COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Dennis Dutton
Meeting Date:	Thursday, May 24, 2012	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Ordinance Number 2012-09 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20, Zoning Ordinance regarding Articles 3, 4, 5, 6, 7, 9 and 11.

Background/History/Details:

On December 9, 2010, the Fayette County Zoning Ordinance was adopted, in its entirety, at which time it became Chapter 20 of the Fayette County Code of Ordinances. Since that time, staff has continued reviewing the Zoning Ordinance and numerous "housekeeping" adjustments to the Zoning Ordinance have been made. Furthermore, staff has continued to identify other areas that need attention. This request includes a number of proposed amendments to the Zoning Ordinance, including significant changes to the regulations for Telecommunications Towers and Antennas.

At the April 4, 2012 Workshop, the Board authorized staff to advertise the proposed amendments for a Public Hearing to be held by the Planning Commission on May 3, 2012 and by the Board of Commissioners on May 24, 2012.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance Number 2012-09 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20 regarding Articles 3, 4, 5, 6, 7, 9 and 11.

If this item requires funding, please describe:

N/A

Has this request been considered within the past two years?	Yes	If so, when?	Friday, May 4, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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 Planning Commission unanimously (5-0) recommended approval, INCLUDING THE PROPOSED AMENDMENTS REGARDING A SMOKING LOUNGE. A "strike through" or edited version of Ordinance 2012-09 is available upon request.

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2012 – 09

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE III. DEFINITIONS; ARTICLE IV. ESTABLISHMENT OF DISTRICTS; ARTICLE V. GENERAL PROVISIONS; ARTICLE VI. DISTRICT USE REQUIREMENTS; ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS; ARTICLE IX. ZONING BOARD OF APPEALS; AND ARTICLE XI. POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE III. DEFINITIONS** in its entirety, and in lieu thereof, enacting a new **ARTICLE III. DEFINITIONS** to read as follows:

ARTICLE III. DEFINITIONS

Sec. 3-1. 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.

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.

Aircraft Hangar. 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.

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

Alteration. 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 *Livestock*.) The number of animals kept shall be limited to three (3).

Animal, Wild. This shall include any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per OCGA Title 27, Chapter 5 as presently stated and as hereafter amended.

Antenna. 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 honeybees and beehives are kept. (Adopted 07/28/11)

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

Artist Studio. A structure accommodating the practice of the full spectrum of the arts including, but not limited to: fine arts, visual arts, and performing arts.

Athletic Facility. An area designated for athletic activity.

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.

Auxiliary Structure. A structure which is allowed incidental and secondary to a residence.

Banquet Hall. A facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, weddings and/or wedding receptions, anniversaries, and other similar celebrations.

Basement. 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*)

Beehive. A structure intended for the housing of bees. (Adopted 07/28/11)

Boat House. A structure built in or over a waterway to house a boat.

Bona-fide purchaser in good faith. A person who purchases or acquires, in some other manner, a property in good faith, without the knowledge of any illegal non-conformances.

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

Buffer. A portion of a lot which is set aside to provide a separation of uses from abutting lots.

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 *Tower Height*.)

Building Line, Front. A line running parallel to the street which touches the nearest point of the principal structure to the street.

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

Cabana/Pool House. An open, partially, or totally enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom.

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.

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.

Carport, attached. A roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

Carport, detached. A roofed, open-sided motor vehicle shelter.

Cemetery. A burial ground.

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

Child Care Facility. An agency, organization, or individual providing care for four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult and would include those providers that offer pre-primary, Pre-K, and/or kindergarten instruction.

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.

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

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*.)

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. 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.

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.

Daylight Hours. That period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

Day Spa. An establishment offering massage therapy performed by a licensed massage therapist pursuant to OCGA 43-24A-1, et seq, that in addition may also offer beauty care, body treatments, and the retail 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. For the purposes of Article V. Accessory Structures and Uses, a dog pen/run is an 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 customers 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. Any building which contains living facilities, including provisions for sleeping, eating, and sanitation for not more than one (1) family.

Educational/Instructional Facility. A specialized training establishment.

FAA. The Federal Aviation Administration.

Facility. The area established to serve a particular use or purpose.

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.

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

FCC. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

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.

Floor Area, Accessory Structure. The sum of the horizontal areas of 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. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

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

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.

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 operated within a dwelling by residents of 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 terms "motel" and “bed and breakfast”.

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 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 are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include a location where one (1) litter of dogs or cats of not more than six (6) months of age are kept.

Kindergarten. (see *School, Private*)

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

Livestock. Animals 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.

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 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.

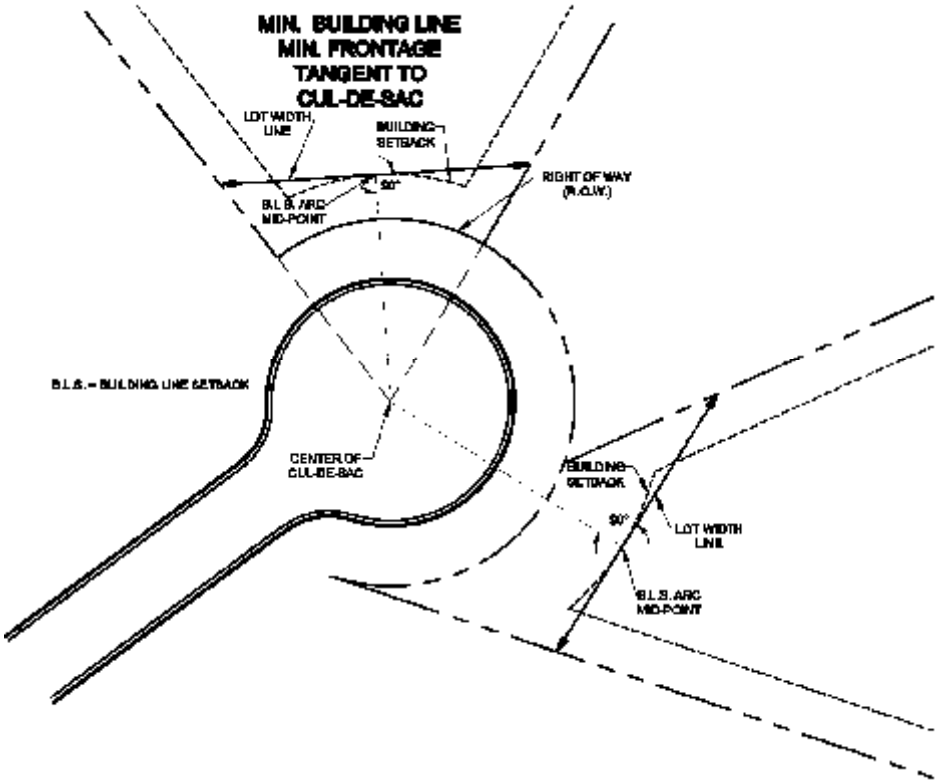
Lot Depth. The distance between the front and rear lot lines.

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

Lot, Landlocked. A lot of record having no frontage on a 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 (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 Regulations (see County Code), or in a legally recorded deed.

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.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, 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."

Massage Therapy. Massage therapy performed by a licensed massage therapist pursuant to OCGA 43-24A-1, et seq.

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.

Nonconformance, Illegal. A lot, use, building, or structure established after the effective date of 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 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.

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.

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, in agricultural zoning districts.

Pool House. (see Cabana/Pool House)

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.

Public Utility Facility. A location of or for public utilities, such as an electric substation 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.

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.

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 that may, in conjunction, provide pre-primary and Pre-K instruction), 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.

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.

Smoking Lounge. An establishment dedicated, in whole or in part, to the sale and/or smoking of legal substances, including but not limited to, establishments known commonly as cigar stores/lounges, hookah lounges, tobacco clubs, etc.

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 convert 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.

Street. 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 that provides for access to lots.

Street, Private. A street 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, that is owned or maintained by a governmental agency such as the County, a municipality, the State or Federal Government.

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

Subdivision. All divisions of a lot or land into a minimum of two (2) or more lots.

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.

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

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a Major Arterial, Minor Arterial, Proposed Minor Arterial, Collector, and Proposed Collector.

Thoroughfare, Minor. A street designated on the Thoroughfare Plan as a County Local or Internal Local.

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, 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 Facility. The area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors. (Amended 05/26/11)

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 *Building Height*.)

Tower, Planned. Any tower that is in the public hearing procedure, site application review process, or has been approved, but not yet constructed (see Article V.)

Tower Structure, Alternative. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: 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 and/or similar alternative design tower structures. (Amended 05/26/11)

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to December 10, 1998.

Townhouse. (see *Dwelling, Townhouse)*

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

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

Training Facility, Indoor. A structure used for indoor training.

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 license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building, stored on a permitted auto sales lot and is in satisfactory operating condition, or stored at a Junk Yard and/or Auto Grave Yard (see Article VII.)

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 charter motor coach.

Vehicle, Recreational. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes.

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

Wall. Structures made of masonry or concrete, commonly used as an enclosure for a lot.

Warehouse. A building 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.

Section 2. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE IV. ESTABLISHMENT OF DISTRICTS** in its entirety, and in lieu thereof,

enacting a new **ARTICLE IV. ESTABLISHMENT OF DISTRICTS** to read as follows:

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 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	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)

The Legal Nonconforming Status (LNS) designation, as administered in Article VI, shall be considered a sub-category of the particular zoning district.

Sec. 4-2. Maps.
The location and boundaries of each zoning district are shown on a map entitled the "The Official Zoning Map of Fayette County, Georgia". The Official Zoning Map and all explanatory materials accompanying it were adopted on November 13, 1980, became effective on November 13, 1980, and are hereby made a part of this ordinance. The Official Zoning Map shall be maintained in an accurate, up-to-date condition for public inspection during normal business hours.

Sec. 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.

Sec. 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 official 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, 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 official zoning maps 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, divides a lot, 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, Minor Subdivision 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. Any development that involves multiple lots to be utilized as one (1) lot shall be required to be combined prior to submittal of a Preliminary Plat, Final Plat, Minor Subdivision Plat, Site Plan, and/or building permit, as applicable. In addition, any development which results in or is located on a lot with multiple zonings shall be rezoned to one (1) zoning district prior to submittal of a Preliminary Plat, Final Plat, Minor Subdivision Plat, Site Plan, and/or building permit, as applicable. Any existing development/structure developed on multiple lots utilized as one (1) lot or located on a lot with multiple zonings which was approved through a Preliminary Plat, Final Plat, Minor Subdivision Plat, Site Plan, and/or building permit, as applicable, prior to the adoption of this regulation on December 9, 2010, shall be allowed to continue development within the boundary established by said approved Preliminary Plat, Final Plat, Minor Subdivision Plat, Site Plan, and/or building permit.

E. *Corporate Limits*. Any lot divided by corporate limits (city or county) shall fully meet 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.

Section 3. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE V. GENERAL PROVISIONS** in its entirety, and in lieu thereof, enacting a new **ARTICLE V. GENERAL PROVISIONS** to read as follows:

ARTICLE V. GENERAL PROVISIONS

Sec. 5-1. Conflicting Requirements.
Should any requirements conflict within this ordinance or with any other County requirements, the most restrictive shall apply.

Sec. 5-2. Use.
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.

Sec. 5-3. 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.

Sec. 5-4. 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. 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.

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

Sec. 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.

Sec. 5-7. 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.

Sec. 5-8. Street Frontage for Access.

A. For access purposes, all residential or non-residential lots shall have frontage on a street and/or a cul-de-sac that is either:
    1. A public street; or
    2. A private street built to County standards and deeded to the property owners' association or the homeowners' association through a recorded warranty deed which the owner of any lot within the subdivision is required to join. (Amended 08/25/11)
B. All residential lots shall have at least 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. This requirement shall be met unless:
    1. The lot is "Landlocked Property" as provided in Article V.; 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.
C. All nonresidential lots shall have at least 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. This requirement shall be met unless:
    1. The lot is "Landlocked Property" as provided in Article V.; 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.

Sec. 5-9. Encroachment on Public Rights-of-Way.
No building, structure (including prohibited mailbox supports as described in Article V.), wall or fence, 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.

Sec. 5-10. 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.

Sec. 5-11. 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 November 13, 1980, including amendments, and the construction of which shall be diligently pursued until completion.

Sec. 5-12. Yard not to be Encroached Upon.
No yard shall be encroached upon or reduced in any manner except in conformity with the setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. Landscaping, driveways, vehicle parking areas, multi-use path connections, walkways and associated steps, boat docks and bridges, retaining walls, walls and fences, curbs, and planted buffer strips shall not be construed to be encroachments.

Sec. 5-13. Permitted Encroachments of Yards and Setbacks.
Architectural features connected to a structure such as cornices, eaves, steps, landings, ramps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways. One (1) flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is not located within 15 feet of the right-of-way. Flagpoles which encroach the front yard setback shall be required to have a signed and sealed affidavit from an architect or engineer registered in the State 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.

Sec. 5-14. Yard Service, Required Open Space to one (1) building.
No part of any yard, other open space, or off-street parking or loading space required, about or in connection with, any building, structure, or use shall be included as part of a required yard, open space, off-street parking, or loading space similarly required for any other building, structure, or use except as provided herein.

Sec. 5-15. Side and Rear Yards and Buffers Not Required Next to Railroad.
Within any non-residential zoning district, side yards, rear yards, and buffers shall not be required adjacent to railroad rights-of-way.

Sec. 5-16. Structures Permitted above the Height Limit.
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/telecommunications equipment, and parapet wall not extending more than four (4) feet above the roof line of the building. 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.

Sec. 5-17. Front Yard Setback and Common Area.
The front yard setback shall be measured from the street right-of-way (existing or required, whichever is greater.) Street right-of-way is based on the classification of the street (see County Code, Development Regulations and Fayette County Thoroughfare Plan.) When a common area, open space, or conservation area is located between a lot and the street, 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 as enacted October 1, 2008.

Sec. 5-18. 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.

Sec. 5-19. Additions to a Single Family Structure.

A. All additions to a single-family dwelling shall be attached to the primary structure, via either a heated corridor that shall be attached to the primary residence at a location that is currently heated and that has minimum interior dimensions of six (6) feet in width and eight (8) feet in height, or by a direct access common wall.

B. *Porte Cochere*. A porte cochere shall be attached at an entrance of a single-family dwelling and shall meet the following standards:

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;
2. Shall be consistent with the architectural character/facade of the single-family dwelling; and
3. A porte cochere shall not be utilized as a carport, garage, storage building, open storage, or living area.

Sec. 5-20. Accessory Structures and Uses.

A. The following accessory structures and uses are permitted in A-R and all residential zoning districts.

1. Well/pump house;
2. Guest house;
3. Greenhouse (for private use);
4. Swimming pool, hot tub, pool deck, pool equipment enclosure, and pool screen enclosure;
5. Garage;
6. Recreational court;
7. Gazebo;
8. Cabana/pool house, boat house, covered patio, and covered deck;
9. Storage building;
10. Carport;
11. Solar panel (ground-mounted);
12. Wind turbine/windmill (ground-mounted);
13. Aircraft Hangar, detached (see Article VII.);
14. Dog house and dog pen/run;
15. Playhouse;
16. Outdoor kitchen and/or fireplace;
17. Patio; and
18. Underground storm shelter.

Farm outbuildings, including horse stables, auxiliary structures, 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.

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, that shall not exceed a combined total of 1,800 square feet of floor area (see Total Square Footage.) The square footage of the largest accessory structure shall not exceed the total square footage of the principal structure. 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 (see Total Square Footage), 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.

2. At least 50 percent of the square footage of an accessory structure building shall be fully enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.

3. A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run consisting of 200 square feet or less; swimming pool, hot tub, or recreational court; Aircraft Hangar, Farm Outbuilding, Commercial Greenhouse, Horse Stable, or Auxiliary Structure (as regulated under Article VII.); ground/pole mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace, or patio; underground storm shelter; or beehive 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 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 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, 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 35 feet from the principal structure;
c. Shall not exceed 23 feet in height;
d. No more than 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 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:
      i. Shall not exceed 900 square feet of floor area;
      ii. Located no more than 35 feet from the principal structure; and
      iii. Shall not exceed 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 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 per the Building Permits and Inspections Department.
   d. The garage shall be connected to the principal structure by at least one (1) of the following:
      i. *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
      ii. *An attached raised deck*. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six (6) feet. Said deck shall have guard rails measuring a minimum of three (3) feet in height; or
      iii. *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. A guest house shall not exceed 700 square feet of heated and finished 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 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 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/pool house, boat house, covered patio, and covered deck*. The cabana, covered patio, and covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one (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 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.

M. *Nonconformance*. All accessory structures or uses which had a building permit issued prior to January 24, 2008, 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, shall comply with the current requirements.

Sec. 5-21. Pavilion.
A pavilion is an accessory structure which is allowed in non-residential zoning districts, except as otherwise provided herein.

Sec. 5-22. 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.

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 14 feet in width and 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 and 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., 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. 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, Private School, 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.

F. *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 and/or Minor Subdivision Plat. Said walls and fences shall not be subject to the four (4) foot height or 50 percent 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 and Inspections Department for any permitting requirements for walls/fences/subdivision entrances.)

G. *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.

Sec. 5-23. 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.

Sec. 5-24. 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.
All associated mechanical and electrical equipment shall be screened with vegetation or housed in an equipment cabinet not to exceed 70 square feet. Landscaping features, such as arbors or trellises, shall not exceed 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 and Inspections Department for any permitting requirements.)

Sec 5-25. Parking of Business Vehicles.
In any residential district, except A-R on lots of 10 acres or larger, no business vehicle exceeding 8,000 pounds (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.) This provision shall not be allowed in conjunction with a home occupation (see Article VII.)

Sec. 5-26. Access to Thoroughfares.
Lots containing non-residential uses shall be provided with a convenient vehicle turn-around which shall be of adequate design to permit vehicles to enter streets in a forward manner.

Sec. 5-27. 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. The boarding of horses and commercial riding lessons shall be prohibited.

5-28. Beekeeping. Beekeeping shall be allowed on any lot for which single-family residence is a Permitted Use (C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and PUD-PRD) under the following conditions: (Adopted in its entirety 07/28/11)

A. All beehives shall meet the setbacks for the applicable zoning district.
B. The beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance.
C. The on-premise sale of honey produced on the premises shall be allowed. Approval of a Home Occupation shall not be required.

Sec. 5-29. 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.

Sec. 5-30. 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 Fayette County Thoroughfare Plan.)

5-31. 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. Recreational vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles which do not exceed eight and one-half (8.5) feet in width, when in travel mode, and 45 feet in length, not including the towing vehicle.

Sec. 5-32. Site Plan Requirement.
All proposed non-residential development shall be depicted on a Site Plan consistent with the requirements listed in the Development Regulations (see County Code.)

Sec. 5-33. Septic Systems and Drain Field Lines.
Septic systems, including drain field lines, shall be set back a minimum of 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**.)

Sec. 5-34. 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 County Code, Development Regulations, 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 connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see **Septic Systems and Drain Field Lines**.) A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the Board of Commissioners, the Board of Education, a municipality, the State of Georgia or Federal Government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the Zoning Ordinance.

Sec. 5-35. 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 (see County Code.)

Sec. 5-36. 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.

Sec. 5-37. Nonresidential Screening required.
Any outside service area, refuse/dumpster area, storage area, or outside equipment area shall be screened from view in accordance with Article V.

Sec. 5-38. 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.

Sec 5-39. Screening Standards.
Walls and fences or combinations thereof shall achieve 100 percent screening prior to the issuance of any applicable Planning and Zoning Department approval and/or 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 slat inserts may be utilized to establish a screen in the M-1 and M-2 Zoning Districts.

Sec. 5-40. 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 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.

Sec. 5-41. Outside Display Exempt from Screening.
Outside display of vehicles, for lease or sale, including, but not limited to: motorcycles, boats, recreational vehicles, farm equipment, utility trailers, heavy equipment, manufactured homes, and landscape plants shall be exempt from the setback and 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 setback and screening requirements; however, such display 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, and/or children's play equipment.

Sec. 5-42. Office Trailer.
The temporary use of a trailer for an office during a development and/or construction period 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 meeting all applicable setbacks. Said permit shall be issued for a six (6) month period. Renewals of additional six (6) month periods are available, so long as there is a current Land Disturbance Permit, Preliminary Plat, Final Plat, Minor Subdivision Plat, Site Plan, or building permit for the property.

Sec. 5-43. Temporary Classrooms.
The temporary use of 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 shall be demonstrated on a site plan that such a use will comply with all zoning requirements. Required on-site parking for temporary classrooms shall be provided prior to the issuance of any temporary classroom permit. Each 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.
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 30 days after the issuance of any type of Certificate of Occupancy on-site should that occur prior to the two (2) year deadline.
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.

Sec. 5-44. Standards for Telecommunications Antennas and Towers. (Amended 05/26/11)

A. *Purpose and Intent*. The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related equipment cabinets and/or buildings. The intent of this ordinance is: (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 existing and planned 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*. Height limits specified for each zoning district shall not apply to towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.
2. *Governmentally Owned Property*. 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.
3. *Amateur Radio Antennas.* This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is less than 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 May 24, 2012, that does not comply with the requirements herein shall be deemed legally nonconforming. 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.
   b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:
      i. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower.
      ii. The tower being replaced is removed from site within 90 calendar days from the issuance of the Certificate of Occupancy for the replacement tower;
      iii. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and
      iv. A site plan indicating the location of the replacement tower shall be required.

D. *General Requirements.*

1. Towers and tower facilities shall be on a lot which meets the minimum requirements 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 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, whichever is greater) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see County Code, 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.

f. All towers shall be set back from all adjacent municipalities and counties a minimum distance of 1,000 feet.

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 (1) carrier;

b. greater than 70 up to 120 feet: two (2) carriers;

c. greater than 120 feet up to 150 feet: three (3) carriers;

d. greater than 150 feet up to 180 feet: four (4) carriers;

e. greater than 180 feet up to 250 feet: five (5) carriers; and

f. greater than 250 feet: six (6) 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 slat inserts for screening. Access to the telecommunication 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 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 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, other than required safety signage, shall be placed on a tower structure or antenna.

9. *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

10. *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.

11. *Performance Bond Required*. Prior to the issuance of a Certificate of Occupancy for a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the bond shall be equal to 10 percent of the total construction cost or a minimum of $5,000, whichever is greater. 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 approved format of the bond is available in the Planning and Zoning Department.

