COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, August 25, 2011	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements, Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access.

Background/History/Details:

There has not been a rezoning request for this zoning district since 1978, and global changes made to the Zoning Ordinance in 2010, unintentionally produced contradictory regulations in the zoning district. Staff realized that the zoning district needs to be updated and the contradictory regulations rectified. While reviewing the PUD-PRL, staff discovered Sec. 5-8. Street Frontage for Access of Article V. General Provisions also needed a minor revision.

Staff came before the Board of Commissioners at its July Workshop to provide an overview of this need and was given permission by the Board to proceed with the process of amending the Zoning Ordinance.

At the Planning Commission's hearing, the PC voted to recommend approval of the amendments 5-).

What action are you seeking from the Board of Commissioners?

Approval of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements, Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access.

If this item requires funding, please describe:

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, December 9, 2010
Is Audio-Visual Equipment Required for this Request?	No	Backup Provided with Request?	Yes

STAFF USE ONLY

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

Staff Notes:

Minutes

Board of Commissioners
December 9, 2010
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, December 9, 2010, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice Chairman Robert Horgan Eric Maxwell
Commissioner Absent:	Lee Hearn
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Robyn Wilson, Planning Commission Secretary

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PUBLIC HEARING:

A. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2010-11, PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE OF ORDINANCES, BY THE ADDITION OF CHAPTER 20. FAYETTE COUNTY ZONING ORDINANCE, IN ITS ENTIRETY, AND PROPOSED AMENDMENTS TO THE FAYETTE COUNTY COMPREHENSIVE PLAN TEXT AND MAP. THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDED APPROVAL 4-0:

Director of Community Development Pete Frisina read the rules for public hearings. A copy of the rules, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He explained that the document under consideration was a comprehensive revision of the County's Zoning Ordinance and that work on it had been underway for more than a year. He told them that this issue had been discussed at several Workshops of the Board of Commissioners and the Planning Commission and that the final public hearing before the Planning Commission was recently held. He commented that some of the proposed changes/additions which included the number of animals allowed per household, solar panels and wind turbines, telecommunications/cell towers, planned small business center,

modifications in the overlay zone, home occupations, and also amendments to the comp plan text. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Chairman Smith asked if anyone wished to speak in favor or in opposition to the adoption of the proposed Ordinance and Resolution and there was no public comment.

Commissioner Frady made a motion to approve Ordinance No. 2010-11, enacting a new Fayette County Zoning Ordinance; to include the Zoning Ordinance as Chapter 20 of the Fayette County Code; and to approve Resolution No. 2010-18 which adopts related amendments to the Fayette County Comprehensive Plan Text and Map; and to authorize the Chairman to execute the Ordinance and Resolution as adopted.

Commissioner Maxwell said he was opposed to the motion and would be voting in opposition. He said there were several areas of the ordinance where he had concerns and he could not vote in favor of this.

The motion carried 3-1 with Commissioner Maxwell voting in opposition. Commissioner Hearn was absent. A copy of Ordinance No. 2010-11 and Resolution No. 2010-18, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Pete Frisina

Date: July 7, 2011

Subject: Planned Unit Development – Planned Retreat and Lodge

The Planning and Zoning Department is seeking permission to go to public hearings to amend the Planned Unit Development – Planned Retreat and Lodge zoning district in August. There has not been a rezoning request for this zoning district since 1978, and global changes made to the Zoning Ordinance in 2010, unintentionally produced contradictory regulations in the zoning district. In meeting with a landowner that will be seeking this zoning district in the near future, staff realized that the zoning district needs to be updated and the contradictory regulations rectified. Thank you and if you have any questions please contact me at 770-305-5160.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 4, 2011, AND BY THE BOARD OF COMMISSIONERS ON AUGUST 25, 2011.

3. Consideration of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements, Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access.

Pete Frisina advised the proposed amendments had been revised as discussed at the previous Workshop. He pointed out telecommunication antennas and towers had been added as a use. He presented the proposed amendments as follows:

07/07/11 – PC Wkshop
07/14/11 – BOC Discussion
07/21/11 – PC Wkshop
08/04/11 – PC Public Hearing

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE

F. **Planned Retreat *and/*or Lodge.**

1. *Purpose.* The intent of a Planned Retreat ***and/***or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of a groups or organizations for ***the purpose of association, education, or instruction through conferences, seminars, and/or camps.*** ~~whereby f~~***F***ood 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***, including Telecommunications Antennas and Towers as regulated under Article V.,*** ~~shall~~ ***may*** be proposed for a PRL. Only those uses approved through the rezoning ~~process~~ ***procedure*** will be allowed in the PRL.

3. ~~*Conditional Uses.* The following Conditional Uses shall be allowed in the PUD-PRL Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:~~
   - ~~a. Home Occupation; and~~
   - ~~b. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.~~

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

f. Each structure whose ~~principal~~ purpose is to provide ~~housing~~ ***lodging*** shall have ***paved*** access to a ***public*** street ~~maintained by the County~~. Said paved access shall ***meet the requirements of the Development Regulations (see County Code.)*** ~~have a minimum width of 60 feet~~.

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*** ~~maintained by the County~~.

h. A ***minimum*** buffer ~~zone~~ of ~~150~~ ***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

ARTICLE V. GENERAL PROVISIONS

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 and/or the*** homeowners' association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

07/07/11 – PC Wkshop
07/14/11 – BOC Discussion
07/21/11 – PC Wkshop
08/04/11 – PC Public Hearing
08/25/11 – BOC Public Hearing

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE

F. **Planned Retreat *and/*or Lodge.**

1. *Purpose.* The intent of a Planned Retreat ***and/***or Lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of ~~a~~ group***s*** or organization***s*** for ***the purpose of association, education, or instruction through conferences, seminars, and/or camps.*** ~~whereby~~ ~~f~~***F***ood 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***, including Telecommunications Antennas and Towers as regulated under Article V.,*** ~~shall~~ ***may*** be proposed for a PRL. Only those uses approved through the rezoning ~~process~~ ***procedure*** will be allowed in the PRL.

~~3. *Conditional Uses.* The following Conditional Uses shall be allowed in the PUD-PRL Zoning District provided that all conditions specified in Article VII. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:~~
   - ~~a. Home Occupation; and~~
   - ~~b. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.~~

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 ~~principal~~ purpose is to provide ~~housing~~ ***lodging*** shall have ***paved*** access to a ***public*** street ~~maintained by the County~~. Said paved access shall ***meet the requirements of the Development Regulations (see County Code.)*** ~~have a minimum width of 60 feet~~.

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*** ~~maintained by the County~~.

h. A ***minimum*** buffer ~~zone~~ of ~~150~~ ***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

ARTICLE V. GENERAL PROVISIONS

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 and/or the*** homeowners' association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2011 - 07

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY ARTICLE VI (DISTRICT USE REQUIREMENTS) SO AS TO AMEND SECTION 6-25. PLANNED UNIT DEVELOPMENT, F. PLANNED RETREAT OR LODGE, AND SPECIFICALLY ARTICLE V (GENERAL PROVISIONS) SO AS TO AMEND SECTION 5-8. STREET FRONTAGE FOR ACCESS; 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 I. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, as amended, is hereby further amended by deleting Section 6-25. (Planned Unit Development), F. Planned Retreat or Lodge, in its entirety, and in lieu thereof, enacting a new Section 6-25. (Planned Unit Development), F. Planned Retreat and/or Lodge to read as follows:

F. **Planned Retreat and/or Lodge**.

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, 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, including Telecommunications Antennas and Towers as regulated under Article V., 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 paved 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

Section II. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, as amended, is hereby further amended by deleting Section 5-8. Street Frontage for Access, A., 2., in its entirety, and in lieu thereof, enacting a new Section 5-8. Street Frontage for Access, A., 2. to read as follows:

ARTICLE V. GENERAL PROVISIONS

Sec. 5-8. Street Frontage for Access, A.

2. A private street built to County standards and deeded to the property owners' association and/or the homeowners' association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

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

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

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

So ordained this 25th day of August, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK