

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on January 18, 2007 at 7:10 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Bill McNally, County Attorney

STAFF ABSENT: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Phil Mallon, Director of Engineering

GUESTS: Mr. & Mrs. Bob McElroy

Welcome and Call to Order:

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff. He apologized to the audience for having to relocate the meeting from the conference room to the public meeting room due to the recording system malfunctioning.

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1. Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures (tents) as presented by the Planning & Zoning Department.

Dennis Dutton advised the P.C. that a complaint was received regarding the placement of a tent which was being utilized for the storage of landscaping materials. He said that the site was visited by the Marshal's Office and himself. He pointed out that a building permit is required for accessory structures which are 200 feet or greater. He added that a permanent foundation is also required. He reported that tents and temporary canopies are not described, listed, or regulated in the Zoning Ordinance. He advised that the P.C. may want to regulate tents; however, building codes would also have to be addressed.

Bob McElroy thanked the P.C. for allowing his input. He said he would like to provide support and encourage changes which will protect property values. He noted that on December 4, 2006, his adjacent property owner erected a large canvas/plastic tent with flexible roll up window flaps and roll up doors. He remarked that the tent has an immediate and depreciating impact on his property and provided a constant visual pollution. He commented that the tent is all you can see from the kitchen, den, driveway, patio, and yard. He stated that the tent completely changed the character of the neighborhood and destroyed his Fayette County living environment. He noted that he had reviewed the Zoning Ordinance and found plenty of justification for removal. He said he was confident that the County would not allow this type of structure in the County and also confident that the County would have the tent removed within a week. He stated that the tent was 11' X 20' X 9' but unfortunately the County made the determination that it is a gray area and could not have the property owner remove the tent. He pointed out that tents are authorized for church tent meetings, camp grounds, carnivals, and rodeos. He said that since a tent is not specifically prohibited in a residential area, it can remain. He commented that he was stuck with the visual pollution which dominates his home, the County's decision which prevents enforcement, a destroyed Fayette County living environment, and a depreciated home and property. He remarked that this is not what he

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expected from Fayette County. He stated that you cannot imagine the impact that this visual pollution has on his life and the embarrassment when people come to visit. He added that you cannot imagine the impact of having your home and investment destroyed. He said he would have to give his house away right now if he tried to sell it. He stated that the ordinance allows for two (2) accessory structures which would allow a residential lot to have two (2) tents.

Mr. McElroy confirmed that he was located in a platted subdivision with restrictive covenants; however, the covenants specifically state, "No building shall be erected except in conformity with building and zoning regulations of the County." He said since the County recognizes the tent as an accessory structure that the covenants are null and void on the issue. He commented that it was his opinion that the tent should be removed under the existing guidelines and laws but the County has said no, which is not what he wanted to hear. He remarked that it may be too late for his subdivision to be protected but the homeowners of Fayette County need the P.C.'s help to resolve an apparent gray area in the County ordinance. He added that the P.C.'s help is also needed in preventing tents from becoming a standard. He commented that he would like to see the tent removed and if it could happen tomorrow he would appreciate it because the tent has had a significant impact on him and has definitely depreciated the value of his property.

Al Gilbert asked if the City of Fayetteville's ordinance addresses tents.

Chairman Powell replied that the City of Fayetteville's requirements were provided in the P.C. handout.

Mr. Dutton confirmed that he had reviewed ordinances from other communities; however, for the most part, tents are defined but permits are not issued for private properties. He reported that permits are required for special events. He said that if the County addresses tents that it would have to be all inclusive and address tents used for camping out in the back yard.

Bill Beckwith asked Mr. Dutton if he was in the process of reviewing other ordinances.

Mr. Dutton replied that he was in the process of reviewing other ordinances. He presented pictures of various tents. He said he wanted to find a jurisdiction which has dealt with tents.

Jim Graw stated that regulating tents by size and duration may be a good start. He added that he did not want to regulate camping outdoors in the backyard.

Chairman Powell said he was concerned about regulating tents throughout the County including property zoned A-R.

Mr. Graw replied that A-R could be exempt.

Chairman Powell advised that the property under discussion is zoned A-R. He pointed out that the A-R zoning district permits livestock but we want to regulate tents. He suggested that the regulation of tents should be approached very carefully especially since it could affect the Boy Scouts and others and suggested more research be performed. He added that he did not want to hamper acceptable uses in the County. He noted that he had also researched the regulation of tents on-line and only found the regulation of tent cities for refugees.

Mr. McElroy stated that there is a difference between an A-R subdivision and A-R non-platted area. He added that there were covenants which would take care of this problem until the County ruled that a tent is permitted.

Chairman Powell advised that this difference has been addressed by the creation of the EST zoning district.

Tim Thoms stated that tents are being utilized for weddings. He confirmed that tents do need to be addressed in the ordinance. He said he would not like to have tents permanently located adjacent to his property; however, he was concerned about impacting camping tents.

Mr. Graw said he had thought about what could happen with no restrictions on tents and would not like to see a tent used by someone who works on cars as a hobby in a one (1) acre zoning. He added that some type of regulation is necessary, but he did not want to restrict what families do with their children. He said that tents were even utilized at the County Fair. He stressed that the regulation of tents should be prepared slowly and carefully.

Chairman Powell concurred that the P.C. needed to be very, very careful.

Attorney Bill McNally stated that other ordinances could be reviewed but other jurisdictions do not have the size lots which are in Fayette County. He pointed out that the A-R zoning district ranges from five (5) acres to over 200 acres. He commented that tents have become sophisticated and range from smaller ones designed to accommodate a lawn mower to ones half the size of a mobile home. He remarked that the P.C. needed to determine exactly what they want to do about tents. He said you could not allow a tent for camping and not allow a tent for landscaping. He added that A-R includes residential also. He reported that the plat review may need to begin on five (5) acre parcels.

Mr. Gilbert said that after hearing the discussion, the P.C. may want to regulate tents by size and time limit.

Mr. Graw added you may want to also regulate the material a tent is made of.

Chairman Powell said he was concerned about summer programs in the County having a time limitation.

Mr. Graw stated that the zoning district must also be considered, including nonresidential properties. He asked if acreage limitations could be included in any proposed amendments.

Attorney McNally replied that acreage limitations would have to be reasonable.

Mr. McElroy advised that lots within his subdivision are larger than five (5) acres.

Attorney McNally pointed out that a platted subdivision is different from a platted subdivision which requires approval of a Final Plat.

Mr. Beckwith stated that tents could create a sticky situation and uses should be considered in a subdivision vs. a non-subdivision.

Mr. Thoms commented that the ordinance can't address every issue; however, quality of life is very important.

Mr. McElroy remarked that the County has a responsibility to ensure that the County residents are well protected, well taken care of, and their property is not depreciated by something allowed in the County.

Chairman Powell asked Mr. McElroy if revising the restrictive covenants had been considered.

Mr. McElroy replied he had not because there is not a homeowners association.

Chairman Powell advised that he thought the restrictive covenants could be revised with a minimum of fifty percent (50%) of the homeowners in the subdivision.

Mr. Graw stated that the P.C. should step away from the covenants and address the situation.

Chairman Powell instructed Staff to further review other ordinances for the P.C. to review and consider.

Mr. McElroy thanked the P.C. for their time and input.

Chairman Powell thanked Mr. McElroy for his input also.

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2. **Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Manufacturing District as presented by the Planning & Zoning Department.**

Dennis Dutton advised that the proposed amendments (indicated in bold and underline) were regarding proposed uses which could be supported by other businesses, but which are not retail, but more warehousing and distribution. He added that Dick Norman from Storage Xxtra wished to address the P.C.

Dick Norman stated that his business began ten (10) years ago as a Development Firm which develops, owns, and operates self storage. He said that over the years the business has evolved. He provided a list of the businesses at his other self storage locations. He pointed out that the only zoning category which permits self storage is M-1.

Al Gaskins, Mr. Norman's partner, advised that they did not want any retail shops. He pointed out that suites are between 400 square feet and 660 square feet, which are not large enough to accommodate retail sales. He said that they are looking for a small business operator who works in the field but needs office space or storage for their materials. He commented that this creates a sense of community.

Mr. Dutton presented the following proposed amendments:

6-21. 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;
 - 2. Amusement facilities, indoor or outdoor;
 - 3. Appliance sales and repair;
 - 4. Armories for meeting and training of military organizations;
 - 5. Athletic events (temporary in nature);
 - 6. Automobile or truck sales, service station, paint shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop, automobile repair facilities not specifically permitted under the C-H Zoning District; (Amended 06/24/04)

7. Blueprinting/graphics service;

The P.C. concurred to add graphics service.

8. Bookbinding;
9. Building construction/contracting and related activities, e.g. sale and storage of supplies and materials;

The P.C. concurred to add construction to building contracting.

10. Bus passenger station;

Cabinet sales and installation;

The P.C. concurred to add cabinet sales and installation.

11. Carnivals (temporary in nature);
12. Car wash and/or detailing facility; (Amended 07/22/04)
13. Community fairs (temporary in nature);
14. Dental laboratory;

Delivery/courier service

The P.C. concurred to add Delivery/courier service.