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

d. 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);
Planned Unit Development (PUD) excluding PUD-PRD;
Agricultural Residential (A-R); and
R-70 Single-Family Residential District.

b. 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.

c. 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; whereas, 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:

i. Church or Other Place of Worship;

ii. Developed Residential Recreational/Amenity Areas;

iii. Private School; and

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

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

f. 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.

g. *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:

i. 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;

ii. 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

iii. 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.

h. *Monopine Towers.*

i. 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.

ii. 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.

iii. 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.

i. 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 Article V. *General Provisions, Structures Permitted above the Height Limit.*

F. *Public Hearings Required to Reduce or Waive Requirements.*

1. Public hearings before the Planning Commission and Board of Commissioners are necessary to reduce or waive requirements for a proposed tower, antenna, or equipment cabinet or building that cannot comply with the General Requirements, and/or Supplemental Requirements. The procedure for said public hearings shall follow the procedure for rezoning (see Article XI.) Applicants shall apply for public hearings 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. A scaled Concept Plan, drawn on the signed/sealed survey, 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;

b. Inventory of Existing or Planned Tower Sites. When a proposed tower cannot meet the separation requirements between towers, an Inventory of Existing or Planned Tower Sites shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna. Each applicant for a new tower shall contact the owners of all existing and planned tower sites, including those located within all adjacent municipalities and counties that are within the search area of the applicant's proposed tower location. The inventory shall be prepared by a radio frequency engineer. The inventory shall include the following information:

i. All tower owners and the number of carriers for each tower site;

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

iii. 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;

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

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

The County will engage an independent expert review of the Inventory of Existing and Planned Tower Sites. If the actual cost to the county for independent expert review of the document is greater than the application fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the Board of Commissioners. An Inventory of Existing and Planned Tower Sites which is lacking of the information above, as determined by the independent expert, shall require a resubmittal of the lacking information and postpone the tower application to the next scheduled cycle of public hearings. The Inventories of Existing or Planned Tower Sites are available as an information source to assist other applicants applying for approval under this ordinance, 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. 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 following factors shall be considered when evaluating a tower application:

a. Height of the proposed tower;

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

c. Nature of uses on adjacent and nearby properties;

d. 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; and

h. The degree of the tower's compliance with the one (1) statute mile separation (inside the Highway Corridor) or one and one-half (1.5) statute mile separation (outside the Highway Corridor.)

In granting its approval to waive or reduce requirements, the County, through the Board of Commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. A site application shall be submitted within 60 days of the date of approval by the Board of Commissioners or the proposed tower will no longer be deemed a planned tower.

G. *Site Application Requirements.* All applicants for new tower construction shall include the following:

a. completed application forms signed and notarized;
b. proof of ownership of the parent tract (latest recorded Warranty Deed);
c. site plan prepared by an Engineer, Architect, or Landscape Architect registered by the State of Georgia;
d. landscape plans (see General Requirements);
e. provide number of carriers based on maximum height of tower;
f. a lease agreement with a minimum of one (1) carrier.

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 (see County Code.) Additional information indicated on the site plan shall include:

a. a signed/sealed survey by a land surveyor registered in the State of Georgia of the parent tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;
b. total tower height including antennas;
c. type and design of any tower facility, including location of equipment buildings or cabinets;
d. distance from nearest off-site residences;
e. fencing and gate details;
f. all applicable setbacks for the tower, tower facility, and anchors for guyed tower, as applicable;
g. distance from existing and planned towers ;
h. zoning and acreage of parent tract;
i. zoning of adjacent property; and
j. 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.

H. *Installing an Antenna on an Existing Structure or Co-locating or Replacing an Antenna on an Existing Tower.* The following scenarios shall not require submittal of a site application or 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 or replacing an antenna on any existing tower, so long as, said installation does not increase the height of the tower and/or 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 co-location or replacement of any antenna on an existing tower, 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 copy of the FCC license. A

Certificate of Zoning Compliance shall be issued by the Zoning Administrator upon satisfaction of all applicable requirements, and any applicable building permits/inspections shall be required subsequent to the issuance of the Certificate of Zoning Compliance.

I. *Site Application Timeframes*. An application shall not be accepted for review unless, at minimum, it includes completed application forms (signed and notarized), proof of ownership of the parent tract (latest recorded Warranty Deed) and site plan prepared (sealed and signed) by an Engineer, Architect or Landscape Architect registered by the state of Georgia. The Zoning Administrator has 30 days to determine if an application is complete. Upon notice that an application is incomplete, the applicant has 30 days to submit all necessary information to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and the proposed tower will no longer be deemed a planned tower and a site application shall not be submitted for the same property for 60 days.

The County shall act on applications for co-locations within 90 days and all other applications within 150 days. If the Zoning Administrator requests additional information within the 30 day review period as mentioned above, the time it takes the applicant to respond will not count towards the 90 or 150 day timeframe limits.

J. *FAA Determination*. Prior to the approval and issuance of the certificate of Zoning Compliance, a copy of a FAA Determination including "Does Not Exceed, "Exceeds But Okay", or "Determination of No Hazard" shall be submitted within the 90 or 150 day timeframe limits, as applicable. Failure to submit the determination in these timeframes shall result in an automatic withdrawal of the application, and the proposed tower will no longer be deemed a planned tower, and a site application shall not be submitted for the same property for 60 days. Any tower that receives a "Determination of Hazard" shall be denied.

K. *FCC License*. Prior to the approval and issuance of the Certificate of Zoning Compliance, a copy of the FCC License shall be submitted within the 90 or 150 day timeframe limits, as applicable. Failure to submit the copy of FCC License in these timeframes shall result in an automatic withdrawal of the application, and the proposed tower will no longer be deemed a planned tower, and a site application shall not be submitted for the same property for 60 days.

L. *Private Airport or Heliport Zone*. A one (1) statute mile zone is established around any private airport or heliport that is registered with the FAA to prevent a hazard to aviation operations. Since the FAA does not make a determination for a private airport or heliport, a supplemental Federal Aviation Regulations Part 77/FAA Form 7460 study and a "No Hazard" letter prepared by a firm on the GDOT prequalified 1.08 Airport Master Planning list shall be submitted within the 90 or 150 day timeframe limits for an antenna or a tower that is proposed within this zone, as applicable. Any tower that creates a hazard for a private airport or heliport shall be denied.

M. *Tower Approval Expiration.* Approval of a site application by the applicable departments for a tower shall expire 12 months from the date of approval and will no longer be deemed a planned tower, unless a Certificate of Occupancy has been issued for the tower or the building permit remains active.

Section 4. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE VI. DISTRICT USE REQUIREMENTS** in its entirety, and in lieu thereof, enacting a new **ARTICLE VI. DISTRICT USE REQUIREMENTS** to read as follows:

ARTICLE VI. DISTRICT USE REQUIREMENTS

The purpose of this Article is to delineate the uses and requirements of the established zoning districts. The Legal Nonconforming Status (LNS) designation, as administered in Article VII, shall be considered a sub-category of the particular zoning district.

Sec. 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;
2. Accessory structures and uses (see Article V.);
3. Growing of crops and the on-premise sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premise;
4. Plant nurseries and greenhouses (no sales of related garden supplies); and
5. Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof. (Amended 07/28/11)

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the A-R Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Aircraft Landing Area;
2. Animal Hospital, Kennel (Commercial or Non-commercial), or Veterinary Clinic;
3. Cemetery;
4. Church and/or other Place of Worship;
5. Colleges and University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
6. Commercial Driving Range and Related Accessories;
7. Day Care Facility (Nursery School);
8. Developed Residential Recreational/Amenity Areas;
9. Farm Outbuildings, including Horse Stables, Auxiliary Structures, and Commercial Greenhouses;
10. Golf Course (minimum 18-hole regulation) and Related Accessories;
11. Home Occupation;
12. Horse Show, Rodeo, Carnival, and/or Community Fair;
13. Hospital;
14. Kennel (see Animal Hospital, Kennel (Commercial or Non-Commercial, and/or Veterinary Clinic);
15. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
16. Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
17. Recreation centers and similar institutions owned by non-profit organizations as so registered with the Georgia Secretary of State Office;
18. Religious Tent Meeting; and
19. Shooting Range, Outdoor.

D. *Dimensional Requirements*. The minimum dimensional requirements in the A-R Zoning District shall be as follows:

1. *Lot area*: 217,800 square feet (five [5] acres)
2. *Lot width*: 250 feet
3. *Floor area*: 1,200 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 100 feet
   b. *Minor thoroughfare*: 75 feet
5. *Rear yard setback*: 75 feet
6. *Side yard setback*: 50 feet

7. *Height limit*:
   a. 35 feet as defined in Article III.
   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 35 feet.

E. *Special Regulations*. Prior to the issuance of development and/or building permits, a Site Plan 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.

Sec. 6-2. C-S, Conservation Subdivision

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 Conservation Subdivision (C-S) Zoning District is to assist Fayette County in fulfilling the goal of permanently protecting 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.

B. *Rezoning Requirements*. The following is required for a rezoning petition for the Conservation Subdivision Zoning District in addition to what is normally required for a rezoning petition:

1. A petition 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 shall contain the check list requirements available in the office of the Zoning Administrator. The rezoning petition shall not be filed with the Planning and Zoning Department until the Yield Plan has been approved by the applicable departments.
2. A Development Plan shall be required for the rezoning petition. 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 density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the 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.

In addition to what is normally required on the Development Plan, the Development Plan 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, herein are met:

1. Home Occupation;
2. Horse Quarters; and
3. Developed Residential Recreational/Amenity Areas.

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 shall comply with the Watershed Protection Ordinance);
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. 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 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*:
      i. *Arterial*: 150 feet
      ii. *Collector*: 150 feet
   b. *Minor thoroughfare*: 125 feet
3. *Floor area*: 2,100 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 30 feet
6. *Side yard setback*: 20 feet
7. *Height limit*: 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 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 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; or
   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 shall place at least 40 percent of the total subject property into the Conservation Area not withstanding the yield plan. This area shall be described by metes and bounds.
3. *Permanent Protection*. Each Conservation Area regardless of ownership 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.

Sec. 6-3. EST, Estate Residential District

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 (2) 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.

B. *Rezoning Requirements.* The following is required for a rezoning petition for the Estate Residential Zoning District in addition to what is normally required for a rezoning petition:

1. A petition 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 shall contain the check list requirements available in the office of the Zoning Administrator. The rezoning petition shall not be filed with the Planning and Zoning Department until the Yield Plan has been approved by the applicable departments.
2. A Development Plan shall be required for the rezoning petition. 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 density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary.

   Each EST Subdivision shall consist of two (2) 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. In addition to what is normally required on the Development Plan, the Development Plan 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 approximate 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. *Rezoning Requirements*. The following is required for a rezoning petition for the Conservation Subdivision Zoning District in addition to what is normally required for a rezoning petition:

1. A petition 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 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. The rezoning petition shall not be filed with the Planning and Zoning Department until the Yield Plan has been approved by the applicable departments.
2. A Development Plan shall be required for the rezoning petition. 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 density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the 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 Development Plan, the Development Plan 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

D. *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 structures and uses (see Article V.)

E. *Conditional Uses.* The following Conditional Uses shall be allowed in the residential area of EST Zoning District, provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Developed Residential Recreational/Amenity Areas;
2. Home Occupation; and
3. Horse Quarters.

