COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina or Dennis Dutton
Meeting Date:	Thursday, July 25, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit.

Background/History/Details:

On May 23, 2013, the BOC voted to send the issue to the Planning Commission for possible amendments to the zoning ordinance.

A church wants to build a church with a cathedral/vaulted ceiling that exceeds the height limitation for the zoning district. The amendment would add a cathedral or vaulted ceiling on a church or other place of worship to list of structures permitted above the height limit in Section 5-16.

The Planning Commission voted 4-1 to recommend approval of the amendments.

Staff agrees with proposed recommendations.

Ordinance 2013-06 is located on page 14 of the backup material submitted with this request.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	May 23, 2013
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	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Date: July 16, 2013

To: Board of Commissioners

From: Pete Frisina

Subject: Zoning Ordinance Amendments Regarding Church or Place of Worship Structures Permitted Above the Height Limit

On May 23, 2013, the Board of Commissioners asked the Planning Commission to research amendments to the Zoning Ordinance regarding church or place of worship structures permitted above the height limit. Staff prepared proposed amendments and the Planning Commission met twice to discuss the amendments (see attached minutes). The amendments basically add a cathedral or vaulted ceiling on church or other place of worship to a list of structures permitted above the height limit in Sec. 5-16. Other minor amendments were made to this section as well.

The Planning Commission voted 4-1 to recommend approval of the attached amendments as presented on July 2, 2013(see attached minutes). Staff concurs with the Planning Commission's recommendation.

Sec. 5-16. Structures Permitted above the Height Limit.

The height limit shall not apply to ***the following*** structures and architectural features ~~not intended for human occupancy, including, but not limited to~~: a ***cathedral or vaulted ceiling on a church or other place of worship,*** spire***, steeple***, 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, roof~~ed~~ ***mounted*** solar panels, ***roof mounted*** satellite/telecommunications equipment, and a 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~~ ***does not exceed*** 70 feet. Total height shall be measured from the finished grade at the location of the flagpole to the highest point.

or in the County.

Mr. Frisina stated that it is in Fayette County.

Chairman Brown stated that the cemetery is the Boarder on that side of town.

There was no further discussion.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to annex four (4) properties totaling 7.398 acres located between State Route 54 West and Sumner Road, and to rezone said properties from C-C Conditional (Community-Commercial) and O-I (Office-Institutional) to O-I (Office-Institutional).

8. **Discussion of square-footage limitations for accessory structures in residential zonings.**

Chairman Brown led this discussion by stating that a builder expressed some concerns. He stated that the builder was a pro basketball player that wanted to put an indoor basketball court behind his house. He stated that the County did not have an ordinance that applied. He stated that the closest the County had is ordinance that allows for something like a mother-in-law suite. He stated that one of his concerns is that we would not want to do this on a small lot and that it would have to be a large lot scenario and something where the gymnasium, basketball court, or someone who is a classic car collector and needs an extended building to store the automobiles.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to send this to the Planning Commission and see if they can bring something back for the Board to consider was unanimously approved.

Mr. Frisina asked if there was any direction or guidelines to give to the Planning Commission.

Chairman Brown stated he would say it should be no smaller than five (5) acres and the structure would have to be hidden from the street.

9. **Discussion of Fayette County's height restrictions on uninhabitable building structures such as church steeples and high-frame roofs.**

Chairman Brown led this discussion and stated that a local Anglican church who wants to build a new facility on Ebenezer Road. He stated that the roof line was over what the County's height limit is and that they could not build it. He stated that we had to look at why we have a height limit in the first place. He stated that generally it is related around fire protection because our fire apparatus will only go so high. He stated that if there is a four story building in un-incorporated county and there is not a ladder truck that can meet that demand we would not want to allow that structure to be built. He continued that un-inhabitable space is a different story. He stated that if there will only be people in the top ten feet of the building and everything else is air and it really is not a fire hazard to people and the fire fighters will be able to fight that as well. He stated that those type scenarios he would like to take a look at.

Mr. Frisina commented that part of the height restriction is fire protection and the other part of height restriction is character. He stated that the County is a low density, low intensity county. He stated that as mentioned, there are things in the county that will cause the county to look at height

limitations. He stated that we need to look at this and is an easy fix. He stated that churches have a certain look that is not usually detrimental to the character of the area. He continued that there is a struggle with height with the movie studio and trying to find common ground. He stated that other issues are non-residential uses that are moving into the county that need a higher limit. He stated that while he is working on this he would like to go ahead and look at the other zoning districts as well.

Commissioner McCarty stated that water and cell towers are taller than that and we have those in the county as well.

Mr. Frisina agreed.

Commissioner Ognio stated that the City of Fayetteville has a higher height than the County so maybe we can look at their ordinance.

Chairman Brown stated that he thinks Peachtree City is five (5) stories.

Mr. Frisina stated that everyone handles it differently and to remember that whatever numbers the county comes up with, someone will want to go higher.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission do research and to look at height restrictions across the Board in Fayette County.

10. **Discussion of Conditional Use Requirements for churches and existing residential structures that do not meet the Conditional Use Requirements.**

Chairman Brown led this discussion and stated that there is a church that wants to build a structure. He stated that there are conditional uses on churches in terms of zoning; the church can reside in any zoning classification in the county, but in lieu of just dropping a church building on any site there are conditions related to the zoning application they fall in. He stated that there was a church where there was an existing house on the property and the house was properly zoned for the zoning district that it was in and they wanted to build a small sanctuary on the church and they wanted to use the house as an administrative office for a couple of years until they had the money to buy a building behind the sanctuary.

Commissioner Ognio suggested looking at limitations. He stated that if it is partially in, tell them they can keep it for so many years.

Mr. Frisina stated that we have some zoning districts and allowances for that under certain highway corridors and some of the zoning districts. He stated that they encourage retrofit of the existing homes and the office for instance. He stated that with certain limitations we should allow for this and also limit the uses that can go in there as well.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission look at the issue of Conditional Use Requirements for churches and existing residential structure that do not meet the Conditional Use Requirements.

Doug Powell asked if there are architectural standards for accessory structures.

Pete Frisina said there are architectural standards for accessory structures.

Doug Powell asked if they have to have a pitched roof.

Dennis Duttion said a pitched roof is not required.

Jim Graw said you can have a guest house in this structure.

Dennis Dutton said this accessory structure could be attached to the principal structure with a heated corridor and be allowed now.

Chairman Gilbert asked what the purpose is for a Guest House.

Pete Frisina said he just followed the standards for the other accessory structures.

Tim Thoms asked if these structures would have to be in the rear yard.

Pete Frisina said in the side or rear yard.

Tim Thoms suggested that they only be allowed in the rear yard.

Jim Graw said he has a problem with this as someone in this subdivision with two (2) acres can't build the same size structure.

Tim Toms said he has a problem with this as well.

Chairman Gilbert suggested that this be taken back to the BOC with the Planning Commission's reservations.

3. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding: church or place or worship structures permitted above the height limit.

Pete Frisina said that Section 5-16 addresses structures that can be above the height limit and he proposed adding a cathedral or vaulted ceiling on a church or other place of worship. He said this amendment would also address the existing churches that exceed the height limit.

Chairman Gilbert asked if there is a limit on the height.

Peter Frisina responded that there would not be a limit on the height a cathedral or vaulted ceiling on a church or other place of worship.

Jim Graw asked what the tallest church structure in the County is now.

Pete Frisina said he thought the highest was 60 to 67 feet depending on where you measure from as the grade changes around the building.

Chairman Gilbert said they can be built into a hill or slope.

Pete Frisina said a tall roof with a steep pitch or dome is an architectural aspect of a church or place of worship.

Jim Graw asked if bell towers are exempt from the height limit.

Pete Frisina said they were already listed in 5-16.

Tim Thoms asked how this is applied to other zoning categories.

Pete Frisina said it would apply to any church or place of worship regardless of what zoning district it is located.

Tim Thoms said the way he reads Section 5-16, it says "The height limit shall not apply to structures and architectural features not intended for human occupancy, including, but not limited to" and does the specific type of structure have to be listed in this sentence.

Pete Frisina said it is easier for staff if the structures are specifically listed.

