COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina
Meeting Date:	Thursday, October 22, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. SR 54 West Overlay Zone, 4. Architectural Standards, Gasoline Canopy, and C. General State Route Overlay Zone, 4. Architectural Standards, Gasoline Canopy.

Background/History/Details:

On July 1, 2009, Attorney Jason Thompson on behalf of RaceTrac Petroleum, Inc., appeared before the Board of Commissioners requesting consideration be given to amending the Section 7-6. Transportation Corridor Overlay Zone, Architectural Standards of the Zoning Ordinance that regulates pitch of gasoline canopy roofs. In a letter dated June 17, 2009, Attorney Thompson stated that the proposed gasoline canopy for the RaceTrac would "dwarf" the proposed convenience store, to be located at the intersection of SR 85 South and Ramah Road. The Board of Commissioners directed Staff to review the regulations, present their recommendation to the Planning Commission, and report back to the Board of Commissioners at the Workshop scheduled for September 2, 2009. The Planning Commission discussed the regulations at the Workshop held on July 16, 2009, and requested drawings be submitted indicating the height of the convenience store and the gasoline canopy under the current ordinance and under the proposed amendments. The Planning Commission held a Workshop on August, 6, 2009, and discussed the proposed amendments. On September 2, 2009, the Board of Commissioners instructed Staff to advertise the proposed amendments for public hearings in October.

What action are you seeking from the Board of Commissioners?

Consideration of proposed amendments to the Zoning Ordinance. The Board can reject or approve the proposed amendments or can make changes in what is recommended.
The Planning Commission recommended APPROVAL.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, September 2, 2009
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

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

Staff Notes:

07/01/09 – BOC Workshop
07/16/09 – PC Workshop
08/06/09 – PC Workshop
09/02/09 – BOC Workshop
10/01/09 – PC Public Hearing
10/22/09 – BOC Public Hearing

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

7-6. Transportation Corridor Overlay Zone

A. S.R. 54 West Overlay Zone.

4. Architectural Standards.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

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

(1) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.

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

(3) The support columns for the gasoline canopies shall match the façade of the convenience store.

(4) ***The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.***

C. General State Route Overlay Zone.

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(2) ***The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.***

(3) ***The support columns for the gasoline canopies shall match the façade of the convenience store.***

(4) ***The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.***

5. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding: Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay, A. SR 54 West Overlay Zone, 4. Architectural Standards, Gasoline Canopy, and C. General State Route Overlay Zone, 4. Architectural Standards, Gasoline Canopy.

Dennis Dutton advised that the proposed amendments had been discussed at previous Workshops. He pointed out that the proposed amendments addressed the SR 54 West Overlay and the General State Route Overlay. He presented the proposed amendments as follows:

07/01/09 – BOC Workshop
07/16/09 – PC Workshop
08/06/09 – PC Workshop
09/02/09 – BOC Workshop
10/01/09 – PC Public Hearing

PROPOSED AMENDMENTS TO THE
FAYETTE COUNTY ZONING ORDINANCE

7-6. Transportation Corridor Overlay Zone

A. S.R. 54 West Overlay Zone.

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

(3) The support columns for the gasoline canopies shall match the façade of the convenience store.

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

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

(3) The support columns for the gasoline canopies shall match the façade of the convenience store.

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

Chairman Powell asked if there were any public comments.

Attorney Rick Lindsey, representing RaceTrac, stated the proposed amendments will resolve problems having a gasoline canopy which would have dwarfed the convenience store. He said the proposed amendments will provide for an aesthetically pleasing addition to the county. He pointed out the proposed amendments allows for some flexibility. He added that he was in support of the proposed amendments.

Hearing no further comments, Chairman Powell closed the floor from public comments.

Tim Thoms asked Staff to clarify the maximum height requirement for a gasoline canopy.

Mr. Dutton replied the maximum building height requirement is 35 feet. He added that the proposed amendments would not override the maximum building height requirement of 35 feet.

Tim Thoms made a motion to approve the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion unanimously passed 3-0. Jim Graw and Al Gilbert were absent.

Minutes

Board of Commissioners
September 2, 2009
3:30 P.M.

OLD BUSINESS:

A. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. SR 54 WEST OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY, AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY:

Director of Community Development Pete Frisina discussed this item with the Board and remarked that this related to an aesthetic issue regarding gasoline canopies . A copy of the presentation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. After a brief discussion, he asked for the Board's consideration to advertise the proposed amendments to be heard by the Planning Commission on October 1, 2009 and by the Board of Commissioners on October 22, 2009. There was a consensus by the Board that this item move forward and the process could begin.

2. **Consideration of Petition No. A-572-09, RaceTrac Petroleum, Inc., Owner, and Richard P. Lindsey and Jason B. Thompson, Agents, request two (2) Variances from the General State Route Overlay Zone requirements: 1) to eliminate the requirement for mullions on the windows; and 2) to construct a mansard roof instead of a pitched peak roof for the development of a RaceTrac Fuel Center. This property consists of 2.269 acres, is located in Land Lot 70 of the 5th District, fronts on SR 85 South and Ramah Road, and is zoned C-H.**

Attorney Rick Lindsey stated that he was representing RaceTrac who was requesting two (2) variances; however, they are trying to go where the County wants them to go by making the gasoline canopy residential in character. He said one (1) request was due to safety, both for watching for possible drive-offs, for the workers and patrons inside the store. He remarked RaceTrac wanted to provide clear vision from inside and outside the store. He asked to modify the request for elimination of the mullions and requested to decrease the number of grids for the various windows. He reiterated the main concern was a clear view from inside and outside the store, especially for law enforcement. He commented that he had reviewed the Minutes from a previous request regarding the elimination of the mullions. He pointed out that there were not a minimum number of grids required by the Ordinance. He read Section 7-6.,4.,c. regarding the appearance of smaller individual panes. He said that there is no requirement in the Ordinance regarding the size or number of the grids. He read 7-7,A.,5.,a.,1. regarding the division of the windows into more than two (2) smaller panes. He added that his client wanted to minimize the number of grids but maintain a residential appearance. He noted that the store was going to have a façade of brick and stucco with architectural features such as shutters. He said his client was proposing to have grids closer to the top of the window to allow a clearer view and referenced the windows in the Public Meeting Room. He commented his client preferred two (2) grids. He stated that the request was called a variance; however, it is more a definition and feel from the ZBA to decrease the number of grids.

Chairman Blanks advised Attorney Lindsey that the number of grids is not an item which the Zoning Board of Appeals (ZBA) would address; however, the Zoning Administrator would address the number required. He stated the ZBA would be considering whether to allow the elimination of mullions or not.

Attorney Lindsey presented a drawing showing the grids which give the appearance of a prison. He advised that he would discuss the mullions with the County staff. He requested to withdraw the variance request regarding the elimination of the mullions. He asked Dennis Dutton if this was acceptable.

Mr. Dutton replied, "Yes sir".

Chairman Blanks asked if the variance request regarding the mullions could be withdrawn.

Mr. Dutton replied, "Yes sir".

Attorney Lindsey referenced the second variance request regarding the required pitched peak roof for the gasoline canopy. He said the only reason for this request was because the size and height of the canopy would eat the site. He commented a mansard roof was preferred. He noted that the canopy ceiling would be 18 to 19 feet in height to accommodate trucks. He added that the pitched peak roof would be an addition of 14.5 feet which would be close to the maximum height allowed of 35 feet. He said the roof top should be approximately 31 or 32.5 feet. He pointed out that a mansard roof is allowed for a two-story or more building. He remarked that the canopy, in effect, would be about two-stories high since the ceiling height would be 18 to 19 feet. He confirmed that the Ordinance did contain a definition of "story". He reiterated that he was requesting the ZBA to make a determination that the canopy is a two-story structure and allow a mansard roof. He also reiterated that his client was trying to achieve the same goal as the County. He further reiterated that his client did not want an overwhelming roof of 32 to 33 feet in height while the store was only going to be 24 to 24.5 feet in height, depending on the grade of the site. He said that everyone driving down the highway would see this overwhelming roof. He reiterated his request for the canopy to be considered a two-story building and allow construction of a mansard roof which would lower the roof by approximately six (6) to seven (7) feet. He presented a drawing of a RaceTrac building to show the exterior facade; however, it did not comply with the overlay requirements. He said he would be happy to answer any questions.