F. *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:

1. Trails and paths (impervious trails and paths are limited to five [5] percent of the conservation area and trails and paths shall comply with the Watershed Protection Ordinance);
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;
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 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.

G. *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
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

H. *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 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.

I. *Conservation Area Requirements.* The conservation area of the subdivision shall meet the following requirements:

1. *Ownership.* Title to the conservation area shall be conveyed to one of the following entities:
   a. A Home Owners Association that has been established according to OCGA 44-3-220;or
   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.* A minimum of 40 percent of the total subject property 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 shall be submitted to the Fayette County Zoning Department in the Final Plat or Minor Subdivision Plat stage prior to Final Plat or Minor Subdivision Plat approval.
3. *Permanent Protection.* Each conservation area regardless of ownership 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.

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 50 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 75 feet

ii. *Collector*: 75 feet

b. *Minor thoroughfare*: 50 feet

5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 30 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:

i. *Arterial*: 100 feet

ii. *Collector*: 75 feet

b. *Minor thoroughfare*: 50 feet

5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;

3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard set*back: 50 feet
6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 175 feet
      ii. *Collector*: 175
   b. *Minor thoroughfare*: 150 feet
3. *Floor area*: 2,100 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 50 feet

6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

Sec. 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 depreciating effects of excessive densities and development and those uses incompatible with 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

D. *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*:
      i. *Arterial*: 175 feet
      ii. *Collector*: 175 feet
   b. *Minor thoroughfare*: 150 feet
3. *Floor area*: 1,500 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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
3. *Floor area*: 2,500 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 50 feet
6. *Side yard setback*: 25 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 150 feet
      ii. *Collector*: 150 feet
   b. *Minor thoroughfare*: 125 feet
3. *Floor area*: 2,100 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 75 feet
   b. *Minor thoroughfare*: 50 feet
5. *Rear yard setback*: 30 feet
6. *Side yard setback*: 20 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
   1. Church and/or other Place of Worship;
   2. Developed Residential Recreational/Amenity Areas;
   3. Home Occupation;
   4. Horse Quarters; and
   5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
         i. *Arterial*: 60 feet
         ii. *Collector*: 60 feet
      b. *Minor thoroughfare*: 40 feet
   5. *Rear yard setback*: 40 feet
   6. *Side yard setback*: 20 feet
   7. *Height limit*: 35 feet

Sec. 6-13. R-40 Single-Family Residential District.

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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:
   1. Church and/or other Place of Worship;
   2. Developed Residential Recreational/Amenity Areas;
   3. Home Occupation;
   4. Horse Quarters; and
   5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
         i. *Arterial*: 150 feet
         ii. *Collector*: 150 feet
      b. *Minor thoroughfare*: 125 feet
   3. *Floor area*: 1,500 square feet
   4. *Front yard setback*:
      a. *Major thoroughfare*:
         i. *Arterial*: 60 feet
         ii. *Collector*: 60 feet
      b. *Minor thoroughfare*: 40 feet
   5. *Rear yard setback*: 30 feet
   6. *Side yard setback*: 15 feet
   7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses,

Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation;
4. Horse Quarters; and
5. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 150 feet
      ii. *Collector*: 150 feet
   b. *Minor thoroughfare*: 125 feet
3. *Floor area*: 1,200 square feet
4. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Arterial*: 60 feet
      ii. *Collector*: 60 feet
   b. *Minor thoroughfare*: 40 feet
5. *Rear yard setback*: 30 feet
6. *Side yard setback*: 15 feet
7. *Height limit*: 35 feet

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Church and/or other Place of Worship;
2. Developed Residential Recreational/Amenity Areas;
3. Home Occupation; and
4. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

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*:
      i. *Arterial*: 125 feet
      ii. *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*:
      i. *Arterial*: 50 feet
      ii. *Collector*: 45 feet
   b. *Minor thoroughfare*: 40 feet
5. *Rear yard se*tback: 30 feet
6. *Side yard setback*: 10 feet
7. *Height limit*: 35 feet
8. *Off-street parking*: Parking spaces for three (3) motor vehicles per dwelling unit

Sec. 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, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met: Home Occupation.

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*: 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*:
         i. *Front yard*:
            (1) *Major thoroughfare*:
               (a) *State-numbered route*: 150 feet
               (b) *Arterial*: 100 feet
               (c) *Collector*: 80 feet

(2) *Minor thoroughfare*: 60 feet

ii. *Side yard*: 40 feet

iii. *Rear yard*: 40 feet

3. *Lot Coverage and Minimum Open Space*

a. No more than 40 percent of any development site may be covered with buildings, structures or parking areas. Driveways, sidewalks, covered patios, recreation facilities, 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 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 50 feet.

4. *Height limit*: 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 16 inches.

c. All exterior refuse areas or outside storage shall be screened in accordance with Article V.

d. Recreation facilities, including swimming pools, and common facilities 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 20 feet in each direction.

e. At least 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:

i. One (1) swimming pool at least 1,000 square feet;

ii. Two (2) standard tennis courts;

iii. One (1) children's playground; and

iv. 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 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 50 feet shall be provided within the required setback. The front peripheral yard shall be landscaped in accordance with

the Development Regulations (see County Code.)

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.

Sec. 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 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Day Care Facility (Nursery School); and
2. Home Occupation.

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 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 facilities, 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 10 percent of the gross area of the Manufactured Home Park, provided, however, said 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.
   a. Each Manufactured Home Park over 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 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 consisting of a total area of less than 10 acres.
2. *Each manufactured home shall be located on a separate lot as follows*:
   a. Each lot shall have a minimum width of 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 Citing Requirements*. Within 60 days of the citing 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. 15 feet of any street or drive within the Manufactured Home Park.
4. *Height Limit*: 35 feet

Sec. 6-18. O-I, Office-Institutional District.

A. *Description of District*. This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.

B. *Permitted Principal Uses and Structures.* The following Permitted Uses shall be allowed in the O-I Zoning District:
1. Office;
2. Art gallery;
3. Bank and/or financial institution;
4. College and/or university, including classrooms and/or administration only;
5. 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;
6. Health club and/or fitness center;
7. Insurance carrier, agent, and/or broker;
8. Laboratory, medical, and/or dental;
9. Legal services;
10. Massage therapy (see also County Code);
11. Medical/dental office (human treatment);
12. Military recruiting office;
13. Museum;
14. Performing arts theater;
15. Private School, including classrooms and/or administration only;
16. 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; and

17. Real estate agent and/or broker.

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 10 percent of the total floor area, are located in a building in which office uses comprise at least 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);
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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Adult Day Care Facility;
2. Animal Hospital and/or Veterinary Clinic (with no animal boarding or outdoor runs);
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);
7. Home Occupation;
8. Hospital;
9. Hotel and/or Bed and Breakfast;
10. Non-Emergency Medical Transport Service;
11. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
12. Religious Tent Meeting; and
13. Single-Family Residence and accessory structures and/or uses (see Article V.).

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 area with a land use designation of Office as indicated on the Fayette County Future Land Use Plan 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 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.

1. *Uses*.

The following Auxiliary Conditional Uses shall be allowed in the O-I Zoning District:

a. Durable Medical and Rehabilitation Equipment Sales/Rental (i.e. wheelchairs, crutches, etc.);

b. Pharmaceutical Sales (for the purpose of filling prescriptions only);

c. Counter Service Restaurants, including but not limited to: a bakery, café, coffee shop, or deli. No drive-thru, drive-in, or free standing facilities shall be allowed;

d. Optical Care Center to include prescription eyeglass/contact lens sales;

e. Gift Shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e. get well cards, etc.); and

f. Floral Sales.

2. *Auxiliary Conditional Use Limitations*

a. 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 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.

b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.

3. *Architectural Requirements*

a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the Transportation Corridor Overlay Zone shall not apply.

b. 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 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.

4. *Setbacks, yards adjoining rights-of-way*:

a. *Major thoroughfare*:

i. *Arterial*: 75 feet

ii. *Collector*: 70 feet

b. *Minor thoroughfare*: 55 feet

5. *Setbacks, yards not adjoining rights-of-way*:

a. *Side yard*: 15 feet

b. *Rear yard*: 15 feet

6. *Buffer*: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 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. 40 feet as defined in Article III.

b. When a structure reaches a minimum height of four (4) floors (including basements), it shall be sprinkled.

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.

9. *Lot coverage limit, including structure and parking area*: 60 percent of total lot area

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 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;
   e. Office and/or computer sales and/or service; and
   f. Cellular phone/communication device sales and/or service.

Sec 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:
   1. Amusement or recreational facility, indoor or outdoor (see County Code);
   2. Appliance sales and incidental repair;
   3. Art studio;
   4. Auto parts and/or tire sales and installation;
   5. Bakery;
   6. Bank and/or financial institution;
   7. Banquet hall;
   8. Catering service;
   9. Church and/or other Place of Worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
   10. College and/or university, including classrooms and/or administration only;
   11. Copy shop;
   12. Cultural facility;
   13. Day spa;
   14. Department store, variety store, and/or clothing store;
   15. Drug store;
   16. 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;

17. Electronic sales and incidental repair;
18. Emission testing facility (inside only);
19. Firearm sales and/or gunsmith (see County Code);
20. Florist;
21. Gift shop;
22. Grocery store;
23. Hardware store;
24. Health club and/or fitness center;
25. Jewelry shop;
26. Laboratory serving professional requirements, (e.g. medical, dental, etc.);
27. Library;
28. Medical/dental office (human treatment);
29. Messenger/courier service;
30. Military recruiting office;
31. Movie theatre (excluding drive-in);
32. Museum;
33. Office;
34. Office equipment sales and/or service;
35. Parking garage/lot;
36. 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.
37. Plant nursery, growing crops/garden, and related sales;
38. Printing, graphics, and/or reproductions;
39. Private clubs and/or lodges;
40. Private school, including, classrooms and/or administration only;
41. Radio studio;
42. Recording studio (audio and video);
43. Restaurant, (including drive-in and/or drive thru);
44. Retail establishment;
45. Smoking lounge (Subject to state and local tobacco sales and smoking laws);
46. Taxidermist; and
47. Television/movie studio.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Adult Day Care Facility;
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;
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 and Related Accessories;
8. Day Care Facility (Nursery School);
9. Dry Cleaning Plant;
10. Golf Course (minimum 18-hole regulation) and Related Accessories;

11. Home Occupation;
12. Hospital;
13. Kennel (see Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic);
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. Religious Tent Meeting;
17. Seasonal Sales, Outdoor;
18. Single-Family Residence and accessory structures and/or uses (see Article V.); and
19. 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 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*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 70 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 15 feet
5. *Side yard setback*: 15 feet
6. *Buffer*: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 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*: 35 feet
8. Screening dimensions for parking and service areas as provided in Article V. of the Zoning Ordinance and the Development Regulations (see County Code.)
9. *Lot coverage limit, including structure and parking area*: 60 percent of total lot area

Sec 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:

1. Ambulance 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;
6. Auto parts, tire store/installation, brake installation, muffler repair, oil change, tune-up, and emission testing facilities. All service, repairs, and diagnostics shall be conducted within an enclosed building;
7. Bakery;
8. Bank and/or financial institution;
9. Banquet hall;
10. Bookbinding;

11. Building, contracting and related activities, (e.g. sales and storage of building supplies and materials);
12. Bus passenger station (pick-up and drop-off only);
13. Cabinet manufacturing, sales, repair and/or installation;
14. Car wash and/or detailing facility;
15. Catering service;
16. Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
17. Clothing store and/or variety store;
18. College and/or university, including classrooms and/or administration only;
19. Copy shop;
20. Cultural facility;
21. Day spa;
22. Department store;
23. Drug store;
24. 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;
25. Electronic sales and/or repair;
26. Emission testing facility (inside only);
27. Engraving;
28. Firearm sales and/or gunsmith (see County Code);
29. Flea market, indoor (see County Code);
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;
37. Hardware store;
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.);
42. Library;
43. Magazine publication and/or distribution;
44. Manufactured home and/or building sales;
45. Medical/dental office (human treatment);
46. Messenger/courier service;
47. Military recruiting office;
48. Movie theatre and/or drive-in;
49. Museum;
50. Music teaching studio;
51. Newspaper publication and/or distribution;
52. Office;
53. Office equipment sales and/or service;
54. Parking garage/lot;
55. Pawn shops (see County Code);
56. 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.

57. Pest control;
58. Plant nursery, growing crops/garden, and/or related sales;
59. Printing, graphics, and/or reproductions;
60. Private clubs and/or lodges;
61. Private school, including classrooms and/or administration only;
62. Recording studio (audio and video);
63. Radio studio;
64. Railroad station;
65. Rent-alls;
66. Restaurant, including drive-in and/or drive thru;
67. Retail establishment;
68. Smoking lounge (Subject to state and local tobacco sales and smoking laws);
69. Tattoo parlor (see County Code);
70. Taxidermist;
71. Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
72. Television/movie studio;
73. Upholstery shop; and
74. Utility trailers sales and/or rental.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Adult Day Care Facility;
2. Amphitheater;
3. Animal Hospital, Kennel (Commercial or Non-Commercial), and/or Veterinary Clinic;
4. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Incidental Repairs;
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 Motor Coach 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 and Related Accessories;
13. Day Care Facility (Nursery School);
14. Dry Cleaning Plant;
15. Experimental Laboratory;
16. Golf Course (minimum 18-hole regulation) and Related Accessories;
17. Home Occupation;
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. Religious Tent Meeting;
24. Seasonal Sales, Outdoor;

25. Self-Storage Facility;
26. Single-Family Residence and accessory structures and/or uses (see Article V.);
27. Shooting Range, Indoor;
28. Stadium, Athletic; 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 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*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 70 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 15 feet
5. *Side yard setback*: 15 feet
6. *Buffer*: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 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*: 35 feet
8. Screening dimensions for parking and service areas as provided in Article V. herein and the Development Regulations (see County Code.)
9. *Lot coverage limit, including structure and parking area*: 60 percent of total lot area

Sec. 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;
6. Book, stationery, and/or card shop;
7. Clothing and accessories;
8. Dance school and/or studio;
9. Florist shop;
10. Gift shop;
11. Home furnishings and accessories;
12. Jewelry shop;
13. Laundry and/or dry clean pickup station;
14. Medical/dental office (human treatment);
15. Music teaching studio;

16. Office (business and/or professional);
17. Photography studio;
18. Restaurant/restaurant takeout (no drive-thru or drive-in allowed.); and
19. Shoe repair.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the L-C Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Convenience Commercial Establishment;
2. Single-Family Residence and accessory structures and uses (see Article V.); and
3. Home Occupation.

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:
   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;
   d. Accessory structures shall maintain the same architectural character of the principal structure, including the 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 constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan.
2. No outside storage will be permitted.
3. The lot shall have direct access to an Arterial street.

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*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 60 feet
   b. *Minor thoroughfare*: 55 feet

4. *Rear yard setback*: 15 feet
5. *Side yard setback*: 15 feet
6. *Height limit*: 35 feet
7. *Floor to Area Ratio*: (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 8,500 square feet.
8. *Buffer*: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 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*: 60 percent of total lot area

Sec. 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.

B. *Permitted Uses*. The following Permitted Uses shall be allowed in the M-1 Zoning District:

1. Ambulance service, including on-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;
5. Armories, for meeting and training of military organizations;
6. Automobile, truck, farm equipment, and heavy equipment sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop;
7. Blueprinting and/or graphics service;
8. Bookbinding;
9. Building construction/contracting and related activities;
10. Building supply sales;
11. Bus passenger station;
12. Cabinet manufacturing, sales, repair, and/or installation;
13. Car wash and/or detailing facility;
14. Charter motor coach service;
15. Copy shop;
16. Dental laboratory;
17. Delivery and/or courier service;
18. Electronic sales and/or repair;
19. Emission Testing Facility (inside only);
20. Engineering firms;
21. Engraving;
22. Farmer's market;
23. Feed and/or fertilizer sales;
24. Firearm sales and/or gunsmith (see County Code);
25. Flooring sales and/or installation;
26. Freezer locker service;
27. Freight express office;
28. Furniture store;
29. Glass sales;
30. Grading service;
31. Greenhouse;
32. Home furnishings and accessories;

33. Horse show and equine activity facilities;
34. Ice storage;
35. Insecticide sales and/or storage;
36. Janitorial service and/or supply;
37. Land development firms;
38. Land surveying service;
39. Landscaping service;
40. 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. Cooperage;
    g. Ice manufacturing;
    h. Laundry, cleaning and/or dying plants;
    i. Light sheet metal products such as ventilating ducts and eaves;
    j. 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;
    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;
41. Locksmith;
42. Magazine publication and/or distribution;
43. Medical laboratory;
44. Manufactured home and/or building assembly and/or sales;
45. Newspaper publication and/or distribution;
46. Office equipment service and repair;
47. Parking garage/lot;
48. Pest control;
49. Petroleum bulk plant (storage);
50. Photostating;
51. Planing and/or saw mill;
52. Plant nursery, growing crops/garden and related sales;
53. Printing plant;
54. Radio studio;
55. Railroad freight station;
56. Railroad passenger station;
57. Rent-alls;
58. Restaurants (drive-in/drive-thru prohibited);
59. Restaurant supply;
60. Rodeo/rodeo facilities;
61. Seed sales and/or storage;
62. Security system service;
63. Shell home display;
64. Solar farm;

65. Taxidermist;
66. Taxi service/limousine service/shuttle service/charter motor coach service;
67. Television/movie studio/media productions;
68. Tire sales;
69. Trade school;
70. Uniform services;
71. Utility trailer sales and/or rentals;
72. Warehousing and/or distribution;
73. Wholesaling; and
74. 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Aircraft Landing Area;
2. Amphitheatre;
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;
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;
10. Shooting Range, Indoor;
11. Shooting Range, Outdoor;
12. Single-Family Residence and accessory structures and uses (see Article V.);
13. Stadium, Athletic; and
14. 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 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*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 80 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 25 feet
5. Side yard setback: 25 feet
6. *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.
7. *Height limit*: 35 feet
8. *Lot coverage limit, including structure and parking area*: 70 percent of total lot area
9. Screening dimensions for storage areas, loading docks and parking (see Article V. and the Development Regulations of the County Code.)

Sec. 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;
5. Armories, for meeting and training of military organizations;
6. Automobile, truck, farm equipment, and heavy equipment sales and repairs, paint and/or body shop, parts store, including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop;
7. Bookbinding;
8. Building construction/contracting and related activities;
9. Building supply sales;
10. Engraving;
11. Feed, pesticides, and/or fertilizer sales and/or storage;
12. Freezer locker service;
13. Freight express office;
14. Glass manufacturing;
15. Grading service;
16. Greenhouse;
17. Ice storage;
18. 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. Cooperage;
    g. Ice manufacturing;
    h. Laundry, cleaning and/or dying plants;
    i. Light sheet metal products such as ventilating ducts and eaves;
    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.; and
    n. Tinsmith and/or roofing service.
19. Magazine publication and/or distribution;
20. Manufactured home and/or building assembly and/or sales;
21. Newspaper publication and distribution;
22. Parking lot and/or garage;
23. Pest control;
24. Petroleum bulk plant (storage and/or recycling);

25. Photostating;
26. Planing and/or saw mill;
27. Plant nursery, growing crops/garden and related sales;
28. Printing plant;
29. Public utility facilities;
30. Railroad freight station;
31. Seed sales and/or storage;
32. Solar farm;
33. Tire recapping;
34. Warehousing and/or distribution;
35. Wholesaling; and
36. 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 Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Aircraft Landing Area;
2. Experimental Lab;
3. Heavy Manufacturing, packaging, processing or handling of materials;
4. Home Occupation;
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. Transfer Station for Household/Commercial Garbage and/or Recyclable Materials (including processing and handling); and
10. 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*:
      i. *Arterial*: 100 feet
      ii. *Collector*: 80 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 25 feet
5. *Side yard setback*: 25 feet
6. *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.
7. *Height limit*: 35 feet
8. *Lot coverage limit, including structure and parking area*: 70 percent of total lot area
9. Screening dimensions for storage areas, loading docks, and parking (see Article V. and the Development Regulations of the County Code.)

Sec. 6-24. BTP Business Technology Park District

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, movie/media productions and/or telecommunication;
8. Training center, trade school, and/or vocational center;
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. College and/or university, 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 13.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the BTP Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Single-Family Residence and accessory structures and uses (see Article V.);
2. Home Occupation; and
3. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium.

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*:
        i. *Major Arterial*: 100 feet
        ii. *Arterial*: 100 feet

iii. *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 petition for the BTP Zoning District in addition to what is normally required for a rezoning petition:

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, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary.

The Development Plan 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.

Sec. 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), 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. *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 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; and
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 (see County Code.) 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.

Procedures. The following procedures shall be followed in the establishment of each and every Planned Unit Development:

1. *Pre-Application Conference*. The deadline to submit copies of the Development Plan and Letter of Intent shall be the first (1st) of each month by noon. If the first (1st) of the month falls on the weekend or on a holiday, the deadline is automatically extended to the next working day by noon. Prior to filing a rezoning petition for a Planned Unit Development, the applicant shall meet with the Technical Review Committee (TRC) in order to review the general character of the proposed development, 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, 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. *Rezoning Petition*. 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.
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 20 feet based on field survey or photogrammetric methods;
    c. Map showing the existing flood plains and flood soil as indicated by FEMA;
    d. Legal description of the subject property;
    e. 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;
    f. Elevations of 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:
        i. Off-street parking and loading plan;
        ii. Economic feasibility report or market analysis;
        iii. Area traffic study and circulation plan within the development and to and from existing thoroughfares;
        iv. Hydraulic, hydrologic; and drainage engineering studies;
        v. Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge, impact study;

vi. Based on the Pre-Application Meeting with the Zoning Administrator and/or the Pre-Recommendation Meeting(s) with the Planning Commission, 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, number and type of dwelling units, a net residential density calculation, 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. 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 (see County Code.)
8. *Ownership control*. At the time a Final Plat or Minor Subdivision Plat is approved and recorded for a Planned Unit Development, as applicable, the land comprising the area for the Final Plat or Minor Subdivision Plat shall be under one (1) ownership, i.e., an individual, a corporation, or some other single legal entity.
   Individual lots may be sold only after the Final Plat or Minor Subdivision 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, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Zoning Administrator and Planning Commission. A petition for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary or desirable.

D. **Planned Residential Development**.

1. *Purpose*. The intent of a Planned Residential Development (PRD) is to encourage creativity and resourcefulness in residential 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. 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. <u>Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards</u> are met:
   a. Home Occupation; and
   b. Horse Quarters (see article V. Raising and Keeping Horses in Residential Districts.)
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*: 15 feet
   d. *Rear yard setback*: 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 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 the 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 shall be given to the Zoning Administrator as a part of the record of the Planned Residential Development.

E. **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*. Only those uses (Permitted and Conditional) in the M-1 and M-2 Zoning Districts shall be proposed for 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*: 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*: 35 feet
   f. A buffer of 75 feet shall be provided around the periphery of the development.

F. **Planned Retreat and/or Lodge**. (Amended 08/25/11)
1. *Purpose*. The intent of a Planned Retreat and/or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of groups or organizations for the purpose of association, education, therapy, or instruction through conferences, seminars, and/or camps. Food and lodging may be furnished for a definite and temporary period.
2. *Permitted Uses*. The following uses may be proposed in a PRL:
   a. Assembly/meeting facilities (indoor and outdoor);
   b. Dining facilities;
   c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;

d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools; and

e. Caretaker and/or staff housing.

In addition, only those uses (Permitted and Conditional) allowed in the A-R Zoning District may be proposed for a PRL. Only those uses approved through the rezoning procedure will be allowed in the PRL.

3. *Minimum Dimensional and Other Requirements*. The minimum requirements for a PRL shall be as follows:

a. *Location*: A-R Zoning District

b. *Development size*: 50 contiguous acres

c. *Maximum density*: One (1) single-family unit for each 10 net acres of the development

d. 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.

e. A Site Plan will be required prior to the construction of structures and/or recreational facilities, as applicable, per the Development Regulations (see County Code.)

f. Each structure whose purpose is to provide lodging shall have paved access to a public street. Said access shall meet the requirements of the Development Regulations (see County Code.)

g. No structure shall be permitted within 150 feet of the right-of-way (existing or required) of any existing street abutting or bisecting the development.

h. A minimum buffer of 75 feet shall be provided around the periphery of the development. To provide sufficient separation from proposed uses to alleviate any adverse effect on the use or usability of abutting or nearby properties, said buffer may be increased through the rezoning procedure by the Board of Commissioners as a condition of approval and shall be indicated on the Development Plan. Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning procedure and indicated on the Development Plan; conditions of approval may be incorporated by the Board of Commissioners.

i. *Height limit*: 35 feet

G. **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 Article V;

b. Farm buildings (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 (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. Picnic area;
p. Sit down restaurant, banquet facility, bakery and catering (no drive-thru, and selling of alcoholic beverages, shall be prohibited) (minimum seating capacity of 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, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met: Home Occupation.

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*:
      i. *Front yard*: 200 feet
      ii. *Rear yard*: 100 feet
      iii. *Side yard*: 100 feet
   e. A Site Plan is required indicating the location of all structures/activities per the Development Regulations (see County Code.)
   f. All parking and access areas shall be paved and landscaped per the Development Regulations (see County Code.)
   g. All service areas shall be screened per Article V. herein.
   h. All parking and service areas 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 may have a metal facade. All other structures shall have a non-metallic facade.
   j. Shall comply with all County, (including Fire Marshal), State and Federal requirements.

H. **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:
      i. Picnic and playground areas;
      ii. Concession facilities;
      iii. Press box facilities;
      iv. Restroom facilities;
      v. Maintenance and/or equipment facilities;

vi. Ticket sales facilities;
vii. Bleachers;
viii. Dugouts;
ix. Lights; and
x. 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. *Minimum Dimensional and Other Requirements*. The minimum requirements for a POR shall be as follows:
   a. *Development size*: 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*:
      i. No Permitted Uses shall be allowed within 100 feet of the right-of-way.
      ii. No Permitted Uses shall be allowed within 500 feet from any A-R or residential zoning district.
      iii. No Permitted Uses shall be allowed within 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 (see County Code.)
   g. *Paved access and paved parking shall be provided as follows*:
      i. 40 spaces per outdoor athletic field; and
      ii. 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 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 shall be provided to maintain a litter free recreation area. Dumpsters shall be screened on all sides.
   k. Outside loudspeaker system use permitted until 10:00 p.m.
   l. Height limit: 35 feet, with the exception of lights.

I. **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 to alleviate incompatibility between the internal uses in the development to protect public safety to the greatest degree possible.

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 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. Vehicular access facilities shall be designed in a manner to preclude large vehicles (semi-tractor trailers, delivery trucks, etc.) from utilizing areas where pedestrians are likely to be present.
   e. *Location*: Only those areas indicated in the Fayette County Comprehensive Plan shall be given consideration for PUD-PSBC.
   f. *Height limit*: 35 feet

Section 5. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS** in its entirety, and in lieu thereof, enacting a new **ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS** to read as follows:

ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS

Sec. 7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district, including the Legal Nonconforming Status (LNS) sub-category, 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 a Conditional Use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the Zoning Administrator and approved by the 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 meetings and/or events which are conducted no longer than 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.)

a. The facility shall comply with all applicable licensing requirements of the State of Georgia.

b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.

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. FAA Air Space Clearance approval for visual flying flight operations and landing areas 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 FAA 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 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 all property lines.

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.)

i. FAA Air Space Clearance approval for visual flying flight operations and landing areas shall be required, where applicable.

ii. 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.

iii. A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.

f. *Aircraft Hangar*. (Allowed in the A-R, M-1 and M-2 Zoning Districts)

i. An aircraft hangar shall comply with all of the above criteria of Article VII, *Aircraft Landing Area*.

ii. 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.

iii. In the A-R zoning district, on lots of less than 10 acres in size, there shall be a maximum of one (1) detached hangar allowed.

g. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.

h. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:

i. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.

ii. A detached hangar shall not be constructed prior to construction of the single-family dwelling.

iii. A detached hangar shall be located to the side or rear of the principal dwelling.

iv. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.

3. *Amphitheater*. (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 County Code.)

b. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.

c. Such use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare.

4. *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.

5. *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 convalescent period.

6. *Automobile, Truck, Farm Equipment, or Motorcycle, Sales and Incidental Repairs*. (Allowed in C-H Zoning District)

a. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions:

i. All activities except sales shall be conducted indoors.

ii. No outside storage of equipment or parts shall be permitted.

iii. No external loud-speakers allowed.

b. 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:

i. All repair activities shall be conducted indoors.

ii. No outside storage of equipment or parts shall be permitted.

iii. All overhead doors shall face the side and/or rear yard or be screened from view from the street per Article V. of the Fayette County Zoning Ordinance or utilizing vegetative materials.

iv. All wrecked vehicles stored for repair shall be screened in accordance with Article V.

v. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

vi. No external loud-speakers allowed.

7. *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 75 feet from a residential or A-R Zoning District.

b. Underground storage tanks shall be set back no closer than 20 feet from all property lines.

c. A dynamometer shall not be utilized in conjunction with outside emission testing.

8. *Campground Facilities*. (Allowed in the 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. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days, provided; however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.

c. Campground facilities shall be permitted only on a lot which fronts on a Major Thoroughfare (as designated by the Fayette County Thoroughfare Plan.) All access is limited to the Major Thoroughfare only.

d. The lot area shall be at least 10 acres.

e. The maximum density shall not exceed four (4) campsites per gross acre.

f. A minimum 50 foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (see Sign Ordinance.)

g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:

   i. Front yard: 75 feet
   ii. Side yard: 25 feet
   iii. Rear yard: 25 feet

h. At least 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:

   i. Such uses and structures shall be restricted to the use of occupants of the park and their guests;
   ii. All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.
   iii. Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
   iv. Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
   v. 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.

9. *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 use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare.

c. A minimum 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:

   i. Front yard: 100 feet
   ii. Side yard: 50 feet
   iii. Rear yard: 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.

g. 24 hour staff shall be required.

h. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e. hallways, corridors, etc.)

10. *Cemetery*. (Human or Pet) (Allowed in A-R and C-H Zoning Districts) (a Human Cemetery is also allowed in conjunction with a *Church or other Place of Worship* (see Article VII.)

a. *Human Cemetery*

i. The facility shall comply with all requirements of the State of Georgia.

ii. Minimum lot area shall be 10 acres.

iii. A crematorium or mausoleum shall be allowed only in conjunction with a cemetery.

iv. A crematorium shall be set back 300 feet from all property lines.

v. Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district.

vi. Landscape areas shall be required and planted in accordance with the Development Regulations (see County Code.)

vii. Graves for pets shall meet b. Pet Cemetery, ii., iii., and iv. below.

b. *Pet Cemetery*

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

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

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

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

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

vi. A pet cemetery shall be maintained in perpetuity via deed restrictions.

vii. Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district.

viii. Landscape areas shall be required and planted in accordance with the Development Regulations (see County Code.)

11. *Charter Motor Coach Service*. (Allowed in C-H Zoning District)

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

b. All motor coaches shall be screened in accordance with Article V.

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 motor coaches.

e. On-site maintenance/repairs are prohibited.

12. Child *Care Facility.* (Allowed in C-C, C-H, O-I, A-R, and MHP Zoning Districts, and *Church and/or other Place of Worship* (see Article VII.)

a. The facility shall comply with all applicable licensing requirements of the State of Georgia.

b. Outdoor play areas shall be located to the side or rear of the principal building.

c. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.

d. A fence measuring at least four (4) feet in height shall enclose the entire play area.

e. If the side or rear yard abuts a residential or A-R Zoning District, a minimum 50 foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas.

f. 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.

g. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.

h. Such use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare.

13. *Church and/or other Place of Worship*. (Allowed in O-I, C-C, C-H, A-R, 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 a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only.

c. 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. A walking/running path or track may be located in the front yard setback.

d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein.)

i. Front yard: 100 feet
ii. Side yard: 50 feet
iii. Rear yard: 75 feet

e. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child 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. General Provisions), 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.

f. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.

g. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see Article VII. *Child Care Facility*.)

h. 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*.)

i. Landscape areas shall be required in accordance with the Development Regulations (see County Code.)

j. 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.

k. 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.

l. The construction of one (1) open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

   i. The pavilion shall be constructed following the construction of the main sanctuary building;

   ii. The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and

   iii. The pavilion shall not be lighted or used after 10:00 p.m.

   If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

14. *College and/or University, including, but not limited to: classrooms, administration, housing, outdoor athletic facility, gymnasium, and/or stadium*. (Allowed in the A-R, BTP, O-I, C-C, and C-H Zoning Districts)

a. The lot area shall be at least 10 acres.

b. Such use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare.

c. 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:

   i. Front yard: 100 feet

   ii. Side yard: 50 feet

   iii. Rear yard: 75 feet

e. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified 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 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 shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan.
    c. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
    d. Underground storage tanks shall be set back at least 20 feet from all property lines.
    e. The number of gasoline pumps shall be limited to no more than six (6) or a total of 12 pumping stations.

17. *Developed Residential Recreational/Amenity Areas*. (Allowed in subdivisions in the A-R, 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 or Minor Subdivision Plat approval.)
    a. Lot area: Per zoning district
    b. Said area shall be shown on the Preliminary Plat and Final Plat or Minor Subdivision Plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
    c. Landscape areas shall be required and planted in accordance with the Development Regulations (see County Code.)
    d. In addition to the required landscape areas, a six (6) foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with Side Yard requirements in the Development Regulations (see County Code.)
    e. Paved parking area is required per the Development Regulations (see County Code.)
    f. No activity and lighting permitted after 10:00 p.m.

g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.

18. *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 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 40 according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall meet all requirements 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.

19. *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 shall comply with all applicable State and/or Federal licensing requirements.

20. *Farm Outbuildings, including Horse Stables*, *Auxiliary Structures, and Commercial Greenhouses*. (Allowed in the A-R Zoning District)
    a. *Farm Outbuilding*. All structures permitted in this category shall be structures related to 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 (see Article V.)
    b. *Commercial Greenhouses*. All structures permitted in this category shall be structures related to a bonafide cultivation or production of landscape planting materials. Commercial greenhouses shall be exempt from architectural standards (see Article V.)
    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 only shall be permitted; however, a site plan shall be required for these uses. Horse Stables are exempt from architectural standards (see Article V.)
    d. Auxiliary Structures. All structures permitted in this category shall comply with the following:
        i. Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
        ii. Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.
        iii. For those uses that have the potential of generating noise levels audible to the adjacent properties acoustical treatment (soundproofing) shall be required to mitigate the volume of sound.
        iv. Commercial/retail activity shall not be permitted.
        v. An auxiliary structure shall not be utilized in conjunction with a

Home Occupation.

vi. Auxiliary Structures are exempt from architectural standards (see Article V.)

e. Lot size over 10 acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and commercial greenhouses.

f. Lot size five (5) to 10 acres, one (1) detached farm outbuilding, auxiliary structure, commercial greenhouse, or horse stable consisting of a maximum of 1,800 square feet in size.

Farm outbuildings, auxiliary structures, horse stables, and commercial greenhouses may: have plumbing and electricity, but shall not be used for residential purposes; Farm outbuildings, horse stables, and commercial greenhouses shall not be located within 100 feet of the principal residential structure or connected to any structures on site. Farm outbuildings, horse stables, and/or commercial greenhouses may be constructed prior to the principal residential structure.

21. *Feed Lot and/or Commercial Barn*. Barns and feed lots shall be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District)

22. *Golf Course (minimum 18-hole regulation) and Related Accessories*. Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. (Allowed in the C-C, C-H, and A-R Zoning Districts)

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 systems shall be utilized.

23. *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.

24. *Home Occupation*. (Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, M-1, M-2, and BTP Zoning Districts) 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.

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. The on-premise sale of products produced off the premises shall be prohibited.

d. *Clients/Customers/Students*. The number of clients/customers/ students on-premise shall not exceed more than two (2) at a time nor more than a total of eight (8) clients in any one (1) day and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/ customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

e. *Area*. Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.

f. *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.

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

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

i. *Instructions and/or Tutoring*. Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.

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

k. *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.

l. *Uses*. The following and similar uses shall not be considered home occupations: automobile service station; automobile and related 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 with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premise welding; on–premise pet grooming; on-premise medical/dental facilities; on-premise repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premise massage therapy.

25. *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: 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, 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 quarter 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.)

26. *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 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.

27. *Hospital*. (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts)
a. Minimum lot size: 10 acres
b. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the Fayette County Thoroughfare Plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
c. A minimum 50 foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.
d. Minimum setbacks:
i. Front yard: 100 feet
ii. Side yard: 50 feet
iii. Rear yard: 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 10 percent of the primary structure floor area. No outside advertising is allowed.
f. Heliport.

28. *Hotel and/or Bed and Breakfast*. (Allowed in the O-I Zoning District)
A minimum 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.

29. *Junk Yard and/or Auto Grave Yard*. (Allowed in the M-2 Zoning District)
a. Minimum lot size: 10 acres
b. Maximum site area: 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, Kennel (Commercial or Non-Commercial) and/or Veterinary Clinic*)

30. *Landfill*. (Allowed in the M-2 Zoning District)
a. Minimum lot size: 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 a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan.

d. The landfill shall comply with all of the State of Georgia and Federal requirements.

e. Such uses shall be permitted only on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only.

31. *Laundromat, Self-Service or Otherwise*. (Allowed in the C-C and C-H Zoning Districts)
Central water and central sanitary sewage systems are required.

32. *Mining and/or Quarrying*. (Allowed in the M-2 Zoning District)

a. Ingress and egress to and from the facility shall be limited to an arterial 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 of the State of Georgia and Federal requirements.

33. *Non-Emergency Medical Transport Service*. (Allowed in the O-I Zoning District)

a. The service shall comply with all licensing requirements of the State of Georgia.

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.

c. No on-site vehicle maintenance or fueling facilities are allowed.

34. *Outdoor Amusement Facilities, Rides, Structures over 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 35 feet in height, shall be dismantled upon the closing of the business or activity in question.

d. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet

in height, 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.

35. *Private School, including, but not limited to: classrooms, administration, playground, housing, outdoor athletic facility, gymnasium, and/or stadium*. (Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, and C-H Zoning Districts)

a. Minimum lot size: five (5) acres

b. Such use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare.

c. If the side or rear yard abuts a residential or A-R Zoning District, a minimum 50 foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities.

d. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.

e. Student drop-off and vehicular turn-around facilities shall be provided on the site.

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.

h. The construction of one (1) open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

i. The pavilion shall be constructed following the construction of the main school building;

ii. The floor area cannot exceed 40 percent of the square footage of the main school building; and

iii. 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 40 percent of the main school building square footage.

36. *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.

37. *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 a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only.

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.

i. Front yard: 100 feet

ii. Side yard: 50 feet

iii. 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.

38. *Religious Tent Meeting*. (Allowed in A-R, C-C, C-H, and O-I Zoning Districts)

a. Said meetings shall not exceed 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.

39. *Recycling Facility*. (Allowed in the M-1 Zoning District)

a. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.

b. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.

c. All outside storage of recyclable materials 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 (see County Code.)

40. *Seasonal Sales, Outdoor*. (Allowed in C-C and C-H Zoning Districts and *Church and/or other Place of Worship*, see Article VII.)

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 displays, 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, 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.

41. *Self-Storage Facility*. (Allowed in M-1 and C-H Zoning Districts)

a. The maximum size of a storage bay shall be 550 square feet.

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. The Transportation Corridor Overlay Zone shall apply when applicable.

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 25 feet as measured from the closest part of the structure including any overhang.

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 25 percent of the overall gross square footage of all buildings. All covered storage 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 shall be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angled parking.

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.

g. No exterior loudspeakers or paging equipment shall be permitted on the site.

42. *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.

43. *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)

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

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

47. *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:

i. Shall comply with zoning requirements for setbacks.

ii. Shall be exempt from screening (see Article V.), except where provided herein.

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

48. *Transfer Station for Household/Commercial Garbage and/or Recyclable Materials (including processing and handling.)* (Allowed in the M-2 Zoning District)

a. Minimum lot size: 10 acres

b. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the Fayette County Thoroughfare Plan.

c. The transfer station shall comply with all licensing requirements of the State of Georgia.

d. Such uses shall be permitted only on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only.

49. *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.

Sec. 7-2. Nonconformances.

A. *Nonconforming Lots*.

A legally existing lot of record which fails to comply with the provisions herein, as of 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 and improvements, 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 and improvements, 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.

Landlocked Property. In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20 foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two (2) or more lots, no further building permits shall be issued until each lot complies with the requirements of Street Frontage for Access.

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 or Minor Subdivision 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 (5) feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision 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 meet 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 shall be accomplished as a condition of rezoning approval.

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.

Consideration for the Rezoning of Illegal Nonconforming Lots. An illegal nonconforming lot may be considered for rezoning to a Legal Nonconforming Status (LNS) sub-category of the same zoning district. For the purposes of this section, an illegal nonconforming lot is a lot which does not comply with the minimum lot area (acreage), minimum lot width at the building line, and/or the minimum required road frontage; whereas, a variance cannot be granted for said deficiencies by the Zoning Board of Appeals (see Article IX.) The status of any existing legal nonconforming uses or structures will be evaluated and addressed during the rezoning procedure. After approval of the rezoning, any existing illegal nonconforming structure(s) which are to remain will need a variance authorized by the Zoning Board of Appeals (see Article IX.) The continuation of an illegal nonconforming use is prohibited. The petition for rezoning to a LNS sub-category of the same zoning district shall be evaluated per the following factors, in addition to those listed under Article XI. Policies, Procedures and Standards Governing Amendment:

1. Whether the applicant is a bona-fide purchaser in good faith of said illegal nonconforming lot without the knowledge of any illegal nonconformance and has provided documentation that there was no disclosure of nonconformance made at the time of acquisition of the property and that the property was acquired with a non-contingent contract, as applicable.
2. Whether the applicant created the illegal nonconforming lot by any of his/her actions or has a familial relationship to an individual that created the illegal nonconforming lot.
3. Whether the applicant has attempted to acquire more property from adjacent properties to bring the illegal non-conforming lot into compliance. The applicant shall provide written information documenting such attempt(s) and the result of such attempt(s).
4. Whether the applicant has executed and signed an affidavit affirming all of the above are true and correct.
5. Whether the County issued any building permit(s) for any structure(s) on the illegal nonconforming lot including the circumstances involved with the issuance of said permits.
6. Whether the subject property is developed or vacant. A vacant lot created after the effective date of (insert date of ordinance approval) shall not be given consideration for rezoning to a (LNS) sub-category of the same zoning district.

Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new improvements, a variance authorized by the Zoning Board of Appeals shall be required. In the event that a landlocked Illegal Nonconforming Lot is rezoned to a Legal Nonconforming Status, a 20 foot easement to a public street that has been duly recorded and made a part of the property deed shall be required prior to the issuance of building permits.

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 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 of storage yards, vehicle and trailer sales 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 Structure. Any legally existing use of a structure which fails to comply with the provisions herein, as of 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. 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 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 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 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.

Continuance of a Legal Nonconforming Use. The Zoning Board of Appeals may allow a legal nonconforming use to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Zoning Board of Appeals 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 legal nonconforming use is situated; and
2. Undue hardship to the property owner would result in not allowing the continuance of a 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 legal nonconforming use.

C. *Nonconforming Structures.*

Nonconforming Structures. Any legally existing structure, which fails to comply with the provisions herein, as of 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 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.)
2. The structure itself 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. Restriction of allowable uses;
   b. Parking requirements; and
   c. Buffer and landscaping requirements.

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 are allowed in residential subdivisions to preserve the character of Fayette County as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility 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**.**

Reconstruction of Legal Nonconforming Structures. When a legal nonconforming structure is 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 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.

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 a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which 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. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) 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 shall comply with the dimensional minimum requirements herein.

Legally Existing Structures. A property that is improved with a legally 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 a legally 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 a legally 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 legally existing 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.

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 Official Zoning Map of Fayette County.

Sec. 7-3. Changes in Zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the County or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of Article VII.

Sec. 7-4. 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 date of 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 Official Zoning Map of Fayette County.

Sec. 7-5. Transportation Corridor Overlay Zone

For the purposes of Section 7-5., 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, final, and/or minor subdivision plat, and/or the submittal of a site plan.

A. *SR 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.

1. *The purpose of the SR 54 West Overlay Zone is to achieve the following*:
    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.
2. 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 (see County Code.)
3. *Dimensional Requirements*.
    a. All parking areas shall be located at least 50 feet from any State Route right-of-way.
    b. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
    c. 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.
    d. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of 10 feet from the side property line.
4. *Architectural Standards*. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements 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 shall be of a residential character with the appearance of shingles, slate or terra cotta;
    b. *Gasoline Canopy*. Gasoline canopies shall also comply with the following requirements:
        i. 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.
        ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
        iii. The support columns for the gasoline canopies shall match the façade of the convenience store.
        iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
    c. 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);

d. 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

e. 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.

f. When an existing nonconforming structure is enlarged by 50 percent 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 January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

When an existing nonconforming structure is enlarged by more than 50 percent the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

This exemption shall expire January 24, 2015, seven years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

Note: (These architectural standards shall exclude 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)

5. *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.

