. A minimum ~~fifty (50)~~ ***50*** foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.

d. Minimum setbacks:

(1) Front yard: 100 feet

(2) Side yard: ~~fifty (50)~~ ***50*** feet

(3) Rear yard: ~~fifty (50)~~ ***50*** feet

e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten (10) percent of the primary structure floor area. No outside advertising is allowed.

f. Heliport.

29. Hotel ***and/or Bed and Breakfast***. (Allowed in the O-I Zoning District)

a. A minimum ~~thirty (30)~~ ***30*** foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas may be located within the setback areas.

30. Junk Yard ***and/***or Auto Grave Yard. (Allowed in the M-2 Zoning District)

a. Minimum lot size: ten (10) acres

b. Maximum site area: ~~twenty-five (25)~~ ***25*** acres

c. A minimum 100 foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

d. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R Zoning Districts.

Kennel. See Animal Hospital, etc.

31. Landfill. (Allowed in the M-2 Zoning District)

a. Minimum lot size: ~~twenty (20)~~ ***20*** acres

b. A minimum 100 foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.

c. Landfill operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.

d. The landfill shall comply with all ~~licensing requirements~~ of the State of Georgia ***and Federal requirements***.

32. Laundromat, Self-Service or Otherwise. (Allowed in the C-C and C-H Zoning Districts)

a. Central water and central sanitary sewage systems are required.

33. Mining ***and/***or Quarrying. (Allowed in the M-2 Zoning District)

a. Ingress and egress to and from the facility shall be via an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.

b. A minimum 100 foot buffer shall be required adjacent to residential or A-R Zoning Districts.

c. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R Zoning District.

d. All activity involving blasting or the operating of machinery shall be limited to daylight hours.

e. The operation shall comply fully with ***all*** ~~the requirements~~ of the State of Georgia ***and Federal requirements***.

34. Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District) (Adopted 07/26/07)

a. The service ~~must~~ ***shall*** comply with all licensing requirements of the State of Georgia. (Adopted 07/26/07)

b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, ***or other architecturally engineered facades which match these materials*** and shall be a minimum height of eight (8) feet. (Adopted 07/26/07)

c. No on-site vehicle maintenance or fueling facilities are allowed. (Adopted 07/26/07)

35. Outdoor Amusement Facilities, Rides, Structures over ~~thirty-five (35)~~ ***35*** feet in height, including, but not limited to Bungee and Parachute Jumping. (Allowed in the C-H and M-1 Zoning Districts)

a. Where applicable, all State of Georgia Codes, Rules and Regulations shall apply. Verification that State Requirements are met shall accompany the application for a Conditional Use Permit.

b. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.

c. Any structure, ride, etc. erected in connection with an outdoor amusement activity, over ~~thirty-five (35)~~ ***35*** feet in height, ~~must~~

shall be dismantled upon the closing of the business or activity in question.

d. Any structure, ride, etc. over ~~thirty-five (35)~~ ***35*** feet in height, or with elements over ~~thirty-five (35)~~ ***35*** feet in height, ~~must~~ ***shall*** be surrounded by a six (6) foot high fence with a locked gate when the facility is not in use. A four (4) inch sphere shall not be able to pass through any section of the fence or gate.

e. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.

36. ~~School~~***, Private School*** ~~(Private and special), and Incidental Sports Arena, Stadium or Recreational Field~~ ***including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium*** (Allowed in the A-R***,*** ~~and residential zoning districts~~***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, and C-H Zoning Districts***)

a. Minimum lot size: five (5) acres

b. ~~A minimum 100 foot wide buffer plus required setbacks shall be provided adjacent to any residential or A-R Zoning District.~~ ***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.***

c. ~~Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or A-R Zoning District.~~ Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.

d. Student drop-off and vehicular turn-around facilities shall be provided on the site.

e. ***All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.***

f. ***Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or***

setback requirements and shall be located to the side/rear of the main building.

g. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:

~~The property must be zoned A-R with a minimum of fifteen (15) acres;~~

~~The pavilion must be at least 150 feet from any property line;~~

(1) The pavilion ~~must~~ ***shall*** be constructed following the construction of the main school building;

(2) The floor area cannot exceed ~~twenty (20)~~ ***40*** percent of the square footage of the main school building; and

(3) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed ~~twenty (20)~~ ***40*** percent of the main school building square footage.

37. Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables). (Allowed in the A-R Zoning District).

a. Minimum lot area: five (5) acres

b. All structures shall be set back at least 100 feet from any property line.

c. No structure shall exceed 5,000 square feet of floor area (interior measurements).

d. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.

38. ***Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office. (Allowed in the A-R Zoning District)***

a. ***The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.***

b. ***Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.***

c. ***A minimum 50 foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.***

d. ***Minimum setbacks for structures and use areas.***

(1) ***Front yard:*** ***100 feet***

(2) ***Side yard:*** ***50 feet***

(3) ***Rear yard:*** ***75 feet***

e. ***All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood or similar building materials compatible with the area.***

f. ***Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.***

g. ***The construction of one (1) open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.***

39. ~~Church or~~ Religious Tent Meeting. (Allowed in A-R, C-C, C-H, ***and*** O-I Zoning Districts) (Amended 04/09/98)

a. Said meetings shall not exceed ~~fourteen (14)~~ ***14*** days per year at the same site.

b. Tents shall require the approval of the Fayette County Fire Marshal.

c. Off-street parking areas shall be required.

d. All activities shall cease by 10:00 p.m.

40. Recycling Facility. (Allowed in the M-1 Zoning District)

a. All separation and processing (baling, compacting, grinding, or shredding) ~~must~~ ***shall*** occur entirely within an enclosed building.

b. A convenient paved drop-off area ~~must~~ ***shall*** be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns ~~must~~ ***shall*** be indicated on the Site Plan.

c. All outside storage of recyclable materials ~~must~~ ***shall*** be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.

d. All outside storage areas shall be totally screened according to the Development Regulations. Storage bins can not be a greater height than the screening.

41. ~~Rifle Ranges. (Allowed in the A-R Zoning District).~~

~~a. Any commercial or private rifle range shall comply with the requirements promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and contained in that publication known as "HIGH POWER RIFLE RANGES", National Rifle Association, Range Facilities Department and on file with the Zoning Administrator of Fayette County.~~

~~b. Any commercial or private ranges operated solely for shotgun use shall comply with the rules and regulations as promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and in particular that publication known as "SHOTGUN PLAN, SHOOTING FACILITIES" and on file with the Zoning Administrator of Fayette County~~.

42. ***Seasonal Sales, Outdoor. (Allowed in C-C and C-H Zoning Districts and Churches) (see Article VII., Church or Other Place of Worship)***

a. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or

other places of worship. The A-R Zoning District, which has a bona fide farming operation, is exempt from seasonal sales requirements;

b. ***Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from Article V. Screening Standards, except as provided herein;***

c. ***Location of seasonal sales as outdoor display, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;***

d. ***Outdoor sales of seasonal agricultural products shall be limited to: Natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, and nuts; and natural plants;***

e. ***Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;***

f. ***Off-street parking shall be required;***

g. ***Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by the Sign Ordinance shall be submitted to the Planning and Zoning Department; and***

h. ***Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the Conditional Use Permit.***

43. Self-Storage Facility. (Allowed in M-1 and C-H Zoning Districts) (Adopted in its entirety 06/28/01; Amended 06/24/04; Amended 01/13/05; Amended 03/24/05) (Amended 06/28/07)

a. The maximum size of a storage bay shall be 550 square feet. (Amended 03/24/05)

b. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the

area~~, and the colors selected shall be classic exterior or nature-blending compatible with the area.~~ The Transportation Corridor Overlay Zone shall apply when applicable. (Amended 06/28/07)

c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be ~~twenty-five (25)~~ ***25*** feet as measured from the closest part of the structure including any overhang. (Amended 03/24/05)

d. Storage of vehicles**,** boats, and trailers**,** shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed ~~twenty-five percent (25%)~~ ***25 percent*** of the overall gross square footage of all buildings. All covered storage ~~must~~ ***shall*** have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and ~~must~~ ***shall*** be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of ~~fifty (50)~~ ***50*** feet wide unless it is angled parking. (Amended 01/13/05)

e. 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 (2) foot berm with double the minimum planting requirements.

f. All outdoor lighting shall be shielded away from adjacent residential uses. (Amended 03/24/05)

g. No exterior loudspeakers or paging equipment shall be permitted on the site.