Chairman Blanks asked if there was anyone to speak in favor of the petition.

Mike Mudd said he had a lease for the adjacent property from a company to come in immediately behind RaceTrac and develop an Express Oil Change which had been approved by the County. He stated that he owned a total of five (5) acres and hoped to develop the remaining two (2) acres when the market improves. He expressed concern about the overall streetscape by having a structure which is almost three (3) stories in height, 33 or 34 feet from the ground, which will dominate the entire intersection and take away from the overall appeal of what else is planned.

Chairman Blanks asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Bill Beckwith remarked that he had driven by numerous gas stations and almost 100% of all the stations have signs in the window and safety doesn't seem to be an issue. He asked if RaceTrac had any policies regarding the obstruction of the view.

Attorney Lindsey replied that usually the entire front of the store is glass. He said that the signs and the stacking up of display items, while in front of the windows, are not usually placed in front of the sight line of the cashier looking outside. He stated that the store can control where the signs go, but there still needs to be a view into where the cashiers are located.

Mr. Beckwith remarked that law enforcement would want to see inside the entire store and it seems that a company would not allow the signage and display.

Chairman Blanks clarified that the responsibility of the ZBA was to rule either in favor or in opposition of the variance requests based on the Ordinance as written. He said that any unclear requirements should be worked out with the Zoning Administrator.

Mr. Beckwith asked if the ZBA needed to vote on the acceptance of the withdrawal request regarding the mullions.

Robyn Wilson advised the ZBA that they could vote on the withdrawal request.

Bill Beckwith made a motion to accept the withdrawal request regarding the mullions. Chairman Blanks seconded the motion.

Mr. Beckwith asked if it was an administrative duty of the Zoning Administrator to determine the requirements for the mullions.

Mr. Dutton replied that while the Ordinance does not address the number or size of the mullions, the Ordinance does address the residential appearance. He said that the number of grids would be discussed when the elevations are submitted for his review. He remarked that he should be able to discuss the plans and come to an agreement.

Vic Bolton asked if a motion is needed before discussion.

Mrs. Wilson advised that a motion and second could be made to allow further discussion; however, when the vote is called, a member may vote either in favor or in opposition.

Mr. Dutton replied that requiring a motion and second prior to discussion was a requirement of the previous counsel.

Chairman Blanks called for the vote on the current motion. The motion to accept the withdrawal regarding the mullions was unanimously approved 5-0.

Mr. Bolton asked is there were roof pitch requirements for the store and the gasoline canopy.

Mr. Dutton replied that the roof pitch is included for the gasoline canopy also.

Scott Gilbert asked if there were any drawings of the actual building to be constructed.

Attorney Lindsey presented a drawing indicating the elevations.

Brian Haren asked what would be the height of the gasoline canopy and store with compliance to the overlay.

Attorney Lindsey replied 25.4 feet for the store and 31 to 32.5 feet for the gasoline canopy.

Mr. Haren asked if the grade for each structure would be equal.

Attorney Lindsey replied that the site is fairly level. He presented a drawing indicating the height of the store and the canopy. He stated his client would like to reduce the canopy height by six (6) to seven (7) feet.

Mr. Bolton asked if there were any guidelines for the height of a gasoline canopy.

Attorney Lindsey replied that 18 to 19 feet is fairly standard in the industry to accommodate trucks to keep larger vehicles from tearing down the canopy.