15. Drive-in theater;
16. Electrical repair;
17. Engraving;
18. Farmer's market;
19. Farm equipment sales;
20. Feed sales;

Flooring sales and installation;

The P.C. concurred to add Flooring sales and installation.

21. Fertilizer sales;
22. Freezer locker service;
23. Freight express office;
24. Furniture store;
25. Glass sales;

Grading/paving service including and soil and erosion control

The P.C. concurred to allow Grading service only.

26. Greenhouse;
27. Gunsmith;
28. Hardware;
29. Home furnishings;
30. Horse show and equine activity facilities; (Amended 07/22/04)
31. Hotel;
32. Ice storage;
33. Insecticide sales and storage;

Janitorial service/supply

The P.C. concurred to add Janitorial service/supply.

Land development firms

The P.C. concurred to add Land development firms.

Land surveying service

The P.C. concurred to add Land surveying service.

Landscaping service

The P.C. concurred to add Landscaping service.

34. Light manufacturing including the following:
 - a. Appliance and electronic device assembly plant including the manufacturing of parts for appliances and electronic devices;
 - b. Assembly of products from previously prepared materials;
 - c. Bottling and canning plant;
 - d. Ceramic products provided that kilns shall only be by gas or electricity;
 - e. Construction of signs, including painted signs;
 - f. Copperage;
 - g. Ice manufacturing;
 - h. Laundry, cleaning and dyeing plants;
 - i. Light sheet metal products such as ventilating ducts and eaves;

- j. Musical instruments, toys, novelties, and similar products;

- k. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
- l. Machine/welding shop and related activities;

The P.C. concurred to add welding.

- m. 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;
 - n. Tinsmith and roofing service.
- 35. Locksmith;
 - 36. Magazine publication and distribution;
 - 37. Medical laboratory;
 - 38. Manufactured home salesroom and sales lot;
 - 39. Newspaper publication and distribution;
 - 40. Nursery, plant;
 - 41. Office trailer;
 - 42. Parking lot, automobile;
 - 43. Pest control;
 - 44. Petroleum bulk plant (storage);
 - 45. Photostating;
 - 46. Planing or saw mill;
 - 47. Printing shop;
 - 48. Public utility facilities;
 - 49. Radio studio;
 - 50. Railroad freight station;
 - 51. Railroad passenger station;
 - 52. Recreational facilities, indoor or outdoor;
 - 53. Rent-alls;

Repair service;

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The P.C. concurred to not permit Repair service.

- 54. Rescue squad;

55. Restaurants;

Restaurant supply

The P.C. concurred to add Restaurant supply.

56. Rodeo/rodeo facilities; (Amended 07/22/04)

57. Seed sales and storage;

Security system service

The P.C. concurred to add Security system service.

58. Shell home display;

59. Shrubbery sales;

60. Taxidermist;

61. Taxi service;

62. Television studio **/media productions;**

The P.C. concurred to add media productions.

63. Tire sales;

64. Trade school;

Uniform service;

The P.C. concurred to add Uniform service.

65. Utility trailer rentals and rent-alls;

66. Warehousing;

The P.C. concurred to change Warehousing to Warehousing/Distribution.

Well drilling service; and

The P.C. concurred to not permit Well drilling service.

67. Wholesaling.

C. Additional Permitted Principal Uses for Business Centers with at least 50,000 square feet of total floor area. A Business Center is characterized as a building or buildings within a development containing multiple businesses in individual suites. These additional uses are business service establishments which could provide services to other businesses in the Business Center. In a Business Center having

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at least 50,000 square feet of total floor area, the following additional uses shall be permitted:

The P.C. concurred to delete C. in it's entirety.

1. **Accounting, Auditing, and Bookkeeping Services**

The P.C. concurred to delete Accounting, Auditing, and Bookkeeping Services.

2. **Architectural or Design Firms**

The P.C. concurred to add Architectural or Design Firms.

3. **Computer Sales and Repair**

4. **Copier Sales/Rental and Repair**

The P.C. concurred to revised Computer Sales and Repair and Copier Sales/Rental and Repair to: Office Equipment Service and Repair.

5. **Copy Center**

The P.C. concurred to add Copy Center.

6. **Engineering Firms**

The P.C. concurred to add Engineering Firms.

7. **Real Estate/Land Brokerage Firm**

The P.C. concurred to delete Real Estate/Land Brokerage Firm.

8. **Title Company**

The P.C. concurred to delete Title Company.

D. **Conditional Uses.** The following Conditional Uses shall be allowed in the M-1 Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Aircraft Landing Area;
2. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
3. Experimental Labs;
4. Feed Lot and/or Commercial Barn;
5. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;
6. Recycling Facility; and
7. Self-Storage Facility (Adopted 06/24/04)
8. Single-Family Residence.