44. Shooting Range, Indoor. (Allowed in C-H and M-1 Zoning Districts)

a. The Indoor Shooting Range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.

b. The Indoor Shooting Range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection

Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.

c. ***The Indoor Shooting Range shall meet Section 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.***

45. ***Shooting Range, Outdoor. (Allowed in A-R and M-1 Zoning Districts)***

a. ***The Outdoor Shooting Range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.***

b. ***The Outdoor Shooting Range shall meet all applicable State and Federal Regulations including, but not limited to: the Georgia Department of Natural Resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.***

c. ***The Outdoor Shooting Range shall meet Sections 12-5 (Discharging Firearms) and 12-26 (Fayette County Noise Control Ordinance) of the Fayette County Code.***

44. Single-Family Residence ***and accessory structures and/or uses (see Article V.)***. (Allowed in the C-C, C-H, ***L-C,*** M-1, M-2, O-I, and BTP Zoning Districts) (Amended 08/27/09)

a. Said residence shall be a single-family detached residence.

b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.

45. ***Stadium, Outdoor Athletic. (Allowed in the C-H and M-1 Zoning Districts)***

The outdoor athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

46. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities. (Allowed in ~~the A-R, C-C, C-H, MHP, and~~ ***all*** residential ***and nonresidential*** Zoning Districts)

a. Minimum lot size: five (5) acres

b. All structural parts of the facility shall be contained within the boundaries of the lot.

c. ***Telephone, Electric, or Gas Sub-Station facilities shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with vinyl slat inserts for screening. Access to the facility shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.*** ~~An eight (8) foot high fence capped with barbed wire, with a locked gate, shall surround the facility.~~

d. ~~The facility shall be screened in accordance with Section 5-19 herein.~~

e. If electrical current is present in the ***Telephone, Electric, or Gas Sub-Station*** facility, signs stating "High Voltage" shall be attached to the fence every ~~twenty (20)~~ ***20*** linear feet.

f. A 100 foot undisturbed buffer is required adjacent to all property lines ***except an administrative office with no outside storage shall be exempt from the buffer requirement.***

g. A landscaped strip ten (10) feet in width surrounding the perimeter of the Telephone, Electric, or Gas Sub-Station facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every ten (10) feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as Telephone, Electric, or Gas Sub-Station facilities sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan.

~~47. Temporary Carnival or Rodeo. (Allowed in the A-R Zoning District).~~

~~a. Said carnival or rodeo shall not be operated longer than fourteen (14) ***14 calendar*** days per year.~~

~~b. Tents shall require the approval of the Fayette County Fire Marshal.~~

~~c. Off-street parking shall be required.~~

~~d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.~~

Relocated to Horse Show, Rodeo, Carnival, and/or Community Fair.

48. ***Temporary Tent Sales. (Allowed in the C-C and C-H Zoning Districts)***

a. Said tent sales shall not be operated longer than 28 calendar days per year;

b. Tents shall require the approval of the Fayette County Fire Marshal;

c. Off-street parking shall be required;

d. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;

e. Location of outdoor sales, as well as, a temporary tent:

1. Shall comply with zoning requirements for setbacks.

2. Shall be exempt from Article V. Screening Standards, except where provided herein.

3. Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.

49. Transfer Station for Household ~~and~~ /Commercial Garbage ***and/or Recyclable Materials (including processing and handling).*** (Allowed in the M-2 Zoning District)

a. Minimum lot size: ten (10) acres

~~b. A minimum fifty (50) foot buffer shall be provided around the entire site so that transfer station operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.~~

c. Transfer station operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.

c. The transfer station shall comply with all licensing requirements of the State of Georgia.

50. Wind Farm. (Allowed in the M-1 and M-2 Zoning Districts) The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.

7-2. Nonconformances.

A. Nonconforming Lots.

~~Any lot, being a lot of record at the time of passage of this ordinance that fails to comply with the minimum requirements of this Ordinance,~~ ***A legally existing lot of record which fails to comply with the provisions herein, as of the effective date of this Ordinance (November 13, 1980), or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures as long as all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures, a variance authorized by the Zoning Board of Appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.***

~~1. If vacant, be used for a dwelling, in the A-R or a residential zoning district, provided that the height and floor area requirements along with the yard and any other applicable requirements are met.~~

~~2. If vacant and in any district other than a residential or A-R Zoning District, be used for any use allowed in the applicable district provided that the minimum requirements for height, floor area and yards, and any other applicable requirements shall be met.~~

~~3. If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended provided that the minimum requirements for height, floor area and yards and any other applicable requirements are met.~~

Creation of a Legal Nonconforming Lot for Enhancements to a Development. Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, tot lots, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs and the preservation of historic and agricultural structures for ornamentation (see Nonconforming Structures). A tot lot shall only be equipped with playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children. A minimum 15 foot setback shall be maintained for any playground equipment or any historic or agricultural structures utilized for ornamentation. The lot must be labeled: "Not a Building Lot" on the Preliminary Plat and/or the Final Plat, as applicable. The lot shall be under the ownership of the Home Owner's Association, Property Owner's Association, or Developer/Property Management entity, as applicable.

Creation of a Legal Nonconforming Lot for a Legal Nonconforming Cemetery or Burial Ground. The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat and/or site plan, as applicable. A minimum 20 foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

Individual lots, parcels or tracts affected by proposed rezonings which are initiated by a party other than the Board of Commissioners of Fayette County shall ~~each be of sufficient size and shape to~~ meet ~~all~~ ***the minimum lot size, lot width, and road frontage*** requirements of this Ordinance***, except as otherwise provided herein.*** Combination or division of lots ***to achieve compliance with said requirements*** ~~in accordance with County regulations~~, shall be accomplished as a condition of ***rezoning*** approval. ~~prior to the approval of any permits or applications.~~

Consideration for the Rezoning of Legal Nonconforming Lots. Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:

1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and

2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the Zoning Board of Appeals shall be required.

B. ***Nonconforming Uses.***

Nonconforming Open Uses of Land. ***Any legally existing open*** use~~s~~ ***of land which fails to comply with the provisions herein, as of the effective date of this Ordinance (November 13, 1980), or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a County initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses*** consist~~ing~~ of storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.

1. When a ***legal*** nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

2. ***Legal*** nonconforming open uses of land shall not be changed to any use but conforming uses.

3. A ***legal*** nonconforming open use of land shall not be enlarged to cover more land.

4. When any ***legal*** nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Nonconforming Use of ***a*** Structures~~s~~. ~~Nonconforming~~ ***Any legally existing*** use~~s~~ of ***a*** structures~~s~~ ***which fails to comply with the provisions herein, as of the effective date of this Ordinance (November 13, 1980), or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a County initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure.*** ~~include structures used, at the time of passage of this Ordinance, for purposes not permitted in the zoning district in which they are located.~~ ~~They~~ ***Said uses*** shall be governed by the following restrictions:

1. A ***legal*** nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.

2. A ***legal*** nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

3. A ***legal*** nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.

4. When any ***legal*** nonconforming use of a structure is discontinued for a period in excess of six (6) months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Request for Change of the ***Legal*** Nonconforming Use of a Structure. The ***Zoning*** Board ***of Appeals*** may authorize, upon appeal in specific cases, a change in the ***legal*** nonconforming use of a structure in accordance with the provisions ~~of Section 7-2.C~~ ***herein***.

Request for Extension or Enlargement of the ***Legal*** Nonconforming Use of a Structure. The ***Zoning*** Board ***of Appeals*** may authorize upon appeal in specific cases an extension ***or enlargement*** of an existing ***legal*** nonconforming use which the Board is specifically authorized to ~~pass on~~ ***consider*** under the terms herein. Said extensions may be granted in an individual case upon a finding by the Board that:

1. The use is a ***legal*** ~~nonconformance~~ ***nonconforming use*** as defined in these regulations;

2. The ***legal nonconforming*** use is in full compliance with all requirements of these regulations applicable to nonconformances; and

3. The extension of said ***legal nonconforming*** use will not further injure a permitted use on adjacent property in the same zoning district.

Continuance of ~~Nonconformance~~ ***a Legal Nonconforming Use***. The Board may allow a ~~nonconformance~~ ***legal nonconforming use*** to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Board that:

1. The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the ~~nonconformance~~ ***legal nonconforming use*** is situated; and

2. Undue hardship to the property owner would result in not allowing the continuance of a ~~nonconformance~~ ***legal nonconforming use***; and

3. Adjacent property would not be unduly damaged by such continuance; and

4. The use is to be identical to the prior ~~nonconformance~~ ***legal nonconforming use***.

C. Nonconforming Structures.

Nonconforming Structures. Any legally existing structure, which fails to comply with the provisions herein, as of the effective date of this Ordinance (November 13, 1980), or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a Request for a Variance (Article IX) shall be considered.

Restoration and Re-Use of Nonconforming Historic Structures. Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:

1. The structure and previous use ~~must~~ ***shall*** be identified in the Architectural Survey of Fayette County. ***The re-use of the historic structure will be subject to the regulations of the Nonconforming Use of a Structure (Article. VII.).*** (Amended 12/05/01)

2. The structure itself ~~must~~ ***shall*** be the subject of restoration. Any extension, enlargement or alteration of the structure ***that does not comply with the minimum requirements of this ordinance*** is subject to approval of the Zoning Board of Appeals.

3. Areas of consideration for approval of such a request include, but are not limited to:

   ~~a. Submittal of a site plan;~~

   a. Restriction of allowable uses;

   b. Parking requirements; ***and***

   c. ***Buffer and*** landscaping requirements; ~~and~~

   ~~e. Signage.~~

Use of Historic Residential Structures ***and Agricultural Structures*** in Residential Subdivisions. The preservation of historic residential structures listed in the Architectural Survey of Fayette County ***and agricultural structures*** ~~is~~ ***are*** ~~encouraged~~ ***allowed*** in residential subdivisions ***to preserve the character of Fayette County*** as these structures can be used as residences, ~~or~~ community facilities, ***or as ornamentation*** for the subdivision. Existing structures used for a community facility ~~must~~ ***shall*** meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The use of these structures will be subject to the approval of the Zoning Board of Appeals in terms of any nonconformance with the applicable zoning district**.** (Adopted in its entirety 12/05/01)

Reconstruction of ***Legal*** Nonconforming Structures. When a ***legal*** nonconforming structure ~~or a structure containing a nonconforming use~~ is ~~razed~~ ~~or~~ damaged by fire, flood, wind or act of God, such structure may be reconstructed ***as a legal nonconforming structure*** only if the cost of reconstruction totals less than ~~seventy-five (75)~~ ***75*** percent of the current fair market value of the structure for tax purposes. ***Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a Certificate of Occupancy (per applicable International Residential Code and International Building Code.)*** The "value of the structure" shall not include the value of any accessory building, well, septic

tank or utility in determining the extent of the damage. ~~Structures which do not conform to the yard requirements herein shall also be governed by this provision.~~

Maintenance or Repair of Legal Nonconforming Structures. The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a Certificate of Occupancy (per applicable International Residential Code and International Building Code.)

A property ~~which~~ ***that*** is improved with ***an*** existing structure~~s~~ ~~and~~ which would become nonconforming ***in terms of the setbacks only*** within the zoning district for which ~~the~~ ***a*** rezoning is ***being*** sought may be considered for rezoning, ***except as otherwise provided in Article VI., O-I. and Article VII, Transportation Corridor Overlay Zone.*** ~~; however, the concept plan must illustrate an attempt by the applicant to meet, to the extent possible, all requirements herein, and no subsequent use may be approved which would further a deficiency of required on-site parking~~. ***Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure and allowed to remain within the setback. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals.*** Any new ***structure*** ~~construction or improvements, including expansion of any existing structure,~~ shall comply with the ***dimensional*** minimum requirements herein, ~~and shall not be approved unless the parking requirements for the entire property can be met~~.

A property that is improved with an existing structure, which would become nonconforming in terms of the architectural requirements within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a Transportation Corridor Overlay Zone regarding enlargement of an existing nonconforming structure.

A property that is improved with an existing structure, which would become nonconforming in terms of the maximum height limits within the Zoning Ordinance, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.

A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

A property that is improved with accessory structures, which would become nonconforming in terms of the accessory structure requirements within the Zoning Ordinance, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

~~7-4. Changes in Zoning. Any nonconformances produced by a change in zoning district boundaries or Ordinance regulations after the date of passage of this Ordinance shall also be governed by the provisions of Section 7-2.~~

Illegal Nonconforming Uses. Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of this Ordinance, ***or amendment hereto,*** this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the Zoning Map of Fayette County.

7-4. Changes in Zoning. Any nonconformances produced by a change in zoning district boundaries ***initiated by the County*** or Ordinance regulations after the date of ~~passage~~ ***adoption*** of this Ordinance ***(November 13, 1980)*** shall also be governed by the provisions of ~~Section 7-2~~ ***Article VII.***

7-5. Illegal Nonconforming Uses. Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the adoption of this Ordinance ***(November 13, 1980)***, ***or amendment hereto,*** this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the Zoning Map of Fayette County.

7-6. Transportation Corridor Overlay Zone
(A. - Adopted in its entirety 03/09/95) (A., B., C. - Amended 06/24/04)

For the purposes of Section 7-6., a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

A. S.R. 54 West Overlay Zone. All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

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

a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;

b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and

c. To protect the aesthetics for existing and future residential areas in this Highway Corridor. (Amended 03/22/07)

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

a. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 06/07/06) (Amended 03/22/07)

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

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

b. Setbacks will be as follows:

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

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

d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)

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

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

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements ~~must~~ ***shall*** be submitted as part of the Site Plan:

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade ~~must~~ ***shall*** be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

Gasoline Canopy. Gasoline canopies shall also comply with the following requirements: (Adopted 10/22/09)

(1) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3” to 12” to permit the height of the peak of the roof to be equal to or no more

than five (5) feet above the peak of the roof of the convenience store. (Adopted 10/22/09)

(2) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height. (Adopted 10/22/09)

(3) The support columns for the gasoline canopies shall match the façade of the convenience store. (Adopted 10/22/09)

(4) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store. (Adopted 10/22/09)

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

c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. ***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 (2) foot high knee wall consisting of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco)***; and (Amended 03/22/07)

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

e. When an existing nonconforming structure is enlarged by ~~fifty~~ ***50*** percent ~~(50%)~~ or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ ***50*** percent ~~(50%)~~, the entire nonconforming structure

~~must~~ ***shall*** be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

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

* *(excluding the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road)* (Amended 06/07/06)

Architectural Option.

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:

a. Street Frontage. Landscape area: ~~fifty (50)~~ ***50*** feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established

by the Environmental Health Department and the County Engineer. ***Utilities (including underground stormwater piping) may be located anywhere within the landscape area.*** (Amended 02/23/06) (Amended 06/07/07)

b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

6. Use of Existing Structure: When property containing ~~a lawfully existing~~ ***legally conforming*** ~~building and accessory~~ structures***, under the current zoning,*** is rezoned to O-I ~~or Commercial, to use the existing buildings, the following requirements shall apply:~~ ***the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.***

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

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

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

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

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

a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site. (Adopted 03/22/07)

b. No outside storage allowed.

c. All ~~roof-top mechanical~~ ***heating, ventilation and air conditioning (HVAC)*** equipment and satellite***/communications equipment*** ~~dish antennas~~ shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)

d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR54.

B. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line. (Amended 03/22/07)

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

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

b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

c. To protect the aesthetics for existing and future development in this highway corridor. (Adopted 03/22/07)

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

a. Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)

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

a. All impervious surfaces, other than approved access, shall be

located at least ~~fifty (50)~~ ***50*** feet from the right-of-way of SR 85 North and a minimum of ten (10) feet from the side property lines

b. Setbacks will be as follows:

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

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

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

d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)

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

a. All buildings of which any portion of said building is constructed within 1,000 feet of the right-of-way of S.R. 85 North shall be constructed of brick/brick veneer, fiber-cement siding (ie: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), and/or wood siding. (Amended 03/22/07)

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

c. When an existing nonconforming structure is enlarged by ~~fifty~~ ***50*** percent ~~(50%)~~ or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ ***50*** percent ~~(50%)~~, the entire nonconforming structure ~~must~~ ***shall*** be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

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

5. Landscape Requirements: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

Street Frontage. Landscape area: ~~fifty (50)~~ ***50*** feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. ***Utilities (including underground stormwater piping) may be located anywhere within the landscape area.***
(Amended 02/23/06)

b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

6. Use of Existing Structure: When property containing ~~a lawfully existing~~ ***legally conforming*** ~~building and accessory~~ structures***, under the current zoning,*** is rezoned to O-I ~~or Commercial, to use the existing buildings, the following requirements shall apply:~~ ***the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.***

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

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

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

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

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

   a. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

   b. All ~~roof-top mechanical~~ ***heating, ventilation and air conditioning (HVAC)*** equipment and satellite***/communications equipment*** ~~dish antennas~~ shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)

   c. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

(Adopted in its entirety 06/24/04)

C. General State Route Overlay Zone. All property and/or development which have road frontage and/or access on State routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This Overlay Zone specifically excludes SR 54 West, SR 85 North, and SR 74 North for which other Overlay Zones have been established herein. The Architectural Standards of this Overlay Zone Specifically excludes the L-C zoning district, for which other architectural standards have been established. (Amended 06/07/06) (Amended 03/22/07) (Amended 08/27/09)

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

   a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;

   b. To protect existing and future residential areas near highway corridors; and

   c. To protect the aesthetics for existing and future residential areas in this highway corridor. (Adopted 03/22/07)

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

   a. Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)

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

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

   b. Setbacks will be as follows:

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

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

      d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)

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

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the
use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade ~~must~~ ***shall*** be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)

Gasoline Canopy. Gasoline canopies shall also comply with the following requirements: (Adopted 10/22/09)

(1) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store. (Adopted 10/22/09)

(2) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height. (Adopted 10/22/09)

(3) The support columns for the gasoline canopies shall match the façade of the convenience store. (Adopted 10/22/09)

(4) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store. (Adopted 10/22/09)

b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential. (Amended 03/22/07)

c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. ***This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (i.e.: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco.)*** (Amended 03/22/07)

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

e. When an existing nonconforming structure is enlarged by ~~fifty~~ ***50*** percent ~~(50%)~~ or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per lot shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than ~~fifty~~ ***50*** percent ~~(50%)~~, the entire nonconforming structure ~~must~~ ***shall*** be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

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

Architectural Option.

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted.

Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:

   a. Street Frontage. Landscape area: ~~fifty (50)~~ ***50*** feet in depth along State Route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. ***Utilities (including underground stormwater piping) may be located anywhere within the landscape area.***
   (Amended 02/23/06)

   b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

6. Use of Existing Structure: When property containing ~~a lawfully existing~~ ***legally conforming*** ~~building and accessory~~ structures***, under the current zoning,*** is rezoned to O-I ~~or Commercial, to use the existing buildings, the following requirements shall apply:~~ ***the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.***

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

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

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

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

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

a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site. (Amended 03/22/07)

b. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

c. All ~~roof top mechanical~~ ***heating, ventilation, and air conditioning (HVAC)*** equipment and satellite***/communications equipment*** ~~dish antennas~~ shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)

d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a State Route.

(Adopted in its entirety 08/27/09)

D. S.R. 74 North Overlay Zone. All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton County line to achieve the goals of the SR 74 North Overlay District contained in the Fayette County Comprehensive Plan.

1. Purpose. The purpose of the SR 74 North Overlay Zone is to achieve the following:

   a. To maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85;

   b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and

   c. To protect existing and future residential areas in the SR 74 North corridor.

2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor:

   a. West Side of SR 74 North Access and Internal Roadways. An internal collector road connecting all three of the large tracts identified in the Fayette County Comprehensive Plan, in the SR 74 North Overlay District properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated County will be limited to one (1) right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road.

   The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the Department of Engineering Department of Public Works.

   b. East Side of SR 74 North Access and Internal Roadways. To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive ~~must~~ ***shall*** be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the Fayette County line. Within Fayette County this service drive will extend from the Fulton County line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially zoned properties along SR 74 ~~must~~ ***shall*** be accessed via a public road built to County standards and dedicated to the County. Those affected properties are identified and addressed in the Fayette County Comprehensive Plan.

c. West Side of SR 74 North Multi-use Path System. In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three (3) of the large tracts identified in the Fayette County Comprehensive Plan, in the SR 74 North Overlay District, and will be constructed in conjunction with the roads. Said multi-use path system ~~must~~ ***shall*** connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line.

On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a ten (10) foot wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in the right-of-way will be made by the Division of Public Works.

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

a. All impervious surfaces, other than approved access, shall be located 50 feet from the State Route right-of-way.

b. Front yard setback on S.R. 74 North: 100 feet

~~c. Impervious surface: Per zoning district~~

c. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four (4) feet in height.

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

1. West Side of SR 74 North Architectural Standards:

a. All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or any architecturally engineered facades which simulate these materials.

b. The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.

c. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.

d. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

2. East Side of SR 74 North Architectural Standards:

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade ~~must~~ ***shall*** be of a residential character with the appearance of shingles, slate or terra cotta:

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

c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. ***This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco)***;

d. The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the primary structure on the property including the roof pitch.

5. Landscape Requirements: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

   a. Street Frontage: SR 74 (Major Arterial) - Landscape area: 50 feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/ groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. ***Utilities (including underground stormwater piping) may be located anywhere within the landscape area.***

   b. Side Yard Landscape Area: Ten (10) feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

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

   a. Shielding standards. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.

   b. Fixture height standards. Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten (10) feet in height within non-vehicular pedestrian areas.

7. Additional Requirements. The following requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

   c. All refuse areas and equipment shall be allowed in the side or rear yards only and ~~must~~ ***shall*** be screened.

   d. All roof top HVAC equipment and satellite dish antennas shall be visually screened from adjacent roads and property zoned A-R or residential. The screen shall extend to the full height of the objects

being screened.

e. Bay doors shall not be allowed to directly face SR 74 North.

f. All utilities shall be underground.

8. Use of Existing Structure: When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

Section 7-7. Commercial Development Standards. (Added in its entirety 08/26/04)

A. Architectural and site design standards and guidelines for structures 5,000 ~~sq ft~~ ***square feet*** or greater (this applies to a single structure) that are located in the area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District).

1. Lighting:

a. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.

b. Shielding standards. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways or nearby residential areas.

c. Fixture height standards. Lighting fixtures shall be a maximum of ~~thirty-five (35)~~ ***35*** feet in height within the parking lot and shall be a maximum of ten (10) feet in height within non-vehicular pedestrian areas.

d. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent and neon, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.

2. Service Function Areas (SFA's) including, but not limited to loading, storage, mechanical equipment, and solid waste disposal.

a. Buffering and screening standards. Loading areas or docks, trash collection/compaction/recycling, mechanical equipment, vehicular storage (excluding new and used cars), roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level.

b. Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the structure on site.

3. Drive-through lane standards:

a. Drive-through windows shall not be placed between the building and a public road right-of-way.

4. Pedestrian access standards:

a. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to all parking areas and outlots. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within required landscape areas, provided the landscape area is not less than ten (10) feet in width on average. Shared pedestrian walkways are required between adjacent projects.

b. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

c. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.

d. Materials. Pedestrian walkways and crosswalks shall be consistent with the provisions of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.

5. Building design:

a. Building orientation standards. Facades/elevations that are visible from an arterial or collector street constitute an affected facade. Any facade that fronts on a right-of-way shall have two (2) of the following design features;

1. Windows at a minimum of ~~twenty-five (25)~~ ***25*** percent of the affected facade. All doors and windows ~~must~~ ***shall*** be divided or made to appear as if divided into more than ***two (***2***)*** smaller panes either through framing or the use of mullions.

2. Projected covered public entry with a minimum of ~~twenty-five (25)~~ ***25*** percent of each projected wall space devoted to windows. (This figure is non-cumulative).

3. Covered walkway (excluding canvas type) provided with six (6) inch columns or better, attached to the building at a minimum extension of eight (8) feet wide. The walkway ~~must~~ ***shall*** be a minimum of eight (8) feet in height with a maximum of ten (10) feet in height and ~~must~~ ***shall*** extend the full length of the affected facade.

4. Canopies/Awnings of a fixed nature.

b. Facade/wall height transition: New developments that are located within ~~three hundred (300)~~ ***300*** feet of an existing building and are more than twice the height of, or are half of the height of, or less than any existing building shall provide transitional massing elements to transition between the existing buildings of lower height within ~~three hundred (300)~~ ***300*** feet, and the proposed development. Any building that is more than two (2) stories shall have massing for any possible future neighboring development.

c. Facade standard: All buildings shall be designed with consistent architectural style. In the case of outlot buildings, all exterior facades shall adhere to the requirements of this section with respect to architectural design treatments for all facades. All exterior facades shall be designed to employ the following design treatments:

1. All buildings shall maintain a facade of brick, stone, or stucco.

2. Window standards: Windows shall not appear to be false or applied.

3. No horizontal length and/or uninterrupted curve of a building facade or roofline shall exceed ~~twenty-five (25)~~ ***25*** linear feet and shall have architectural elements along a minimum of ~~fifty (50)~~ ***50*** percent of their horizontal length per affected side. These features include, but are not limited to: display windows; projected entry areas; and/or other such design elements as proposed by the architect.

ARTICLE VIII. ADMINISTRATION, ENFORCEMENT, PENALTIES

8-1. Zoning Administrator. An administrative official designated as the Zoning Administrator shall administer and enforce the provisions herein.

8-2. Remedies. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is, or is proposed to be, used in violation of any provision herein, the Zoning Administrator, or any other appropriate authority, may, in addition to other remedies provided by law and after due notice to the person in violation, issue a citation for the violation of this Ordinance. The citation for the alleged violation shall be heard in the State Court of Fayette County. The Court shall give the person a full opportunity to be heard and, if the defendant is adjudged to be guilty, the Court shall determine the extent and nature of the violation and the appropriate penalty. Where a violation has been determined to exist with respect to a building, structure or premises, the Court may, in addition to other remedies provided by law, require that public utility service be withheld there from until such time as the building, structure or premises are no longer in violation.

8-3. Stop Work Order. Whenever the Zoning Administrator or his or her designee determines that any building or structure is being constructed, altered, or modified, or any land is being used in violation of the terms herein, and in the Zoning Administrator's judgment, immediate cessation of such construction, alteration, or modification of buildings or structures or use of land is required to prevent harm to any person, firm, corporation, or governmental body, or to preserve the status quo, the Zoning Administrator may issue a Stop Work Order to those responsible. Appeals from the decision of the Zoning Administrator with regard to interpretation, administration, and enforcement shall be made to the Zoning Board of Appeals in accordance with the provisions of ~~Section 8-6~~ ***Article VIII***.

8-4. Penalties. Any firm, person, or corporation that shall do or fail to do anything prohibited or required by this Ordinance shall, upon conviction, be guilty of a violation of this Ordinance and shall be fined no more than $1,000.00 or imprisoned for no more than ~~sixty (60)~~ ***60*** days or both for each offense. Each day a violation continues shall be deemed as a separate offense.

8-5. Permits and Licenses Void When Issued in Conflict. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

8-6. Appeals. Appeals from the decision of the Zoning Administrator with regard to interpretation, administration, and enforcement shall be made to the Zoning Board of Appeals.

ARTICLE IX. ZONING BOARD OF APPEALS

9-1. Membership.

A. Membership and Appointments. The Fayette County Zoning Board of Appeals ~~(the "Board")~~ shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners of Fayette County. None of the Board members shall hold any other public office, except that one (1) member may also be a member of the Planning Commission. ~~Board~~ ***The Zoning Board of Appeals*** members shall be removed ***by the Board of Commissioners*** for cause, upon written charges, and after public hearing. Any member of the ~~Board~~ ***Zoning Board of Appeals*** shall be disqualified to act upon a matter before the ~~Board~~ ***Zoning Board of Appeals*** with respect to property in which the member has an interest. It ~~shall~~ ***may*** be deemed cause for removal should any ~~Board~~ ***Zoning Board of Appeals*** member fail, without proper reason, to attend three (3) consecutive meetings.

B. Term of Office. The term of office for each member of the ~~Board~~ ***Zoning Board of Appeals*** shall be for three (3) years~~; however, in the appointment of the first Board, two (2) members shall be appointed for three (3) years; two (2) for two (2) years; and one (1) for one (1) year~~. It is the intent of this section that their terms be staggered ***with no term limitation***. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. ~~If one appointee is a member of the Planning Commission, and he ceases to be a member of said Planning Commission during the term of his appointment to the Board, his membership shall terminate and the governing authority may name a member of the Planning Commission to fill the unexpired term of the original appointee.~~

C. Compensation. The ~~Board~~ ***Zoning Board of Appeals*** members shall receive compensation for their service as determined by the Board of Commissioners of Fayette County.

9-2. Rules and Procedures. The ~~Board~~ ***Zoning Board of Appeals*** shall elect one ***(1)*** of its members as Chairman and another as Vice-Chairman, each serving for one (1) year, or until re-elected, or a successor is elected. The Vice-Chairman shall have the authority to act as Chairman in the Chairman's absence. The ~~Board~~ ***Zoning Board of Appeals*** shall appoint a Secretary who shall be an employee of Fayette County. The ~~Board~~ ***Zoning Board of Appeals*** shall have authority to adopt rules of procedure. Meetings of the ~~Board~~ ***Zoning Board of Appeals*** ~~shall~~ ***may*** be held at the call of the Chairman. The Chairman may administer oaths and compel the attendance of witnesses by subpoena. The ~~Board~~ ***Zoning Board of Appeals*** shall keep Minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ~~Board~~ ***Zoning Board of Appeals*** and shall be public record. The decisions of the ~~Board~~ ***Zoning Board of Appeals*** shall contain a statement of the subject matter being considered by the ~~Board~~ ***Zoning Board of Appeals***, the decisions of the ~~Board~~ ***Zoning Board of Appeals***, and the grounds for its decision reduced to written form. The full text shall be sent to the appellant. ~~No appeal~~ ***An application*** which seeks the same relief in regard to the same property shall ***not*** be accepted ~~or heard by the Board~~ for a period of ~~twelve (12)~~ ***12*** months following the date of the written decision from ~~the previous~~ ~~appeal~~ ***said application***, except that this limitation shall not affect the right of the ~~Board~~ ***Zoning Board of Appeals*** to grant a rehearing as provided in the rules of procedure as may be adopted by the ~~Board~~ ***Zoning Board of Appeals.***

9-3. Administrative Assistance. The Zoning Administrator shall provide such technical, administrative, ~~and~~ clerical assistance, and office space as is required by the ~~Board~~ ***Zoning Board of Appeals*** to carry out its function under the provisions of herein.

9-4. Public Hearing.

A. Notice of Hearing Shall be Given. Before making its decision on an appeal, a request for a variance, or any other matter within the ~~Board's~~ ***Zoning Board of Appeals's*** purview, the ~~Board~~ ***Zoning Board of Appeals*** shall hold a public hearing thereon. At least ~~fifteen (15)~~ ***15 calendar*** days notice of the time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. Mail to the appellant/petitioner's last known address. ~~Similar notice shall be provided to the Planning Commission.~~ Such notice shall contain the name of the appellant/ petitioner; the date, time, and place set for the hearing; and a brief statement of the nature of the hearing.

B. Public Notice in Newspaper. The ~~Board~~ ***Zoning Board of Appeals*** shall cause public notice of the hearing to be published in the legal organ of Fayette County at least ~~fifteen (15)~~ ***15 calendar*** days ***but not more than 45 calendar days*** prior to the date of the public hearing.

C. Who May Appear. Any party may appear at the public hearing in person or by agent or attorney.

D. ***Zoning Board of Appeals's Decision. The Zoning Board of Appeals shall approve, deny, or table each application by a public vote. An action to table shall include justification of such action and a specific meeting date at which the application is to be reconsidered.***

If there is not a full Zoning Board of Appeals board present at the public hearing, the Petitioner may request to table the petition to the next Zoning Board of Appeals public hearing, provided the Petitioner requests to table the agenda item prior to the presentation.

A new legal advertisement will not be required with an announcement to a specific meeting date if an application is tabled; however, the property will be reposted with new signage indicating the new public hearing dates.

~~D.~~***E.*** Time Limit on ~~Board's~~ ***Zoning Board of Appeals's*** Decision. The ~~Board~~ ***Zoning Board of Appeals*** shall reach a decision following a public hearing within ~~thirty (30)~~ ***45 calendar*** days ***or the application shall be deemed to be approved***. ~~The decision of the Board shall be made by a public vote and shall not be final until the resolution of the decision has been duly adopted and approved by the Board.~~

9-5. Powers and Duties.

A. Appeals from Actions of the Zoning Administrator. The ~~Board~~ ***Zoning Board of Appeals*** shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

1. Who May Appeal. Appeals to the ~~Board~~ ***Zoning Board of Appeals*** may be taken by any person aggrieved or by an officer, department, ***or*** board ~~, or bureau~~ of ~~the governing authority~~ ***Fayette County*** affected by any decision of the Zoning Administrator. Such appeals***, specifying the grounds thereof*** shall be filed ***with the Planning and Zoning Department*** no later than ~~thirty (30)~~ ***30 calendar*** days after the date of notification of the ***Zoning Administrator's*** decision ~~appealed from by filing with Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof~~. The Zoning Administrator shall forthwith transmit to the ~~Board~~ ***Zoning Board of Appeals*** all the papers constituting the record upon which the action appealed from was taken.

2. Legal Proceedings Stayed. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ~~Board~~ ***Zoning Board of Appeals*** that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.

3. Extent of ~~Board of Appeals~~ ***Zoning Board of Appeals's*** Power. The ~~Board~~ ***Zoning Board of Appeals*** may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the Zoning Administrator. The ~~Board~~ ***Zoning Board of Appeals*** may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the ~~Board~~ ***Zoning Board of Appeals.***

B. Request for a Variance. The ~~Board~~ ***Zoning Board of Appeals*** may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, a variance shall not be granted for ***a reduction in lot size, lot width, road frontage, or any requirements of a Conditional Use, or*** a use of land, building, or structure that is prohibited in the zoning district at issue***, except as otherwise provided herein***. A variance may be granted in an individual case upon a finding by the ~~Board~~ ***Zoning Board of Appeals*** that the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and

3. Such conditions are peculiar to the particular piece of property involved; and

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed; and

6. Provided that the ~~Board~~ ***Zoning Board of Appeals*** may impose or require such additional restrictions***, conditions,*** and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the ~~terms, conditions, or~~ restrictions***, conditions, and standards*** upon which such permit was granted are not being complied with, said ~~Board~~ ***Zoning Board of Appeals*** shall rescind and revoke such permit after giving due

notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the ~~Board~~ ***Zoning Board of Appeals*** shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance.

~~C.~~ ~~Request for Change of the Nonconforming Use of a Structure. The Board may authorize, upon appeal in specific cases, a change in the nonconforming use of a structure in accordance with the provisions of Section 7-2.C ***herein***.~~
RELOCATED TO ARTICLE VII.

~~D.~~ ~~Request for Extension or Enlargement of the Nonconforming Use of a Structure. The Board may authorize upon appeal in specific cases an extension of an existing nonconforming use which the Board is specifically authorized to pass on under the terms herein. Said extensions may be granted in an individual case upon a finding by the Board that:~~ **RELOCATED TO ARTICLE VII.**

~~1. The use is a nonconformance as defined in these regulations;~~
RELOCATED TO ARTICLE VII.

~~2. The use is in full compliance with all requirements of these regulations applicable to nonconformances; and~~
RELOCATED TO ARTICLE VII.

~~3. The extension of said use will not further injure a permitted use on adjacent property in the same zoning district.~~
RELOCATED TO ARTICLE VII.

~~E.~~ ~~Continuance of Nonconformance. The Board may allow a nonconformance to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Board that:~~
RELOCATED TO ARTICLE VII.

~~1. The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the nonconformance is situated; and~~
RELOCATED TO ARTICLE VII.

~~2. Undue hardship to the property owner would result in not allowing the continuance of a nonconformance; and~~
RELOCATED TO ARTICLE VII.

~~3. Adjacent property would not be unduly damaged by such continuance; and~~
RELOCATED TO ARTICLE VII.

~~4. The use is to be identical to the prior nonconformance.~~
RELOCATED TO ARTICLE VII.

~~F~~C. Compliance with Standards. Where an application to the Board is initiated due to an existing violation of the Zoning Ordinance and said application is denied, the violation shall be required to be corrected within ten (10) ***calendar*** days of such denial, or as specified by the Board, if a greater time period is necessary. The maximum extension of the time shall not exceed ~~thirty (30)~~ ***30 calendar*** days.

~~G~~D. Forms. Appeals, requests for variances, and requests for extensions or continuances of nonconformances shall be made on forms provided by the Zoning Administrator; and all information requested on the forms shall be provided by the appellant. Forms shall be filed with the Zoning Administrator along with the necessary fees incidental to the appeal. No form shall be accepted by the Zoning Administrator unless it contains all pertinent information and is accompanied by the required fee.

ARTICLE X. SCHEDULE OF FEES

Fees. A schedule of fees shall be established from time to time by the Board of Commissioners. The schedule shall be kept in the office of the Zoning Administrator and shall be available to the public. All fees required by this ~~section~~ ***article*** shall be in addition to any other fees and charges required under other ordinances as enacted by the Board of Commissioners.

ARTICLE XI. POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENT ~~FAYETTE COUNTY PLANNING COMMISSION~~

11-1. Intent. The purpose of this Article is to describe and establish procedures for making changes to the Official Zoning Map (i.e., rezoning of properties) and amending the text of this Ordinance. Such actions require legislative approval by the Board of Commissioners in order to be enacted.

11-2. Technical Evaluation and Qualification of Properties.

A. Every petition for a legislative change shall be subject to a technical evaluation. The evaluation shall be conducted by the ~~County Planner~~ ***Zoning Administrator*** who shall coordinate a review of the proposal with all appropriate ***County*** departments~~, sections~~ and public agencies. Following the evaluation, the ~~County Planner~~ ***Zoning Administrator*** shall prepare a report containing recommendations to be presented to the Planning Commission and the Board of Commissioners.

B. The Zoning Administrator shall distribute copies of applications for amendment to the Planning Commission and the Board of Commissioners. In addition, ~~certain departments listed below, and a representative of the Soils Conservation Service~~ ***the members of the Technical Review Committee (TRC)*** shall be supplied with copies of each application. Each department head ***or his/her designee*** shall return his or her comments, in writing, to the Zoning Administrator ~~at least seven (7) days prior to the Planning Commission hearing~~ ***per the deadline established by the Planning & Zoning Department.*** ~~The Board of Education~~

~~shall be supplied a copy of every residential application consisting of ten (10) or more lots. The following departments shall receive applications for comments:~~

~~1. Department of Public Works (County Engineer);~~

~~2. Department of Health;~~

~~3. Fire Department; and~~

~~4. Water System.~~

C. ~~Individual lots, lots or lots~~ ***Any lot(s)*** affected by proposed rezonings which are initiated by a party other than the Board of Commissioners of Fayette County shall each be of sufficient size and shape to meet all requirements of this Ordinance. Combination or division of lots, in accordance with County regulations, shall be accomplished as a condition of approval prior to the approval of any permits or applications.

D. A property which is improved with existing structures and which would become nonconforming within the zoning district for which the rezoning is sought may be considered for rezoning; however, the concept plan ~~must~~ ***shall*** illustrate an attempt by the applicant to meet, to the extent possible, all requirements herein~~, and no subsequent use may be approved which would further a deficiency of required on-site parking~~. Any new construction or improvements, including expansion of any existing structure, shall comply with the minimum requirements herein ~~and shall not be approved unless the parking requirements for the entire property can be met~~.

11-3. Public Hearings.

A. Date, Place and Time. ~~The Planning Commission shall from time to time establish a schedule of Planning Commission and Board of Commissioner public hearings, which shall include filing deadlines for submission of applications.~~ The public hearings shall be conducted as follows:

1. Place: Fayette County Administrative Complex

2. Time and Date:

a. Planning Commission: First Thursday, 7:00 p.m.

b. Board of Commissioners: Second and Fourth Thursdays, 7:00 p.m.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the County in compliance with the requirements for public notification ~~(Section 11-11)~~ ***as provided herein***.

B. Conduct of Hearing. Public hearings on amendments shall be conducted with ~~at least ten (10)~~ ***15*** minutes provided for the proponents and ~~at least~~ ~~ten (10)~~ ***15*** minutes provided for the opponents of an application for rezoning. ***If necessary, the Chairman or Vice-Chairman, may allocate an equal amount of additional minutes for both the proponents and the opponents.*** An applicant may reserve part ~~of~~ ***or*** all of the allotted time for rebuttal.

1. Decisions: ~~Decisions~~ ***Recommendations*** of the Planning Commission and ***the decision of the*** Board of Commissioners on applications for rezoning shall be made subsequent to the public hearing.

2. Minutes: The Minutes of any public hearing/workshop/meeting shall be maintained with the zoning decision entered thereon. The Minutes shall be kept as public records.

11-4. Initiation of Amendments. Applications to amend the text of this Ordinance may be initiated by the Planning Commission, the Board of Commissioners, or by a citizen of Fayette County. The Planning Commission, the Board of Commissioners, a property owner**,** or the authorized agent of a property owner may initiate an application to amend the official zoning map (rezone property). When an agent is authorized to act on behalf of an owner, such certificate of authorization shall be notarized on the rezoning application. All information and required fees ~~must~~ ***shall*** be received by the Zoning Administrator by the deadline date for filing.

11-5. Limitation on Re-applying and Withdrawal. If the zoning decision of the Board of Commissioners is to deny a rezoning of property, then ***an application for*** the same property may not ***be re-submitted*** ~~again be considered~~ for rezoning until the expiration of at least six (6) months, immediately following ~~such~~ ***the date of*** denial, ***unless approved for consideration by a four-fifths vote of the Board of Commissioners***. An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided ~~in Sections 11-7 and 11-8~~ ***herein.***

11-6. "Writ of Certiorari" (Appeal). An applicant has 30 calendar days from the date of the Board of Commissioners rezoning decision to file a "Writ of Certiorari" (Appeal) with the Superior Court of Fayette County.

11-~~6~~***7.***. Application for Amendment. Any citizen filing an application to amend the text or the official zoning map may obtain an application from the Zoning Administrator. Applications to amend the text or the official zoning map ~~must~~ ***shall*** be submitted on forms provided by the Zoning Administrator.

11-8. Planning Commission Recommendation.

A. The Planning Commission shall make a recommendation of approval, denial, table**,** or withdrawal without prejudice on each application. ***An action to table***

shall include a justification of such action and a specific meeting date at which the application is to be reconsidered.

If there is not a full board present at the public hearing, the Petitioner may request to table the petition to the ***next*** Planning Commission public hearing ~~the next month~~, provided the Petitioner requests to table the agenda item prior to the presentation.

A new legal advertisement will not be required with an announcement to a specific meeting date if an application is tabled; however, the property will be reposted with new signage indicating the new public hearing dates.

In addition, the Planning Commission may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the zoning district requested to one which is less intense, or recommend conditions which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety, and welfare secured.

~~C.~~***B.*** A report of the Planning Commission's ~~decision~~ ***recommendation*** shall be submitted to the Board of Commissioners. The report shall contain the ~~decision~~ ***recommendation*** of the Planning Commission, all grounds therefore, and shall be signed and approved by the Chairman ***or Vice-Chairman*** of the Planning Commission.

~~B.~~***C.*** If the Planning Commission fails to submit a report within ~~thirty (30)~~ ***100 calendar*** days from the ***date of the*** acceptance of the completed amendment application, the application shall ~~be deemed to have been approved~~ ***be forwarded to the Board of Commissioners with no recommendation. Actions of the Planning Commission which contribute to the delay, such as the lack of a full board or tabling the petition, shall count toward the 100 calendar days. Actions by the petitioner, such as a request to table, shall not count toward the 100 calendar days.***

11-9. Public Hearing before the Board of Commissioners.

A. After receipt of the Planning Commission's report and recommendation on the proposed amendment, the Board of Commissioners shall hold a public hearing. The
Board of Commissioners may approve, deny, or table an application. An action to table shall include a justification of such action and a specific meeting date at which the application is to be reconsidered. ***A new legal advertisement will not be required with an announcement to a specific meeting date; however, the property will be reposted with new signage indicating the new public hearing dates.***

B. In addition, the Board of Commissioners may approve an amendment with a reduction in the land area requested, change the zoning district requested (as long as such change is to a less intense zoning district), or add or delete conditions of zoning which will enhance the health, safety and welfare of the County.

C. The Board of Commissioners may, by a majority vote of all members, allow an application to be withdrawn without prejudice with regards to the waiting period required by a denial.

D. The decision of the Board of Commissioners shall be contained in a written report prepared by the Clerk of the Board of Commissioners. The report shall contain the decision of the Board of Commissioners, all grounds therefore, and shall be signed and approved by the Chairman ***or Vice-Chairman*** of the Board of Commissioners.

The Clerk shall provide a copy of the report to the Zoning Administrator ,which copy shall become a part of the application file, and shall send one (1) copy to the applicant by certified mail.

11-10. Conditional Approval. Any application for an amendment may be approved subject to conditions which relate to the use, occupancy, or development regulations for the property contained in the petition. Conditions imposed on the property may only be more restrictive than the requirements of any zoning district and other applicable parts of this Ordinance as may apply to the property. The following policies shall apply:

A. Controls Proposed by Applicant. An applicant may propose controls to be considered by the Planning Commission and the Board of Commissioners. Such proposed controls may include plans, limitations of use and occupancy, or more restrictive development standards than would otherwise be applied to the property.

1. Such proposed controls may be eliminated or changed into conditions of approval as submitted, or they may be eliminated, modified**,** or extended.

2. The Board may choose to incorporate, as conditions of approval, selected restrictions**,** or requirements which were not included in the request for controls submitted in the original application.

B. Consent Not Required. Approval of applications subject to conditions may occur with or without the consent of the applicant.

C. Conditions Shall be Permanent. All conditions imposed by action of the Board of Commissioners shall remain on the subject property regardless of changes in ownership.

D. Changes to Conditions. Conditions shall be changed only through the amendment process by which they were established or when expressly overridden by a State government authority taking precedence over the area of regulation.

11-11. Standards for Map Amendment (Rezoning) Evaluation. All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the Land Use Plan and related development policies of Fayette County. The ~~County Planner~~ ***Zoning Administrator*** shall prepare a report for each proposed map amendment which shall recommend a course of action including recommended conditions, if any. The following factors shall be considered by the ~~County Planner~~ ***Zoning Administrator***, the Planning Commission and the Board of Commissioners when reviewing a request for rezoning:

A. Whether the zoning proposal is in conformity with the Land Use Plan and policies contained therein;

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

C. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;

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

11-12. Public Notification.

A. Newspaper. Notice of scheduled hearings shall be published in the newspaper of general circulation within the County in which are carried the legal advertisements of the County.

1. The notice shall be published at least seven (7) days prior to the public hearing before the Planning Commission, but not more than ~~forty-five (45)~~ ***45 calendar days***, nor less than ~~fifteen (15)~~ ***15 calendar*** days prior to the public hearing before the Board of Commissioners. In the event that the time-frames above cannot be met with one ***(1)*** advertisement, the notice shall be published twice.

2. The notice shall contain the dates of the public hearings before the Planning Commission and the Board of Commissioners.

3. Public notification shall include at a minimum the time, date, place, ~~and~~ purpose of the hearing, location, boundary description**,** ~~and~~ area of the property, and the current and requested zoning classifications.

B. Posting of Sign(s).

1. A sign shall be posted ***on property for which the rezoning is sought. One (1) sign is required for each*** ~~along every~~ street frontage of ***said*** property ~~for which rezoning is sought.~~ The sign shall be posted consistent with the requirements for newspaper notification.

2. Signs used for posting property shall be a minimum of ~~eighteen (18)~~ ***18*** inches by ~~eighteen (18)~~ ***18*** inches and shall indicate the application number, the time, date, place**,** ~~and~~ purpose of the hearings, and the current and requested zoning classifications.

3. A refundable sign deposit shall be required ***for each sign*** at the time of application for rezoning.

C. Applicant Notification.

1. Upon certification by the Zoning Administrator that an application is complete, a notice giving the date, time**,** and place of the public hearings shall be given by certified mail to the applicant.

2. The Clerk to the Board of Commissioners shall notify the applicant by mail of any action (including tabling of action) taken by the Board of Commissioners. All actions of the Board shall be deemed to be effective as of the date of the action.

11-13. Zoning Reversion. Within three (3) years of the date of rezoning, rezoned property shall be utilized for uses allowed in the new zoning district or substantial development shall be demonstrated toward such utilization. Failure to so utilize or demonstrate substantial development may subject the property to consideration for reversion to the previous zoning classification. In such event, public hearings shall ~~be held as~~ ***follow the established procedures*** for rezoning petitions ***herein*** and a final decision rendered by the Board of Commissioners.

11-14. Responsibilities of the Zoning Administrator. The Zoning Administrator shall have the following responsibilities associated with receiving and processing all amendment applications:

A. Receive all applications and supporting information and collect all fees at the time of initial filing;

B. Maintain a log of all applications;

C. Return incomplete applications and all supporting information to the applicant upon determination that an application is incomplete with reasons for the determination;

D. If the application is complete, issue a notice that lists the dates, times and places of all hearings that are scheduled for the application;

E. Establish and maintain a file for each application which shall contain:

1. Copies of all materials submitted by the applicant;

2. Correspondence, records, reports and exhibits produced during processing;

3. Minutes and all actions taken by the Planning Commission and the Board of Commissioners on an application; and

4. All follow-up activities, if any, including re-filing of additional requests, copies of citations or violations and any other significant materials.

F. Prepare a ~~Sketch~~ Map~~, utilizing County Tax Maps,~~ for all map changes (rezoning), which shall show the location and dimensions of the subject property of the petition, all properties within at least 1,000 feet of the subject property and the zoning districts thereon;

G. Transmit to the ~~County Planner and~~ ~~those specified~~ ~~in Section 11-2~~ ***appropriate departments*** within five (5) working days after the deadline for submissions, all materials to be evaluated ~~along with the Sketch Map~~;

H. Schedule and provide notice for all public hearings, including the posting of the property, as required ~~by Sections 11-3 and 11-11~~ ***herein***;

I. Transmit the recommendation of the Planning Commission to the Board of Commissioners at least ~~seven (7)~~ ***14 calendar*** days prior to the scheduled public hearing before the Board of Commissioners; and

J. Update the official Zoning Map.

The following has been relocated to a Article XII. Fayette County Planning Commission

~~11-15. Planning Commission. The Planning Commission consists of that body of members appointed by the Board of Commissioners to carry out the directives of this and other ordinances, and to carry out any other duties which may from time to time be assigned to the Planning Commission by the Board of Commissioners.~~

~~A. Membership and Appointments.~~

~~1. The Planning Commission shall consist of five (5) members residing within the County who shall be appointed by the Board of Commissioners.~~

~~The members of the Planning Commission shall be drawn ***reside*** from ***in*** the same districts used in the election of the Board of Commissioners.~~

~~2. Vacancies on the Planning Commission shall be filled by the member of the Board of Commissioners hailing from the district which has the vacancy. Prior to this requirement, whereby members of the Planning Commission shall be appointed from the same districts used in the election of the County Commissioners, members of the Planning Commission were required to reside in one ***(1)*** of five ***(5)*** different Planning Commission districts.~~

~~a. The member of the Planning Commission from the district designated as Post 1 will now become the member from District 2.~~
~~b. The member of the Planning Commission from the district designated as Post 2 will now become the member from District 3.~~

~~c. The member of the Planning Commission from the districts designated as Post 4 and Post 5 will now become the members from District 4 and District 5, respectively.~~

~~3.***2.*** None of the members shall hold any other public office except that one (1) member may also be a member of the Zoning Board of Appeals.~~

~~4.***3.*** Removal ***Termination*** of a member from the Planning Commission shall require a majority vote of the Board of Commissioners.~~

~~B. Term of Office.~~

~~1. The term of office for each member of the Planning Commission shall be three (3) years; however, for appointment of the first board , two (2) members shall be appointed for three (3) years, two (2) members for two (2) years and one (1) for one (1) year. It is the intent of this section that the terms be staggered ***with no term limitation***.~~

~~2. A vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.~~

~~3. If the Zoning Board of Appeals member ceases to serve on the Zoning Board of Appeals during the term of appointment to the Planning Commission, that member's term shall automatically terminate and the Board of Commissioners may name a member of the Zoning Board of Appeals to fill the unexpired term of the original appointee.~~

~~C. Officers; Rules and Procedures; Minutes.~~

~~1. The Planning Commission shall elect one of its members as Chairman and another as Vice-Chairman, each serving for one (1) year or until re-elected or a successor is elected. The Vice-Chairman shall act as Chairman in the Chairman's absence. The Planning Commission shall appoint a Secretary who shall be an employee of Fayette County.~~

~~2. The Planning Commission shall have the authority to adopt rules of procedure. Meetings of the Planning Commission shall be held at the call of the Chairman and as scheduled.~~

~~3. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if they are absent or fail to vote, indicating such fact. The Planning Commission shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Planning Commission (Zoning Administrator's Office) and shall be public record.~~

~~D. Conflict of Interest. Any member of the Planning Commission shall be disqualified to act upon a matter before the Planning Commission with respect to property in which the member has an interest.~~

E. ~~Attendance. It shall be deemed cause for removal should any member of the Planning Commission fail, without proper reason, to attend three (3) consecutive meetings.~~

ARTICLE XII. PLANNING COMMISSION

12-1. Planning Commission. The Planning Commission consists of that body of members appointed by the Board of Commissioners to carry out the directives of this and other ordinances, and to carry out any other duties which may from time to time be assigned to the Planning Commission by the Board of Commissioners.

A. Membership and Appointments.

1. The Planning Commission shall consist of five (5) members residing within the County who shall be appointed by the Board of Commissioners. The members of the Planning Commission shall ~~be drawn~~ ***reside*** ~~from~~ ***in*** the same districts used in the election of the Board of Commissioners.

2. Vacancies on the Planning Commission shall be filled by the member of the Board of Commissioners hailing from the district which has the vacancy. Prior to this requirement, whereby members of the Planning Commission shall be appointed from the same districts used in the election of the County Commissioners, members of the Planning Commission were required to reside in one ***(1)*** of five ***(5)*** different Planning Commission districts.

~~a. The member of the Planning Commission from the district designated as Post 1 will now become the member from District 2.~~

~~b. The member of the Planning Commission from the district designated as Post 2 will now become the member from District 3.~~

~~c.~~ ~~The member of the Planning Commission from the districts designated as Post 4 and Post 5 will now become the members from District 4 and District 5, respectively.~~

~~3.~~***2.*** None of the members shall hold any other public office except that one (1) member may also be a member of the Zoning Board of Appeals.

~~4.~~***3.*** ~~Removal~~ ***Termination*** of a member from the Planning Commission shall require a majority vote of the Board of Commissioners.

B. Term of Office.

1. The term of office for each member of the Planning Commission shall be three (3) years~~; however, for appointment of the first board , two (2) members shall be appointed for three (3) years, two (2) members for two (2) years and one (1) for one (1) year~~. It is the intent of this section that the terms be staggered ***with no term limitation***.

2. A vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

~~3.~~ ~~If the Zoning Board of Appeals member ceases to serve on the Zoning Board of Appeals during the term of appointment to the Planning Commission, that member's term shall automatically terminate and the Board of Commissioners may name a member of the Zoning Board of Appeals to fill the unexpired term of the original appointee.~~

C. Officers; Rules and Procedures; Minutes.

1. The Planning Commission shall elect one of its members as Chairman and another as Vice-Chairman, each serving for one (1) year or until re-elected or a successor is elected. The Vice-Chairman shall act as Chairman in the Chairman's absence. The Planning Commission shall appoint a Secretary who shall be an employee of Fayette County.

2. The Planning Commission shall have the authority to adopt rules of procedure. Meetings of the Planning Commission shall be held at the call of the Chairman and as scheduled.

3. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if they are absent or fail to vote, indicating such fact. The Planning Commission shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Planning Commission (Zoning Administrator's Office) and shall be public record.

D. Conflict of Interest. Any member of the Planning Commission shall be disqualified to act upon a matter before the Planning Commission with respect to property in which the member has an interest.

F. Attendance. It ~~shall~~ ***may*** be deemed cause for removal should any member of the Planning Commission fail, without proper reason, to attend three (3) consecutive meetings.

~~ARTICLE XII.~~ ARTICLE XIII. REPEAL AND CONSTITUTIONALITY

13-1. Repeal of Conflicting Ordinances. This ordinance is intended as the comprehensive Zoning Ordinance for the unincorporated area of Fayette County, Georgia, and all conflicting Ordinances and Resolutions are hereby repealed.

13-2. Constitutionality. If any section or sections of this Ordinance are hereafter adjudged unconstitutional, it is the intent of the Board of Commissioners of Fayette County that the remainder hereof shall continue in full force and effect.

~~ARTICLE XII.~~ ARTICLE XIII. REPEAL AND CONSTITUTIONALITY

13-1. Repeal of Conflicting Ordinances. This ordinance is intended as the comprehensive Zoning Ordinance for the unincorporated area of Fayette County, Georgia, and all conflicting Ordinances and Resolutions are hereby repealed.

13-2. Constitutionality. If any section or sections of this Ordinance are hereafter adjudged unconstitutional, it is the intent of the Board of Commissioners of Fayette County that the remainder hereof shall continue in full force and effect.

FAYETTE COUNTY COMPREHENSIVE PLAN TEXT AND MAP
August 4, 2010

Special Development District

A purpose of a Special Development District is to designate an area where specific land use policies and regulations will apply to achieve a specific development pattern. The Special Development District will be ~~depicted as a hatched pattern over a land use designation~~ ***designated on the Future Land Use Plan Map***.

SR 74 North East Side Special Development District: The purpose of this Special Development District is to promote planned office development along the eastern frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor as stated in the SR 74 North Overlay District. ***This Special Development District will be depicted as a hatched pattern over an Office land use designation on the Future Land Use Plan.***

Planned Small Business Center Special Development District: The purpose of the Planned Small Business Center Special Development District is to promote business incubator centers through a planned, mixed-use nonresidential development pattern consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. The goals of the Planned Small Business Center Special Development District are: (1) to achieve innovative and creative design in the development layout; (2) to accomplish appropriate separation, buffering, and vehicular circulation between uses internal to

the development to alleviate incompatibility and protect public safety; and (3) to provide appropriate separation and buffering from surrounding residential uses. These goals will be achieved through the Planned Unit Development – Planned Small Business Center (PUD-PSBC) zoning district.

Only properties in the following areas shall be given consideration for PUD-PSBC:

(1) Those properties located in the unincorporated area of the county fronting SR 85 North, north of Banks Road to the Clayton County Boundary designated as Commercial and/or Industrial on the Fayette County Future Land Use Plan;

(2) Those properties located in the area of SR 314 and Bethea Road designated as Industrial on the Fayette County Future Land Use Plan; and

(3) Those properties located in the unincorporated area of the county fronting SR 54 East, east from the city limits of Fayetteville to Nash Creek designated as Commercial.

Amendments to the Future Land Use Plan Map will include a label placed in these areas indicating them as a Planned Small Business Center Special Development District.

Special Development District

A purpose of a Special Development District is to designate an area where specific land use policies and regulations will apply to achieve a specific development pattern. The Special Development District will be ~~depicted as a hatched pattern over a land use designation~~ ***designated on the Future Land Use Plan Map***.

SR 74 North East Side Special Development District: The purpose of this Special Development District is to promote planned office development along the eastern frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor as stated in the SR 74 North Overlay District. ***This Special Development District will be depicted as a hatched pattern over an Office land use designation on the Future Land Use Plan.***

Planned Small Business Center Special Development District: The purpose of the Planned Small Business Center Special Development District is to promote business incubator centers through a planned, mixed-use nonresidential development pattern consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. The goals of the Planned Small Business Center Special Development District are: (1) to achieve innovative and creative design in the development layout; (2) to accomplish appropriate separation, buffering, and vehicular circulation between uses internal to the development to alleviate incompatibility and protect public safety; and (3) to provide appropriate separation and buffering from surrounding residential uses. These goals will be achieved through the Planned Unit Development – Planned Small Business Center (PUD-PSBC) zoning district.

Only properties in the following areas shall be given consideration for PUD-PSBC:

(1) Those properties located in the unincorporated area of the county fronting SR 85 North, north of Banks Road to the Clayton County Boundary designated as Commercial and/or Industrial on the Fayette County Future Land Use Plan;

(2) Those properties located in the area of SR 314 and Bethea Road designated as Industrial on the Fayette County Future Land Use Plan; and

(3) Those properties located in the unincorporated area of the county fronting SR 54 East, east from the city limits of Fayetteville to Nash Creek designated as Commercial.

Amendments to the Future Land Use Plan Map will include a label placed in these areas indicating them as a Planned Small Business Center Special Development District.