Mr. Gilbert asked Attorney Lindsey to place the proposed and required drawing side by side for the ZBA to study.

Chairman Blanks questioned the comments that RaceTrac has constructed buildings similar to the requirements of Fayette County.

Attorney Lindsey replied that RaceTrac has constructed a store with a pitched roof but it just doesn't look as good. He presented pictures where a canopy is higher than the store and dominates the site. He said there could be balance in the site by using the right type of mansard roof with the same degree of pitch but not go all the way to the peak.

Mr. Bolton asked if there were other locations in the County with a pitched peak roof for a gasoline canopy.

Mr. Dutton replied there was a pitched peak roof for the gasoline canopy at SR 54 West and Huiet Road and Corinth Road and SR 54 East.

Chairman Blanks asked about SR 85 North and SR 279.

Mr. Dutton replied that this location fell under the SR 85 North Overlay, which did not require a pitched peak roof. He pointed out that there are three (3) overlays: SR 54 West, SR 85 North, and the General State Overlay.

Mr. Haren asked if there were engineering or industry standards for clearance of a gasoline canopy. He said a tanker truck would easily clear a structure lower than 18 to 19 feet.

Attorney Lindsey replied that he did not know; however, his client did not want to have someone run into the gasoline canopy. He added that his client did not want to build the canopy any higher than he had to because of the costs.

Mr. Haren stated that there appeared to be some room to play with because a tanker truck does not fuel under the canopy. He reiterated that the ceiling could be dropped which would reduce the overall height of the canopy. He added that there could be signage stating low clearance.

Chairman Blanks said he understood the canopy height may detract from the store; however, six (6) to seven (7) feet is not that much of a distraction. He commented that the request was a convenience especially since this type roof has been utilized before but is the not the type roof preferred by RaceTrac. He added that other gasoline canopies have complied with the requirement.

Attorney Lindsey remarked that the gasoline canopy would probably not be a deal killer; however, all of this is about aesthetics to make the store and canopy look as nice as possible. He confirmed that RaceTrac had constructed a pitched peak roof when required in the past but it does not look as good as the mansard roof. He said that if this request is denied that he highly recommended that the County review the Ordinance requirements. He stated that companies do not spend money just because they want to spend it. He noted that approval of the request would help everyone get to where they wanted to get by having a beautiful structure.

Mr. Bolton advised that the ZBA is challenged to interpret the Ordinance as written. He suggested that Attorney Lindsey address the Board of Commissioners (BOC) regarding the amendment of the Ordinance. He pointed out that a precedent has already been established by other gasoline canopies complying with the Ordinance.

Mr. Beckwith advised that he also serves on the Planning Commission (PC). He reported that many months of discussion were involved in the development of the overlay zones. He stressed that they were there for a purpose which is to try to create a specific character of the state routes. He said the development should comply with the overlay requirements.

Chairman Blanks concurred that aesthetically, the mansard roof looks better; however, it does not comply with the Ordinance.

Mr. Bolton commented that the ZBA could not rule on what makes one (1) structure more attractive or cost effective than others.

Mr. Haren said he was struggling to find a way to satisfy both sides.

Mr. Beckwith concurred with Chairman Blanks; however, the Ordinance is in place for a particular reason and there is no strong reason to vary the Ordinance.

Attorney Lindsey stated that if his client feels strongly enough about the mansard roof, since the structure is here pretty much permanently, he would like to talk to the ZBA about making a minor change to the overlay requirements for the gasoline canopy. He asked if the ZBA would care if he called them to discuss amending the Ordinance.

Mr. Beckwith replied that this would not be appropriate. He stressed that the ZBA was here to make a decision based on the Ordinance. He said he did not want to hear any phone calls from anybody. He noted that if the ZBA wanted to request an amendment that they could; however, it is not the ZBA's duty or responsibility to make any changes.