6. *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: 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) and multi-use path connections may be located anywhere within the landscape area.

b. *Side Yard Landscape Area*: 10 feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

7. *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.

8. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

9. *Special Locational and Spatial Requirements*.

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.

b. No outside storage allowed.

c. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment 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.

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. *SR 85 North Overlay Zone*. All property and/or development within 1,000 feet of the right-of-way of SR 85 North with nonresidential use or zoning 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.

1. *The purpose of the SR 85 North Overlay Zone is to achieve the following*:

a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle.

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.

2. 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.

3. *Dimensional Requirements*

a. All parking areas shall be located at least 50 feet from any State Route right-of-way.

b. *Setbacks will be as follows*:

i. *Front yard setback on State Route 85 North*: 100 feet

ii. *Gasoline Canopy*: Front yard setback on State Route 85 North: 85 feet

c. 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.

4. *Architectural Standards*

   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.

   b. 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.

   c. When an existing nonconforming structure is enlarged by 50 percent 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 January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

      When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

      This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

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*: 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) and multi-use path connections may be located anywhere within the landscape area.

   b. *Side Yard Landscape Area.* 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 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.

7. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

8. *Special Locational and Spatial Requirements*.

   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 heating, ventilation, and air conditioning equipment and satellite/communications equipment 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.

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.

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.

1. *The purpose of the General State Route Overlay Zone is to achieve the following*:

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.

2. 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

3. *Dimensional Requirements*.

a. All parking areas shall be located at least 50 feet from any State Route right-of-way.

b. Front yard setbacks on all other State Routes for all structures, including gasoline canopies, shall be 100 feet.

c. 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.

4. *Architectural Standards*. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following 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 shall be of a residential character with the appearance of shingles, slate or terra cotta.

b. *Gasoline Canopy*. Gasoline canopies shall also comply with the following requirements:

i. 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.

ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.

iii. The support columns for the gasoline canopies shall match the façade of the convenience store.

iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.

c. 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.

d. 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.)

e. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.

f. When an existing nonconforming structure is enlarged by 50 percent 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 January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

5. *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.

6. *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: 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) and multi-use path connections may be located anywhere within the landscape area.

b. *Side Yard Landscape Area.* 10 feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

7. *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.

8. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

9. *Special Locational and Spatial Requirements.*

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.

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 heating, ventilation, and air conditioning equipment and satellite/communications equipment 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.

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.

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.*

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 County Engineer.

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 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 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 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 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*.

a. All parking areas shall be located at least 50 feet from any State Route right-of-way.

b. *Front yard setback on S.R. 74 North*: 100 feet

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*.

a. *West Side of SR 74 North Architectural Standards*:

i. 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.

ii. The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.

iii. 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.

iv. 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.

b. *East Side of SR 74 North Architectural Standards*:

i. 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 shall be of a residential character with the appearance of shingles, slate or terra cotta:

ii. 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);

iii. 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);

iv. 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) and multi-use path connections may be located anywhere within the landscape area.

b. *Side Yard Landscape Area.* 10 feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

6. *Lighting.*

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 10 feet in height within non-vehicular pedestrian areas.

7. *Additional Requirements.*

a. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.

b. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment 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.

c. Bay doors shall not be allowed to directly face SR 74 North.

d. 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.

Sec 7-6. <u>Commercial Development Standards.</u>

A. Architectural and site design standards and guidelines for structures 5,000 square feet or greater (this applies to a single structure) that are located in the area north of SR 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 35 feet in height within the parking lot and shall be a maximum of 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*:

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 out lots. 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 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;

i. Windows at a minimum of 25 percent of the affected facade. All doors and windows 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.

ii. Projected covered public entry with a minimum of 25 percent of each projected wall space devoted to windows. (This figure is non-cumulative.)

iii. 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 shall be a minimum of eight (8) feet in height with a maximum of 10 feet in height and shall extend the full length of the affected facade.

iv. Canopies/awnings of a fixed nature.

b. *Facade/wall height transition.* New developments that are located within 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 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 out lot 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:

i. All buildings shall maintain a facade of brick, stone, or stucco.

ii. Windows shall not appear to be false or applied.

iii. No horizontal length and/or uninterrupted curve of a building facade or roofline shall exceed 25 linear feet and shall have architectural elements along a minimum of 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.

Section 6. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE IX. ZONING BOARD OF APPEALS** in its entirety, and in lieu thereof, enacting a new **ARTICLE IX. ZONING BOARD OF APPEALS** to read as follows:

ARTICLE IX. ZONING BOARD OF APPEALS

Sec. 9-1. Membership.

A. *Membership and Appointments*. The Fayette County Zoning Board of Appeals 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. 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 Zoning Board of Appeals shall be disqualified to act upon a matter before the Zoning Board of Appeals with respect to property in which the member has an interest. It may be deemed cause for removal should any 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 Zoning Board of Appeals shall be for three (3) years. 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.

C. *Compensation*. The Zoning Board of Appeals members shall receive compensation for their service as determined by the Board of Commissioners of Fayette County.

Sec. 9-2. Rules and Procedures.

The 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 Zoning Board of Appeals shall appoint a Secretary who shall be an employee of Fayette County. The Zoning Board of Appeals shall have authority to adopt Rules of Procedure. *(Note only: Rules of Procedure adopted by the ZBA on June 27, 2011.)* Meetings of the Zoning Board of Appeals may be held at the call of the Chairman. The Chairman may administer oaths and compel the attendance of witnesses by subpoena. The 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 Planning and Zoning Department and shall be public record. The decisions of the Zoning Board of Appeals shall contain a statement of the subject matter being considered by the Zoning Board of Appeals, the decisions of the Zoning Board of Appeals, and the grounds for its decision reduced to written

form. The full text shall be sent to the appellant. An application which seeks the same relief in regard to the same property shall not be accepted for a period of six (6) months following the date of the written decision from said application.

Sec. 9-3. Administrative Assistance.
The Zoning Administrator shall provide such technical, administrative, clerical assistance, and office space as is required by the Zoning Board of Appeals to carry out its function under the provisions herein.

Sec. 9-4. Public Hearing.

A. *Place, Time, and Date*. The public hearings shall be conducted as follows:
   1. *Place*: Fayette County Administrative Complex
   2. *Time and Date*: Fourth Monday, 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 as provided herein.

B. *Notice of Hearing Shall be Given*. Before making its decision on an appeal, a request for a variance, or any other matter within the Zoning Board of Appeals' purview, the Zoning Board of Appeals shall hold a public hearing thereon. At least 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. 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.

C. *Public Notice in Newspaper*. The Zoning Board of Appeals shall cause public notice of the hearing to be published in the legal organ of Fayette County, at least 15 calendar days but not more than 45 calendar days, prior to the date of the public hearing.

D. *Posting of Sign(s)*.
   1. A sign shall be posted on property. One (1) sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
   2. Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the application number, the time, date, and place of the hearing.
   3. A refundable sign deposit shall be required for each sign at the time of application.

E. *Who May Appear.* Any party may appear at the public hearing in person or by agent or attorney.

F. *Zoning Board of Appeals' 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 shall be reposted with new signage indicating the new public hearing dates.

G. *Time Limit on Zoning Board of Appeals' Decision*. The Zoning Board of Appeals shall reach a decision following a public hearing within 45 calendar days or the application shall be deemed to be approved.

H. *"Writ of Certiorari" (Appeal.)* An applicant has 30 calendar days from the date of the Zoning Board of Appeals' decision to file a "Writ of Certiorari" (Appeal) with the Superior Court of Fayette County.

Sec. 9-5. Powers and Duties.

A. *Appeals from Actions of the Zoning Administrator*. The 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 Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, or board of 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 30 calendar days after the date of notification of the Zoning Administrator's decision. The Zoning Administrator shall forthwith transmit to the 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 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 the Zoning Board of Appeals' Power*. The 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 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 Zoning Board of Appeals.

B. *Request for a Variance*. The 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 with the exception of a legal nonconforming Conditional Use (see Article VII.), 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 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. The Zoning Board of Appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; 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 approval granted pursuant to the provisions of these regulations, that any of the conditions upon which such approval was granted are not being complied with, said Zoning Board of Appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
7. In exercising the above powers, the 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. *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 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 30 calendar days.

D. *Forms*. Appeals, requests for variances, or any other matter within the Zoning Board of Appeals' purview shall be made on forms, as applicable, 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. No form shall be accepted by the Zoning Administrator unless it contains all pertinent information and is accompanied by the required fee.

Section 6. The Fayette County Zoning Ordinance (2010), as amended, is hereby further amended by deleting **ARTICLE XI. POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS** in its entirety, and in lieu thereof, enacting a new **ARTICLE XI. POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS** to read as follows:

ARTICLE XI. POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS

Sec. 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.

Sec. 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 Zoning Administrator who shall coordinate a review of the proposal with all appropriate County departments and public agencies. Following the evaluation, the 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, 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 per the deadline established by the Planning & Zoning Department.

C. 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, except as otherwise provided in Article VII. 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 (see Article VII.)

Sec. 11-3. Public Hearings.

A. *Date, Place, and Time*. 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 as provided herein.

B. *Conduct of Hearing*. Public hearings on amendments shall be conducted with 15 minutes provided for the proponents and 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 or all of the allotted time for rebuttal.

1. *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.

Sec. 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 member of the general public. 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 shall be received by the Zoning Administrator by the deadline date for filing.

Sec. 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 for rezoning until the expiration of at least six (6) months, immediately following the date of denial. An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided herein.

Sec. 11-6. Appeal.

An applicant has 30 calendar days from the date of the Board of Commissioners rezoning decision to file an Appeal with the Superior Court of Fayette County.

Sec. 11-7. 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 shall be submitted on forms, as applicable, provided by the Zoning Administrator.

Sec. 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, 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 shall 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.

B. A report of the Planning Commission's recommendation shall be submitted to the Board of Commissioners. The report shall contain the recommendation of the Planning Commission, all grounds therefore, and shall be signed and approved by the Chairman or Vice-Chairman of the Planning Commission.

C. If the Planning Commission fails to submit a report within 100 calendar days from the date of the acceptance of the completed amendment application, the application shall 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.

Sec. 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 shall 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.

Sec. 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.

Sec. 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 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 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.

Sec. 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 45 calendar days, nor less than 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, purpose of the hearing, location, boundary description, 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 street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
2. Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the application number, the time, date, place, 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.

Sec. 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 follow the established procedures for rezoning petitions herein and a final decision shall be rendered by the Board of Commissioners.

Sec. 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 map 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 appropriate departments within five (5) working days after the deadline for submissions, all materials to be evaluated;
H. Schedule and provide notice for all public hearings, including the posting of the property, as required herein;
I. Transmit the recommendation of the Planning Commission to the Board of Commissioners at least 14 calendar days prior to the scheduled public hearing before the Board of Commissioners; and
J. Update the official Zoning Map.

Section 7. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 8. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any

reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 9. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 10. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 24th day of May, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK