COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Wednesday, August 3, 2011	Type of Request:	New Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding auto grave yards.

Background/History/Details:

Staff is seeking permission to review the Zoning Ordinance in terms of existing development along Roberts Road between SR 314 and SR 85. The area contains two non-conforming auto grave yards which do not meet current zoning requirements and one of these businesses has contacted staff to discuss expansion of their auto grave yard. An auto grave yard is now a Conditional Use with much greater restrictions which makes expansion of the nonconforming business onto new lots difficult. In 1996, the Board of Commissioners approved a policy regarding this issue (see attached.) However, staff's interpretation is that this policy applies to existing lots containing these non-conforming uses and not to lots where these uses are proposed to be expanded.

What action are you seeking from the Board of Commissioners?

Permission to review the Zoning Ordinance regarding auto grave yards.

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 request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?	No	Backup Provided with Request?	Yes

STAFF USE ONLY

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

Staff Notes:

The Board of Commissioners of Fayette County, Georgia, met in an Official Session on Thursday, October 24, 1996, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayette, Georgia.

COMMISSIONERS PRESENT:	Rick Price, Chairman Robert Sprayberry, Vice Chairman Scott Burrell, Commissioner Herb Frady, Commissioner (absent) Linda Wells, Commissioner
STAFF MEMBERS PRESENT:	Billy P. Beckett, County Administrator William R. McNally, County Attorney Linda Rizzotto, Deputy Clerk

Chairman Price called the meeting to order, offered an invocation and led the pledge to the Flag.

Attorney McNally requested an Executive Session to hear one item of real estate acquisition and two items of threatened litigation.

EXECUTIVE SESSION: On motion made by Commissioner Sprayberry, seconded by Commissioner Wells to adjourn to Executive Session to discuss one item of real estate acquisition and two items of threatened litigation after a five minute recess. The motion carried 4-0. Commissioner Frady was not present.

THREATENED LITIGATION: Chris Venice and Attorney McNally briefed the Board on a matter of threatened litigation.

It was the consensus of those present that the M-2 zoning district be met in this specified area.

To: Fayette County Board of Commissioners

From: Dennis Dutton

Date: July 20, 2011

Subject: Existing Development along Roberts Road Between SR 314 and SR 85

Staff is seeking permission to review the Zoning Ordinance in terms of existing development along Roberts Road between SR 314 and SR 85. The area contains two (2) non-conforming auto grave yards which do not meet current zoning requirements and one (1) of these businesses has contacted staff to discuss expansion of their auto grave yard. Auto grave yards are now Conditional Uses with much greater restrictions which makes expansion of the nonconforming business onto new lots difficult. In 1996, the Board of Commissioners approved a policy regarding this issue (see attached). However, staff's interpretation is this policy applies to existing lots containing these non-conforming uses and not to lots where these uses are proposed to be expanded. Thank you for your consideration and if you have any questions please contact me at 770-305-5161.

POLICY REGARDING
M-2 (MANUFACTURING AND HEAVY INDUSTRIAL DISTRICT)
ZONING ON ROBERTS ROAD

Given the fact that the existing businesses fronting on Roberts Road, in particular the salvage/junk yards and the landfill, were in existence prior to the adoption of the Fayette County Zoning Ordinance, and given the fact that these businesses do not meet, nor have they ever met, the conditional use buffer and setback requirements of the ordinance, the Fayette County Board of Commissioners has determined that, for these existing businesses only, the requirements of the M-2 zoning district for Permitted Uses shall apply for any new construction.

By approval of the Board of Commissioners - October 24, 1996