Attorney Lindsey commented that his client and the County were trying to get to the same place and obviously the BOC would be the level to deal with.

Mr. Bolton confirmed that the BOC would be receiving a copy of the Minutes.

Chairman Blanks asked if there was an appeal process of the ZBA's decision.

Mr. Dutton replied that the ZBA's decision could not be appealed to the BOC.

Hearing no further comments, Chairman Blanks called for a motion.

Scott Gilbert made a motion to deny second variance request regarding the construction of a mansard roof in place of a pitched peak roof. Vic Bolton seconded the motion. The motion for denial unanimously passed 5-0.

Attorney Lindsey thanked the ZBA for their time. He told Mr. Beckwith that he did not mean to offend anyone by requesting the BOC to make an amendment to the Ordinance.

Mr. Beckwith replied that he understood.

NEW BUSINESS:

C. DISCUSSION OF REQUEST FROM ATTORNEY JASON THOMPSON THAT CONSIDERATION BE GIVEN TO AMENDING THE COUNTY'S ZONING ORDINANCE RELATED TO THE REQUIREMENTS FOR THE SIZE AND PITCH OF GASOLINE CANOPY ROOFS LOCATED IN THE COUNTY'S OVERLAY ZONES:

Attorney Rick Lindsey, representing Race Trac Petroleum, Inc. discussed this matter with the Board. He remarked that it was Race Trac's intention to build a retail store and gasoline facility on S.R. 85 at the Ramah Road intersection. He said the issue before the Board today was what would happen to the canopy on the facility. He said he and Attorney Jason Thompson had been working with the Zoning Board of Appeals staff regarding the requirements for the size and pitch of the gasoline canopy roofs located in the County's Overlay Zones. He noted that they had also spoken with the Zoning Board of Appeals and neither staff nor the Zoning Board could give any flexibility in the ordinance for the size requirements of the canopy. He said the peak of the canopy roof was going to be approximately 35 feet in height and the store would be approximately 24 feet to 26 feet in height. He remarked that the canopy would therefore dominate the site. He said Race Trac was looking at some flexibility in the possibly amending the ordinance to allow them to build a mansard roof with the same pitch or an alternative to build a lower pitch roof in order to make the facility attractive.

Director of Community Development Pete Frisina remarked that staff had reviewed this request and felt there needed to be some control over the clearance under these canopies. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. He noted that the existing canopies were already much larger than the store building and cover a much greater area. He said this was something that staff would need to review further.

Chairman Smith asked how long this ordinance had been books. Mr. Frisina replied that the Overlay Zones were put in during the mid 90's and they had been fairly similar with some changes to the architectural characteristics. He said the only thing staff had done to the roof pitch was if the pitched roof did not meet the requirements of the zoning, then staff could allow for the mansard roof or if it was two stories or more.

Commissioner Frady said a pitched roof would satisfy the residential feel of an area and Attorney Lindsey said staff had done a lot of work to make this an attractive store front. Attorney Lindsey said they did not want the building to be dominated by the canopy roof. He said Race Trac wanted this to be an attractive site and this was what they were asking the County for.

Commissioner Maxwell asked Attorney Lindsey if he was asking the Board to vary from the ordinance or for County staff to study the ordinance.

County Attorney Scott Bennett interjected that the County would have to amend the ordinance and this would require a public hearing.

Attorney Lindsey said Race Trac would like for County staff to start the process of studying this issue for some flexibility in the ordinance. He noted that the minimum height for a canopy was 18 feet.

Chairman Smith said he would have no objection for staff to study this portion of the ordinance but he would like to go one step further and have staff study the entire ordinance to see if there might be other areas that need amending.

Commissioner Maxwell said he had no problem with that but he would like a date certain for this portion. He said a review of the entire ordinance might take six to eight months.
Mr. Frisina remarked that staff would present this to the Planning Commission in July and get their recommendation. He noted that it usually takes two workshops which would take it to August unless they have an agreement on July 16th. He commented in terms of the roof pitch, staff has had success with it but if the Board wanted to look at other aspects of that he would need to know exactly what the Board wanted staff to examine in terms of roof pitch. He said there had been some discussion on fire safety and fire personnel would be included in discussions as to anything they might require in terms of fighting a fire.

Chairman Smith remarked that the ordinance had an unintended consequence right now and he would like staff to review the ordinance and not one that would take eight months but certainly he would trust staff's judgment to go through it and determine if there was anything that needed to be reviewed.

Mr. Frisina said staff would certainly review the roof pitch requirement. He also noted that staff was currently going through the Zoning Ordinance chapter by chapter. He said for staff to specifically review the roof pitch, it would take two workshops and he could probably bring a recommendation to the Board of Commissioners at the workshop in September.

Commissioner Frady asked if staff had received any other comments from citizens on other issues in the ordinance. Mr. Frisina replied that the roof pitch was on all of the overlays on the State highways except for the northern portion of S.R. 85 where the residential character was being maintained.

Commissioner Maxwell said this item would require a public hearing by the Board of Commissioners which would put this before the Board at a meeting in September. He said he was not trying to just accommodate Race Trac but felt this ordinance needed to be adjusted now. He said he was not sure if there needed to be three or four months worth of study to address something that was already a problem.

Attorney Lindsey said this was the reason he was coming before the Board today. He said Race Trac had built two of these facilities and had received comments from local residents and city leaders saying that they did not like them. He said they were built according to the County ordinance and this as the issue Race Trac was trying to avoid.

Mr. Frisina remarked that staff could begin reviewing the canopy issue right now and get their findings back to the Board as soon as possible and then continue reviewing the remainder of the ordinance.

Chairman Smith felt staff would need to look at the canopy in relationship to the building roof. He said it could not be just isolated to the canopy and both aspects would have to be reviewed.

Staff was directed to review the County's Zoning Ordinance and bring a recommendation specifically regarding the canopy requirements in the Overlay Zone to the Board of Commissioners at the September Workshop meeting.

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2009 - 04

AN ORDINANCE TO AMEND THE FAYETTE COUNTY ZONING ORDINANCE (1980), AS AMENDED, SPECIFICALLY ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS SO AS TO AMEND THE ARCHITECTURAL STANDARDS OF SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, SECTION A. SR 54 WEST OVERLAY ZONE AND SECTION C. GENERAL STATE ROUTE OVERLAY ZONE TO ADD CERTAIN ARCHITECTURAL STANDARDS FOR A GASOLINE CANOPY AS SET FORTH THEREIN; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section I. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by adding provisions for a Gasoline Canopy.

Section II. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by adding provisions for a Gasoline Canopy, in its entirety, to Section 7-6. Transportation Corridor Overlay Zone, Section A. SR 54 West Overlay Zone, 4. Architectural Standards, to and enacting the following to read as follows:

7-6. Transportation Corridor Overlay Zone

A. S.R. 54 West Overlay Zone.

4. Architectural Standards.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

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

(1) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.
(2) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
(3) The support columns for the gasoline canopies shall match the façade of the convenience store.
(4) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.

Section III. The Fayette County Zoning Ordinance (1980), as amended, is hereby further amended by adding provisions for a Gasoline Canopy, in its entirety, to Section 7-6. Transportation Corridor Overlay Zone, Section C. General State Route Overlay Zone, 4. Architectural Standards, to and enacting the following to read as follows:

C. General State Route Overlay Zone.

4. Architectural Standards.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)

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

(1) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.
(2) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.

(3) The support columns for the gasoline canopies shall match the façade of the convenience store.

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

Section IV. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder of this enactment shall remain in full force and effect.

Section V. All laws, ordinances, and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section VI. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this 22nd day of October, 2009.

FAYETTE COUNTY BOARD OF COMMISSIONERS

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Jack R. Smith, Chairman

ATTEST:

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Carol Chandler, Clerk