E. **Dimensional Requirements.** The minimum dimensional requirements in the M-1 Zoning District shall be as follows:

1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. Lot width: 125 feet
3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: eighty (80) feet
 - b. Minor thoroughfare: sixty-five (65) feet
4. Rear yard setback: twenty-five (25) feet
5. Side yard setback: twenty-five (25) feet
6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of seventy-five (75) feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
7. Height limit: thirty-five (35) feet
8. Lot coverage limit, including structure and parking area: seventy (70) percent of total lot area.
9. Screening dimensions for storage areas, loading docks and parking see Section 5-18, Section 5-19, and the Development Regulations.

After a lengthy discussion by the P.C., Chairman Powell instructed Robyn Wilson to advertise the proposed amendments for the February Public Hearing.

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3. Discussion of the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Manufacturing District, and Section 6-22. M-2 Manufacturing and Heavy Industrial District regarding Recreational Vehicles and other vehicle storage in larger storage facilities as presented by the Planning & Zoning Department.

Dennis Dutton advised that Staff had been approached about an indoor storage facility for recreational vehicles (RV) and airplanes. He pointed out that the maximum size of an individual self storage bay is 550 square feet. He read the following which was amended 01/13/05: The outside storage of boats, trailers, and vehicles must be located in the rear yard only and screened

from view from adjacent residential areas and public roads from any combination of a privacy fence and/or berm and vegetation. The covered vehicle storage up to a maximum of 850 square feet per parking space shall be allowed provided it does not exceed 25% of the overall gross square footage of all buildings. All covered storages must have a peaked roof and be closed on any side which is visible from residential or A-R zoning districts and any street. It must be built

with materials consistent with the main building.

Mr. Dutton presented pictures of other storage facilities. He advised that the request is basically for an RV Condo, which would be larger than 550 square feet and over 25% of the gross square footage of all buildings to allow for covered RV storage.

Attorney Bill McNally advised that a maximum square footage was established in order to prevent commercial warehousing.

Mr. Dutton stated that the P.C. needs to determine if they want to allow an indoor storage facility to house recreational vehicles and airplanes.

Attorney McNally pointed out that the P.C. may not want to have a self storage facility and an indoor storage facility for recreational vehicles and airplanes at the same location.

The P.C. concurred not to pursue an indoor storage facility for recreational vehicles and airplanes.

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4. Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-14. Landlocked Property as presented by the Planning & Zoning Department.

Dennis Dutton advised that the proposed amendment was a “housekeeping” item.

Attorney Bill McNally explained that landlocked property is considered to be unusable; however, the Courts do not like to look at property as being totally unusable. He reported that the original owner may be issued one (1) building permit provided that a twenty (20) foot easement has been acquired. He said that the property owner should be able to sell the landlocked property to another owner.

Mr. Dutton presented the following:

Article V. General Provisions

- 5-14. Landlocked Property. In the event property is landlocked, as of the effective date of this Ordinance, the property owner shall be entitled to one (1) building permit, provided:
- A. No other principal building exists or is being constructed on said property;
 - B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;
 - C. ~~The property was and continues to be under single ownership since the effective date of this Ordinance;~~
 - D. The property owner has acquired a twenty (20) foot easement to a County maintained street, and said easement has been duly recorded and made a part of the property deed; and

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

The P.C. concurred with the proposed amendment.

Chairman Powell instructed Robyn Wilson to advertise the proposed amendments for the February Public Hearing.

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5. **Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures (size limitation) as presented by the Planning & Zoning Department.**

Dennis Dutton explained that the Permits & Inspections Department had adopted the International Building Codes, which became effective January 1, 2007. He noted that the proposed amendment would bring the Zoning Ordinance into compliance with the International Building Codes.

Attorney Bill McNally added that this would resolve a conflict between the code and the ordinance.

Mr. Dutton presented the following:

5-10. Accessory uses and structures. Construction of an accessory structure shall only occur concurrently with or after the construction of the principal structure.

F. Administration. Accessory structures of ~~200~~ 120 square feet or greater as a requirement of Chapter V: Building, General Fees (also known as the Construction Codes) of the Fayette County Code ~~shall be placed on a permanent foundation and~~ shall require the issuance of a building permit and subsequent inspection. (See Sections 5-112 & 5-212 of the Fayette County Code.) (Adopted 06/24/04)

The P.C. concurred with the proposed amendment.

Chairman Powell instructed Robyn Wilson to advertise the proposed amendments for the February Public Hearing.

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Chairman Powell asked if there was any further business. Hearing none, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. The Public Meeting/Workshop adjourned at 9:25 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**