Tim Thoms said 5-16 says "including, but not limited to" is not specific.

Pete Frisina said that is true but it would also have to be a structure that is not habitable.

Doug Powell asked if that would meet the buildings that were previously discussed in the M-1 area.

Pete Frisina he didn't think so.

Doug Powel said but Section 5-16 says "but not limited to" so could it be applied to any building.

Pete Frisina said if we interpret Section 5-16 in that manner then all of the discussion about building heights we have had would be moot and staff did not think that was the intent of the section.

Bill Beckwith said the Section could be interpreted to mean any structure that doesn't have human occupancy and that is what the section says.

Pete Frisina said the section has never been applied in that manner.

Bill Beckwith asked why it hadn't been applied in that manner.

Pete Frisina said it is the intent staff goes by.

Bill Beckwith suggested that it be rewritten to take out ambiguity.

Pete Frisina said he is open to any suggestions.

Doug Powell said as written, it would allow any portion of a structure that didn't have human occupancy to not have to meet the building height.

Pete Frisina said what he was hearing is it is the Planning Commission's opinion that this section would allow any portion of a structure that didn't have human occupancy to exceed the height limits with no restrictions on setbacks or acreage.

Tim Thoms said that is the way he reads the section and he knows that is not the way it has been intended or enforced but he still questions the wording. He asked if Section 5-16 applies across the board to all zoning districts.

Pete Frisina replied that is does.

Doug Powell asked if we are happy with not limiting the height of all portions of a structure that could fit into the category of not having human occupancy.

Chairman Gilbert asked if each of the zoning districts have a height limitation.

Pete Frisina said each zoning district has height limitations.

Jim Graw said some churches have a balcony and is that considered human occupancy and what about churches with multiple balconies.

Pete Frisina said we would probably have to go back to the zoning district height and say no occupiable space above zoning district height.

Jim Graw said some churches are below grade, so where do we measure from.

Pete Frisina said the measurement is from the grade outside of the building.

Bill Beckwith said from the conversation with Alvin Williams he said he wanted enough height to build a two-story set and needed some clearance above that, so would that be considered unoccupied space.

Pete Frisina said that would not be applied in that manner and he would be interested in any suggestions from the Planning Commission.

Chairman Gilbert said he felt like each zoning district needs to be examined in terms of building height.

Bill Beckwith asked if we need to look at it as issues come up or make changes across the board.

Tim Thoms suggested: strike "but not limited to" or strike "structures" and let it read "The height limit shall not apply to only architectural features not intended for human occupancy."

Pete Frisina said the section also lists monument, water tower, observation tower, telecommunication tower, chimney, smoke stack, conveyer, mast or aerial which are not architectural features.

Tim Thoms said your point is we need "structures" in the section as those things are structures.

Doug Powell suggested strike "including, but not limited to" so if someone wants the building something that is not listed we would have to look at the ordinance for each request.

Pete Frisina said we may be able to make a distinction between buildings and structures.

Jim Graw asked if we take out the reference to a cathedral or vaulted ceiling on a church or other place of worship can we just assume it means the same as it is currently written.

Pete Frisina said he would prefer to mention those specifically in the section.

Jim Graw asked what precedes this section in Article V.

Pete Frisina said each Section is specific and this is the only section dealing with building height.

Tim Thoms asked how the ordinance reads in terms of building height.

Pete Frisina said each zoning uses the term "Height Limit" and it does not say "Building" and the definitions in Article III contain a definition for "Building Height."

Tim Thoms said we should specific to what structures are allowed to exceed height restrictions.

Bill Beckwith asked how the zoning ordinance defines buildings and structures.

Pete Frisina read the definitions and said buildings are structures and structures are buildings according to the ordinance.

Jim Graw said someone could make a claim that their building is a structure and meets Section 5-16 and would be able to exceed the height limit.

Doug Powell asked could the height for churches and places of worship be addressed in each zoning district under the Conditional Uses.

Jim Graw asked if we could add a sentence that says the height limitations for each zoning district shall apply.

Bill Beckwith said shall apply to what.

Jim Graw said the problem is the word "structures" in this section.

Chairman Gilbert suggested getting a legal opinion.

Doug Powel said we still need to clarify this section so it doesn't apply across the board for all structures.

Pete Frisina said Article V is a general provisions portion of the ordinance so you don't have to add verbiage each zoning district.

Doug Powell the way it is currently written it could be interpreted to cover the building we are trying to regulate in G-B.

Pete Frisina staff would make an argument based on the intent of the ordinance.

Bill Beckwith asked who would make a determination in terms of intent of the ordinance.

Pete Frisina replied staff would make the determination and that staff determination could be appealed to the ZBA.

Doug Powell said in the past the County limited building to 35 feet because there was not a fire fighting apparatus to get above 35 feet now we have ladder trucks.

Bill Beckwith said can we just apply this to churches.

Pete Frisina said all he was trying to do was allow a vaulted or cathedral ceilings for a church exceed the height limit.

Bill Beckwith suggested adding a separate sentence to this section to address vaulted or cathedral ceilings for a church.

Doug Powel said telecommunication towers are covered by another portion of the ordinance so they don't have to be listed in this section.

Jim Graw agreed with Doug Powell's suggestion.

Pete Frisina said he would create a separate sentence in this section for a vaulted or cathedral ceilings for a church to exceed the height limit.

The Planning Commissioned concurred with the suggestion.

4. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding: Church and/or other Place of Worship and existing residential structures that do not meet the Conditional Use setbacks and/or buffers.

Pete Frisina said the proposed amendment is listed as J. under the Condition Use requirements for a church and it is language used in the O-I zoning district which allows existing structures that don't meet the O-I setbacks to remain and be used as legally nonconforming structures. He explained that a new church is developing a lot with an existing home that does not meet the setbacks for a church and a storage building that encroaches into the buffer and the direction he got from the BOC was to consider the encroachment into the setback but not the buffer and to limit the uses.

Tim Thoms asked if the County does this in O-I.

Pete Frisina explained in O-I many times you are converting an existing residence into an office and the residence was built under residential zoning setbacks and may not meet O-I setbacks.

Tim Thoms said a church is a Conditional Use and so now we are going to grant permission for a pre-existing structure to be a legally non-conforming structure giving them an exception.

Chairman Gilbert said but the residence meets the existing setbacks for a residential zoning it is the change of use to a church that creates the problem.

Tim Thoms said but in residential zoning an existing residence could not have the uses allowed in a Conditional Use for a church and now we would be allowing a use that does not meet the Conditional Use requirements for a church.

Pete Frisina said the residence cannot meet the setbacks in the Conditional Use for church.

Tim Thoms said he was uncomfortable changing the Conditional use requirements to allow the use of a residence that does not conform because other churches may have been told they had to meet the same requirements.

Pete Frisina said this has not been consistently applied over the 40 years.

Doug Powell asked if this property could be subdivided in to more two (2) acre lots.

Pete Frisina said based on the configuration of the subdivision this lot could not be subdivided.

Doug Powell said he understood Jim Graw's concern.

Pete Frisina said this amendment will be before the Planning Commission in a Public Hearing on July 2, 2013.

3. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding: church or place or worship structures permitted above the height limit.

Pete Frisina said this amendment would allow a cathedral or vaulted ceiling on a church or place of worship to exceed the height limit in the applicable zoning district and they would be treated as an architectural feature like a steeple.

Doug suggested that the solar panels and satellite/telecommunication equipment be listed separately as "roof mounted."

Pete Frisina said he would make that change.

Pete Frisina said this amendment will be before the Planning Commission in a Public Hearing on July 2, 2013.

4. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding: Church and/or other Place of Worship and existing residential structures that do not meet the Conditional Use setbacks and/or buffers.

Pete Frisina said this amendment to the Conditional Use for a church would allow an existing structure to encroach into the setback but not the buffer and the uses would be limited.

Doug Powell said he was in agreement with the amendment.

Pete Frisina asked Patrick Stough if he had problems with use of the term "legal nonconforming structures."

Patrick Stough said you could use the word "legally" to describe a conforming or nonconforming structure. Patrick Stough asked if the amendment would allow the construction of a new structure in the setback

Bill Beckwith recommends Option 1.

Tim Thoms made a motion to approve the amendments as presented with Option 1.

Jim Graw seconded the motion.

Chairman Gilbert called the question and the motion passed 4-1 with Chairman Gilbert voting in opposition to the motion.

Pete Frisina said that staff is recommending Option 2 as it gives Alvin Williams (the first G-B rezoning) the 50 feet he asked for in the workshops to keep him competitive with Pinewood and other studios that may come into the County in the future.

5. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding: church or place or worship structures permitted above the height limit.

Pete Frisina said this amendment would exempt a church with a cathedral or vaulted ceiling from the building height limit specified in the applicable zoning district. He added that the references in this section referring to "human occupancy" were removed based on discussions of the Planning Commission, as the Planning Commission felt it was too vague and could possibly be applied to any structure where there was not area for "human occupancy" or "habitable space" specifically pertaining to the prior consideration of building height in the G-B zoning District.

Chairman Gilbert asked if anyone from the public had any questions or comments and seeing none he brought the item back to the Planning Commission.

Tim Thoms said he was concerned with taking the term "human occupancy" out it would allow someone to build a monument with no height restrictions, like a Washington Monument.

Pete Frisina said at the last meeting the Planning Commission had a concern that it could be applicable to any building without human occupancy, such as the soundstages we just discussed to build at any height as the top of the soundstage is not designed for human occupancy.

Doug Powell said the Washington Monument has human occupancy at the top.

Pete Frisina said it depends on what your definition of human occupancy is because per building codes an area is not occupiable just because you can stand in it because it is not

set up for occupation where you can carry on normal activities.

Doug Powell said that a water tower in Senoia is proposed to be turned into a restaurant and it is now a water tower that is occupied.
Doug Powell made a motion to approve the amendments as presented.

Bill Beckwith seconded the motion.

Chairman Gilbert called the question and the motion passed 4-1 with Tim Thoms voting in opposition to the motion.

6. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-20., regarding: accessory structure size in residential zoning districts.

Pete Frisina said the amendment adds another option in residential zoning districts for the size of accessory structures under this section. He said the amendments would allow a total of 3,600 square feet of accessory structure floor area with a minimum of 5 acres. He also that the total accessory structure floor area could not exceed the total square footage of the principal structure (residence), any structure greater than 1,800 square feet cannot be located to the side of the principal structure, and a single accessory structure of greater than 1,800 to 3,600 square feet shall be located to the rear of the principal structure. He said the requirement of being to the rear of the principal structure was brought up by Tim Thoms.

Chairman Gilbert asked if anyone from the public had any questions or comments.

Steve Brown, Chairman of the Board of Commissioners, said he was approached by a builder with a NBA star client who wants an indoor basketball gym build on his property and he discussed this with the staff and he realized that we didn't allow these size structures and this type of individual would build a quality structure that would add a lot of value to the property. He said some of these professional athletes build some very elaborate structures and the regulations could be a deterrent to some of these individuals moving into the County as many of them are very civic minded and support community activities.

Chairman Gilbert asked if anyone else from the public had any questions or comments and seeing none he brought the item back to the Planning Commission.

Jim Graw said he did not recommend the amendments as he thought this should be permitted in A-R zoning only and not residential zoning districts. He said this particular property is in an R-70 residential subdivision with two (2) acre lots and this lot happens

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2013 - 06

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE VI (DISTRICT USE REQUIREMENTS); 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 Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by deleting in Article V, General Provisions, Sec. 5-16. in its entirety and replacing it with the following:

Sec. 5-16. Structures Permitted above the Height Limit.
The height limit shall not apply to the following structures and architectural features: a cathedral or vaulted ceiling on a church or other place of worship, spire, steeple, belfry, cupola, dome, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, heating, ventilation, and air conditioning (HVAC) equipment, elevator equipment, roof mounted solar panels, roof mounted satellite/telecommunications equipment, and a 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 does not exceed 70 feet. Total height shall be measured from the finished grade at the location of the flagpole to the highest point.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. . 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 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 25th day of July, 2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
STEVE BROWN, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK