COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, March 26, 2015	Type of Request:	Public Hearing

Wording for the Agenda:

Public Hearing on Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

Background/History/Details:

On April 24, 2014, the Board of Commissioners asked staff and the Planning Commission to evaluate the A-R wedding concept for possible amendments to the zoning ordinance. This was in response to a property owner's request to have weddings on their farm.

The amendments allow an A-R Wedding/Event facility in the A-R zoning District as a Conditional Use.

Staff recommends approval of the amendments.

The Planning Commission recommends approval of the amendments.

Al Gilbert made a motion to recommend approval of the proposed amendments. Brian Haren seconded the motion. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

"Exhibit A" provides a red-lined version of the proposed changes. "Exhibit B" provides the final form document requested for Board approval.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	April 24, 2014
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:

EXHIBIT A

ORDINANCE 2015-05 A-R WEDDING

RED-LINE VERSION OF PROPOSED CHANGES

SECTION 110-3 DEFINITIONS (the following to be added in its entirety to the list of definitions)

Wedding/event facility means a facility where weddings and other events are held.

SECTION 110-25 A-R, AGRICULTURAL-RESIDENTIAL DISTRICT (the following to be added in its entirety to the list of Conditional Uses in A-R)

A-R wedding/event facility;

SECTION 110-169 CONDITIONAL USE APPROVAL (the following to be added in its entirety)

#. *A-R wedding/event facility*. The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this Article and this section and the most restrictive conditions shall apply. Allowed in the A-R zoning district.

1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
3. Facilities which access an unpaved County–maintained road are limited to 12 wedding/events per calendar year. A wedding/event permit from the Planning and Zoning is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
5. Adequate off-street parking shall be required and a 50 foot setback shall separate parking areas from any abutting residential zoning district.
6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized for weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the Environmental Health Department.
9. Food service shall meet all state and local requirements.
10. Tourist Accommodations shall not be allowed in conjunction with an A-R wedding and event facility.
11. Tents shall require the approval of the county fire marshal.
12. A sketch, drawn to scale, on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events and parking areas shall be required. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with the Fayette County Development Regulations shall be required.

EXHIBIT B

ORDINANCE 2015-05 A-R WEDDING

FINAL FORM VERSION OF THE ORDINANCE

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2015 - 05

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY SECTION 110-3 DEFINITIONS, SECTION 110-25 A-R, AGRICULTURAL-RESIDENTIAL DISTRICT, AND SECTION 110-169 CONDITIONAL USE APPROVAL

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 110. Zoning Ordinance, as amended, is hereby further amended by adding in its entirety the following to Section 110-3 Definitions:

Wedding/event facility means a facility where weddings and other events are held.

Section 2. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by adding in its entirety the following to the list of Conditional Uses in Section 110-25 A-R, Agricultural-Residential District:

A-R wedding/event facility;

Section 3. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by adding in its entirety the following to Section 110-169 Conditional Use Approval:

#. *A-R wedding/event facility*. The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this Article and this section and the most restrictive conditions shall apply. Allowed in the A-R zoning district.

1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
3. Facilities which access an unpaved County–maintained road are limited to 12 wedding/events per calendar year. A wedding/event permit from the Planning and Zoning is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all

buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.

5. Adequate off-street parking shall be required and a 50 foot setback shall separate parking areas from any abutting residential zoning district.
6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized for weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the Environmental Health Department.
9. Food service shall meet all state and local requirements.
10. Tourist Accommodations shall not be allowed in conjunction with an A-R wedding and event facility.
11, Tents shall require the approval of the county fire marshal.
12. A sketch, drawn to scale, on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events and parking areas shall be required. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with the Fayette County Development Regulations shall be required.

Section 4. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. 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 6. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise

specified herein.

So ordained this 26th day of March, 2015, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
CHUCK ODDO, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK

Chairman Brown said he liked the recommendation since it was a good use for the property and since it was not an obvious impact on the area. He said it would not interfere with the southside of Peachtree City, and that it would work out for the betterment of property owners in the area.

Commissioner Barlow asked if New Hope Baptist Church had been consulted. Mr. Frisina replied that they had been consulted and that they were not opposed to the proposed plan.

Frank Gardner: Mr. Frank Gardner said he had heard a lot about golf carts, and that no comment was made about golf carts in the area. He thought it was advisable to enact plans that would allow golf carts to access the schools in the area.

Chairman Brown replied that he was very certain golf carts would be in the plan. Mr. Frisina replied that golf carts were not in the plans since there are no golf cart paths, but that there may be alternatives to be considered in this matter.

The Board directed staff to move the recommendations forward to the Planning Commission

The Board directed Mr. Frisina and staff to proceed with taking the recommendations through the public hearings process. The Board did not take a formal vote on this matter. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

NEW BUSINESS:

9. Consideration of Zane and Audrey Ardis' request to amend the Agricultural-Residential (A-R) Zoning District to allow weddings and events as a Conditional Use.

Zane and Audrey Ardis said after reviewing the A-R ordinances there was no provision to allow weddings and special events. Mr. Ardis asked for a conditional use to be created to allow for weddings and special events in A-R zoning. He pointed out that the Board recognized Farmer Appreciation Day, and that he would still operate an active hay farm. Mr. Ardis said there were many different types of venues like this including one in Newnan, Georgia.

Chairman Brown asked if new facilities had to be put up. Mr. Ardis replied that the existing facilities would be used, and that he actually had his wedding at the farm. He added that he would upgrade the buildings to meet County Code and the Fire Marshal's requirements. Chairman Brown pointed out that farm weddings were becoming a popular trend.

Commissioner McCarty said he has nephews who came into possession of a farm in Fulton County. He said the barn is provided for the wedding and a refurbished cabin that is also located on the property is provided for overnight stays if needed. He said this effort had been very successful for his neighbors. Mrs. Ardis spoke about the benefits of farm weddings.

Commissioner Ognio asked what other events would take place. Mr. Ardis replied that parties such as birthday parties and anniversary parties would take place. Commissioner Ognio asked about restroom capacity, and Mr. Ardis stated he would bring in portable bathrooms. Commissioner Ognio asked about parking and Mrs. Ardis replied that there was more than sufficient room to park at the farm.

Chairman Brown asked Community Development Director Pete Frisina for comments on this matter. Mr. Frisina replied that staff needed to look into how to accomplish allowing this type of use. He said he has reviewed an ordinance in Coweta County since that county allows for special exceptions. He said the County is getting more and more of these types of requests, and he suggested that the County could allow for these uses on a case-by-case basis as opposed to making broad rules. He informed the Board that this effort would dilute A-R zoning to some degree, and while rural weddings are not highly commercial that the county would need to keep control of the zoning and other requirements such as sanitation, parking, and food requirements. He said there were a lot of issues to consider but that staff was willing to look into this matter and come back to the Board. Discussion followed.

Rick Minter: Mr. Rick Minter said he is already having Farm Heritage Days at his farm. He said people come because it is a farm, and if the farm is changed then the whole nature changes. He asked to participate in working on this project in an effort to move this matter forward.

The Board directed Mr. Frisina and staff to review the request and to include the Farm Bureau in the discussions. The Board did not take a formal vote on this matter. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

10. Consideration of a citizen's request to amend the Fayette County Code and Zoning Ordinance concerning Farmers Markets, Flea Markets and Craft Fairs.

This item was not considered by the Board since the citizen had conveyed to County staff that he did not intend to bring this issue to the Board at the May 8, 2014 Board of Commissioners meeting. The Board did not provide direction and did not take action on this request. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

11. Recognition of Dr. William Adcox and Dr. Brian K. Nadolne regarding their work in promoting total health.

Commissioner Barlow gave a brief PowerPoint presentation about his family's history with obesity, and he introduced Dr. William Adcox and Dr. Brian K. Nadolne to the Board who also gave a PowerPoint presentation on their work in promoting total health. District 4 Health Director Olugbenga O. Obasanjo also spoke about obesity epidemic and its effects.

The Board did not take any action and did not provide direction in this matter. Copies of the request and of both PowerPoint presentation, identified as "Attachment 12," follow these minutes and are made an official part hereof.

12. Consideration of a request from the Georgia Department of Transportation for an intersection improvement at Harp Road, Seay Road and State Route 92 and approval for the Chairman to sign the letter of support (GDOT PI 0009972).

Public Works Director Phil Mallon reminded the Board that in January he came to the Board about a proposed project from the Georgia Department of Transportation (GDOT) to install a possible roundabout at State Route 92 and Antioch Road, and that during the conversation the Board mentioned that it would be nice to make this a more comprehensive study for the intersection of Seay Road, Harp Road, and State Route 92 and to provide the condition of obtaining County Board approval once the concept has been prepared. He said GDOT has agreed to the request that they have expanded their study, and that they are

THE FAYETTE COUNTY PLANNING COMMISSION met on May 15, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Vice-Chairman
Brian Haren
Douglas Powell
Bob Simmons

MEMBERS ABSENT: Al Gilbert, Chairman

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Vice Chairman Graw called the Planning Commission Meeting to order and introduced the Commission Members and Staff and said that Chairman Gilbert was absent from the meeting.

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NEW BUSINESS

1. Consideration of the Minutes of the Meeting held on April 17, 2014.

Doug Powell made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 4-0. Chairman Gilbert was absent.

2. Consideration of the Minutes of the Meeting held on May 1, 2014.

Doug Powell made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 3-0-1. Bob Simmons abstained from the vote because he was absent from the May 1, 2014 meeting and Chairman Gilbert was absent.

3. Discussion of wedding/event in A-R.

Pete Frisina said that Zane and Audrey Ardis had been before the Board of Commissioners requesting that the Zoning Ordinance be reviewed in regard to Farm Weddings and Special Events in the A-R Zoning District. He added that the BOC was interested and instructed staff to work with the Planning Commission to recommend amendments. He said that he had done some research and found several websites advertising rural wedding and event businesses and that there were a number in Georgia including Coweta County and Hall County and their ordinances were sent to the Planning Commission.

Zane Ardis said his wife's family owned a hay farm on SR 92 south close to Inman Road and the property was about 15 to 20 acres and that is the location for the wedding/events. He added the property contained a house and a number of barns. He said their plan was for the weddings and events to be outside.

4. Continue discussion of the land use plan for SR 74 south.

Pete Frisina said that he had been before the Board of Commissioners with the staff and Planning Commission recommendations for the SR 74 South Corridor regarding Office use and the BOC gave him permission to move forward with public hearing for adoption of the amendments to the Comprehensive Plan and Zoning Ordinance. He asked the Planning Commission if they had any additional changes for the Comprehensive Plan and Zoning Ordinance. It was the consensus of the Planning Commission that they did have any changes and were ready to hold public hearings on the amendments.

5. Continue discussion of hoop houses.

****

Doug Powell made a motion to adjourn.

said so moved.

Vice-Chairman Graw said the meeting was adjourned at 8:30 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
JIM GRAW, VICE-CHAIRMAN

ATTEST:

_____

Jim Graw said greenhouses are permanent structures made out of steel and glass on a foundation and a hoop house is a temporary structure made out piping and plastic sheets.

Pete Frisina said that is correct and based on these amendments hoop houses will have more restrictions than a greenhouse. He said he would give this some more consideration.

Brian Haren asked how many people have asked about hoop houses.

Pete Frisina said he has talked to three (3) people about hoop houses in residential zoning.

Bob Simmons asked for a clarification of not more than two (2) accessory structures per lot.

Pete Frisina said that is already in the ordinance.

Bob Simmons said they couldn't have multiple structures on one (1) lot.

Pete Frisina said currently you could have up to 1,800 square feet of accessary structure space and that could be divided between two (2) structures.

It was the consensus of the Planning Commission to send the item back to the Board of Commissioners for further direction.

3. **Discussion of wedding/event facility in A-R.**

Pete Frisina said he was presenting items for discussion regarding the wedding and event use in A-R. He said Coweta County does this as a Special Use Permit that requires a public hearing and Fayette County does not have this sort of mechanism in our zoning ordinance. He asked if this something we want to consider requiring a public hearing for this type of use or go with just a Conditional use which doesn't require a public hearing so when the conditions are met the use can be established.

Chairman Gilbert said he didn't have much of a feeling one way or the other and since we don't have a Special Use Permit procedure he would recommend a Conditional Use procedure would be fine.

Pete Frisina said the next item is to outline the uses which are weddings and events and we would need to delineate the type of events. He said we don't want the facility used for concerts, sporting event or vehicle racing. He added there are Conditional Uses allowed in A-R that are related and these uses should be allowed in conjunction with a wedding/event facility and these uses are a horse show, rodeo, carnival, community fair, and/or religious tent meeting.

Chairman Gilbert said some time back there was a barn in Tyrone that was used for events but the barn wasn't in the proper location for the types of events they were having and Fayette County needs something like this and what we are working on is heading in the right direction.

Audrey Ardis said she is presenting a copy of an agro-tourism ordinance that Troup County is considering and it could be helpful with creating regulations for Fayette County.

Zane Ardis said the Troup County ordinance contains some good definitions for special events.

Jim Graw asked for clarification on the origin of the Troup County ordinance.

Audrey Ardis said it is a document she got from the Georgia Argo-Tourism Association and it has since been adopted by Troup County.

Jim Graw asked if she is proposing that this ordinance be adopted by Fayette County.

Audrey Ardis said she thought it would be helpful in creating an ordinance for Fayette County.

Pete Frisina asked if five (5) or 10 acres should be required.

Chairman Gilbert said 10 acres is his preference.

Pete Frisina asked about hours of operations and he had 11:00 am to 10:00 p.m. weekdays and 11:00 am to 11:00 p.m. weekends.

Brain Haren thought a 9:00 am start was appropriate.

Chairman Gilbert said the shut off times of 10:00 p.m. on weekdays and 11:00 p.m. on weekends was appropriate.

Brain Haren asked if the times would also regulate the setup and cleanup.

Pete Frisina said the time limits should control the event and not the setup and cleanup. He asked if we need to regulate the hours for the lighting.

Brian Haren said he would not recommend controlling the hours for lighting as the cleanup could take some time.

Pete Frisina said he is recommending that these facilities only be permitted on a lot with access to a paved road. He said Phil Mallon the County Engineer had suggested that if we allow one of these facilities on a gravel road we need to collect a prorated share of funds to maintain the road.

Brian Haren said he felt a paved road is the best option because a gravel road may not hold up.

Pete Frisina said the County Engineer is recommending that the driveway coming from the county road be paved for a minimum of 30 feet at a width of 24 feet because it improves safety.

Zane Ardis said he didn't think 24 feet of width was necessary.

Brian Haren said he didn't think it was necessary.

Chairman Gilbert said you could leave the center of the driveway grassed.

Audrey Ardis said there are several businesses that have gravel driveways.

Brain Haren said sight distance has to be maintained.

Pete Frisina said sight distance would have to be met and it could a driveway to be relocated. He stated that all structures used for assembly would have to meet building and fire codes. He added that occupancy limits would be controlled for buildings per fire code. He said there could be a limit based on the capacity of sanitation facilities and that would be determined by Environmental Health. He added that the use would not be used in conjunction with Tourist Accommodations.

Jim Graw said lighting should be required for parking area and pedestrian paths and there needs to be a requirement for the number of parking spaces. He said he went to a facility that had a parking lot and a grassed area for parking in addition.

Chairman Gilbert asked about serving alcohol as it may be necessary for this type venue.

Pete Frisina said alcohol is not regulated through the zoning ordinance.

Randy Ogino said he was concerned with the requirement of the paved driveway for a wedding facility.

Pete Frisina said that will be given consideration to whether it is necessary or not.

Randy Ogino said it could diminish the rural character.

Pete Frisina said he said he would work on the ordinance and discuss it at a future meeting.

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Joe Wayton said when he was young and confronted at school he was either going to get whipped or he was going to whip the other guy so he really doesn't care what his neighbor does and if I am busy doing my job at my house, I don't even look at his house. He added if his house needs painting that's his job and if runs out of food or power I will ask him if he needs me to help him but as far as what he does in his yard is his business and I think we have way more rules than we need.

Bob Simmons said we are charged with certain responsibilities and we are governed by certain rules and regulations. He added that ours is an advisory position and the Board of Commissioners has the final say so, but they look to us to do our due diligence to help them make the final decision. He said he appreciates what you are trying to do but it is not just you, it is the other 40,000 people we have to consider.

Joe Wayton said do you know what e pluribus unum means.

Bob Simmons said I know exactly what it means and don't condescend to me.

Joe Wayton said we have forgotten the meaning of it.

Bob Simmons said it makes no difference to me and he calls the question.

Doug Powell said how much A-R do you have before you can have unlimited agricultural buildings.

Pete Frisina said more than 10 acres.

Doug Powell said Joe Wayton will have seven (7) acres when his lots are combined.

Joe Wayton said he has about 6.9 acres.

Chairman Gilbert asked Pete Frisina where we go from here.

Pete Frisina said if the Planning Commission is ready to move forward we go to public hearings.

The consensus of the Planning Commission was to move forward with public hearings.

3. Discussion of wedding/event facility in A-R

Pete Frisina said we have Phil Mallon of the Engineering/Public Works Department here tonight. He said what we have to review tonight is proposed Conditional Use regulations for a Wedding/Event Facility in A-R. He said there are two (2) definitions as follows:

> *Event, private* means as event that is not open to the general public.
>
> *Event, public* means an event that is open to the general public.

He said concerts, sporting events and vehicle racing shall not be allowed at a Wedding/Event Facility but a horse show, rodeo, carnival, community fair, and/or religious tent meeting would be allowed as they are related Conditional Uses already allowed in A-R but the

most restrictive regulations shall apply and they would be limited in the time and duration.

Doug Powell said we had discussed noise and light and do we need to mention these other regulations.

Pete Frisina said we could mention noise but we don't have regulation requiring lighting.

Doug Powell said the regulations that control light not shining into adjacent properties is what he was referring to.

Pete Frisina it is standard in Conditional Uses that there is a minimum lot size and in Zane's case the farm is made up of multiple lots under different family ownership and we usually base everything on the individual lots and his property consists of a undeveloped 20 acre lot with a three acre lot that contains the house and barn.

Chairman Gilbert said it may need to be addressed on the 20 acres and not on the three (3) acres unless you want to combine it.

Jim Graw said if you have a function on the three (3) acres do you have enough room for parking.

Chairman Gilbert said he would use the three (3) acres in conjunction with the 20 acres.

Doug Powell suggested defining it in terms of ownership say a combined ownership of 10 acres or more of A-R property, fine let them do it and if a portion is sold off then they can't do it.

Jim Graw said he agrees if a combined property totaling 10 acres is used and a portion is sold off the wedding/event facility couldn't continue to operate.

Pete Frisina said what makes this difficult is you still need to pay attention to the internal property lines of the combined site and if someone wants to build additional structures they would have to meet the setbacks from those property lines.

Jim Graw asked Doug Powell what term you would use to describe this site.

Doug Powell said combined ownership and the property would have to be contiguous.

Chairman Gilbert said I believe we will be hit with people that are on unpaved roads, but some of these roads are well maintained and some aren't so we would need to determine criteria to assess the adequacy of the road for one of these facilities.

Doug Powell said where the Inman Days Festival is held on Minter's Farm part of the road is gravel and seems adequate for the traffic.

Bob Simmons asked if it is private road and maintained by the property owner.

Pete Frisina said it is not a private road.

Zane Ardis said why not make it contingent on an inspection of the road.

Jim Graw said what was our reasoning for requiring a paved road.

Pete Frisina said it is standard for most Conditional Uses as paved roads can hold up to traffic.

Bob Simmons asked if there is a standard for the maintenance of a gravel road.

Phil Mallon said there is not a standard and he agrees some gravel roads may function fine for this use but not all of them. He added the problem he sees is the increased usage of a gravel road could force the County to dedicate more resources to that road taking away resources from other roads to support this business and is that fair. He said if there is a way to tie maintenance of the road to the development that may be an option to consider.

Chairman Gilbert said could it be an option to require the developer to pay a maintenance fee based on the linear frontage on the road.

Doug Powell said he agrees with Phil that he doesn't think an average citizen should be paying for access to someone else's business.

Phil Mallon said we need to make it clear if you locate one of these facilities on a gravel road there will be no increase in maintenance.

Pete Frisina said we have had instances where a developer has upgraded a road to serve a development.

Zane Ardis asked if there are any agricultural businesses where the public comes in to purchase products from the farm.

Pete Frisina said most of the large scale operations are on paved road but there could be some small ones on gravel roads.

Phil Mallon said Roberts Roads, which is gravel, gets heavy use from the junk yards and we don't use more resources there than other gravel roads.

Pete Frisina said but nobody lives on that road.

Bob Simmons suggested that the access has to be within so many feet of a paved road.

Chairman Gilbert suggested making the cost of the maintenance of the unpaved portion of a road the business owner's responsibility.

Pete Frisina said the problem is you could be affecting the road for other people that live on the road.

Phil Mallon said we may need language to temper expectations of increased maintenance on a gravel road. He added that looking at these on case by case basis may be the way to address this and have the flexibility to require something from the business owner to help maintain the road.

Chairman Gilbert said he wouldn't have a problem with the business owner signing an agreement that if they are creating a problem on the road then they should pay to repair the road.

Phil Mallon said it will be the County's responsibility to maintain these roads if they have a big event and it tears up the road. He suggested we could limit the number of events or size of events. He added that if it becomes a problem we need the ability to stop the activity.

Zane Ardis said he didn't know that a business owner would have the expertise to maintain a road.

Jim Graw said what would be the cost to maintain the road and would one of these facilities make enough money to cover this cost.

Bob Simmons asked Zane Ardis how many weddings his facility would hold per year.

Zane Ardis said 10 to 20 weddings per year possibly.

Jim Graw said one of these facilities could have an effect on an unpaved road and it could become a nightmare to repair.

Bob Simmons asked if gravel roads are held to a certain speed limit.

Phil Mallon said they are limited to 25 miles per hour.

Pete Frisina asked if 20 feet is the average size width of a gravel road.

Phil Mallon said that would probably be about the maximum size some could be less than 20 feet.

Jim Graw said the Minter Farm does not front on a paved road and they couldn't do this.

Doug Powell said it could affect the road for the rest of the residents on the road if any damage occurs.

Phil Mallon said with facilities on a gravel road we could require a traffic assessment and that language is already in the development regulations and if it is determined that the operation of the facility will have a detrimental impact of the road the owner then could be asked to make improvements to the gravel road and if they can't afford the improvements then the facility would not be allowed to operate.

Pete Frisina said we would want to evaluate the road prior to the operation starting.

Doug Powell it is important that we be able to also stop the operation if damage occurs.

Jim Graw said he likes Phil's approach because it allows a facility on a gravel road but it gives the County the opportunity to say the road can handle it or can't handle it then we present to the business owner this is what needs to be done to address the road and it will be their decision whether they want to do it or not.

Bob Simmons asked if Phil has any idea what the criterion will be for a gravel road.

Phil Mallon said we have what is required for a traffic impact study but that could be a costly exercise and he didn't know if that extensive of a study would be required for one of these facilities. He added that he didn't think it needs to be mandatory but if the County feels its necessary we have the option to require a study.

Bob Simmons said that's subjective.

Phil Mallon said yes that is subjective.

Pete Frisina said we have to evaluate the road prior to a facility being approved under the Conditional Use aspect and make a determination that the road can handle the facility because there are some unpaved roads where it is just not feasible to have a facility.

Doug Powell said it may not be wide enough for safe two-way traffic.

Pete Frisina said he would work with Phil on language to address unpaved roads.

Doug Powell asked what a Tourist Accommodations is.

Pete Frisina said it is another section of the County code that allows someone to rent their house for less than 30 days as a vacation rental and we don't want that used in conjunction with a wedding/event facility.

Doug Powell said asked if a honeymoon suite would be allowed because I can see that being something someone will want to do.

Pete Frisina said early in this process there was some concern from the BOC and the county attorney that since this is something we are having some problems with we do not want to mix these uses.

Doug Powell said a facility he is familiar with the catering was doing so well they opened up a restaurant so these facilities can grow into areas you didn't expect.

Pete Frisina said we are starting slow with these facilities and can make changes as necessary in the future. He added the setbacks for all buildings and areas utilized for weddings and events is 100 feet from any abutting residential zoning but it will not be increased from abutting A-R zoning and the normal A-R setbacks would apply. He said a 50 foot setback shall separate parking areas from any abutting residential zoning district and there would be no setback for parking areas from abutting A-R property. He stated that the hours of operation would not apply to setup and cleanup for an event. He said one of the things he is trying to address is the type of sketch plan or site plan the County needs and a sketch plan on a survey that is scalable would be good if you are only utilizing existing buildings for weddings and events but if you plan to build new buildings for weddings and events or add a lot of impervious surface we may need a typical site plan as we require for extensive agricultural operations and we need to be consistent. He added that it is feasible that someone would create a wedding/event facility as the principle use of the property.

Phil Mallon said if an event facility adds 5,000 square feet of impervious surface storm water regulations kick in and a site plan would be required. He added it is a good idea to use the sketch plan as a baseline for existing structures but if more is added and meets the threshold we need a site plan.

Zane Ardis asked if you want to build a small five (5) by 10 foot structure or add a porta-johns will that count toward these 5,000 square feet.

Pete Frisina said when development hits thresholds these regulations will come into play we are just not clear on the threshold right now.

Jim Graw said we had discussed lighting for safety.

Pete Frisina said we don't presently have regulations to require lighting.

Bob Simmons said you can't have lighting that invades the surrounding property.

Zane Ardis said they have power in the barn and they were thinking of putting up floodlights around the porta-johns.

Jim Graw said the parking area needs to be adequate and that needs to be addressed in the regulations and requiring some lights poles in the parking area or somebody is going to get hurt. He said he didn't think we should leave it up to the owners of the property to determine what adequate lighting is.

Pete Frisina asked Phil Mallon if lighting was a requirement for non-residential development per the Development Regulations.

Phil Mallon said it is not a requirement but most businesses put up lighting.

Bob Simmons asked if certain candle power is required.

Pete Frisina said to his knowledge the light regulations address the light shining into adjacent property.

Jim Graw said we need to provide some lighting for safety purposes for people walking back to their cars in the dark.

Doug Powell said he didn't think we should require it and we could regulate this to death.

Jim Graw said we look out for the health, welfare and safety of the citizen of Fayette County and requiring lighting adds to the safety of the citizens.

Doug Powell said he would vote for no lighting.

Pete Frisina said we will have to see when one comes because Zane Ardis said he understands the need and would put in some minimal lighting.

Doug Powell said he is going to an event in the country with no lighting and he has been to the facility before and they have a sign that says you are entering the property at your own risk.

Chairman Gilbert said since we are done with this subject his subdivision is experiencing houses that are being rented or they are owned by a bank and nobody is taking care of the property and the grass is getting high.

Pete Frisina said the County has an ordinance stating grass can't be higher than 14 inches and the Code Enforcement Section in the Planning and Zoning Department can address the complaints.

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Bob Simmons made a motion to adjourn the meeting.

Chairman Gilbert said so moved.

Chairman Gilbert said the meeting was adjourned at 8:30 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

Al GILBERT, CHAIRMAN

request to withdraw prior to the petition being read on the agenda and prior to the public hearing and once the public hearing starts he has lost that ability to request to withdraw.

Doug Powell said we had a rezoning where the Planning Commission recommended a zoning the petitioner didn't request you mean he can't ask to withdraw.

Dennis Davenport said once the application is submitted the County is in control of the application not the petitioner.

Chairman Gilbert said we had a case once where the petitioner had opposition and he asked to table to allow time to meet with the neighbors to try to answer some of their concerns.

Dennis Davenport said that is a legitimate reason to table but it will increase the advertising costs. He said an applicant can withdraw prior to the legal ad being run but once the legal ad has been run the Planning Commission and BOC have to vote to allow a withdrawal. He said in the portion of the ordinance dealing with the ZBA we use the terms petitioner, appellant, and applicant interchangeably and we need to use just one term like petitioner. He added that the language addressing a request to table should be consistent with the language being proposed for the Planning Commission and BOC and under Writ of certiorari it should be "seek" and not "file." He added that other than some form changes that is all he has for the ZBA.

Pete Frisina said he and Dennis Davenport will get together on the changes we discussed tonight and bring it back the Planning Commission.

3. Discussion of wedding/event facility in the A-R Zoning District.

Pete Frisina said he tried to address the language concerning a minimum lot size and allowing multiple lots to make up a site as a farm could be made up of multiple lots and perhaps we could recognize the total of all of those properties for this use. He stated he couldn't come up with something that made him feel comfortable when we are dealing with multiple lots so he is staying with minimum lot size instead of a minimum site size.

Dennis Davenport said this has been a similar issue with the tax assessor where a property owner owns multiple adjacent properties and wants just one (1) tax bill because they are using the property as one (1) lot but if they want one (1) tax bill they need to combine the properties. He added it may be more valuable to have multiple parcels, but it is more difficult for the County to regulate them as one (1) lot.

Doug Powell asked how that would affect the property we have been discussing.

Pete Frisina said that individual has two (2) properties consisting of a 20 acre lot and a three (3) acre lot. He added that the 20 acre lot would meet the proposed minimum lot size but the three (3) acre lot would not but it could be combined with the 20 acre lot. He said #2 is the language dealing with unpaved roads proposed by Phil Mallon is based on our discussion at the last meeting. He added it gives the County Engineer the ability to do an evaluation of the road and ask

for improvements if he determines it is necessary or deny the use if the road is beyond its carrying capacity.

Dennis Davenport asks about the internal local road designation.

Pete Frisina said that is a subdivision street and we want to preclude this type of use in a residential subdivision.

Brian Haren asked with the definition of private event does the County want to regulate a private wedding on their property.

Pete Frisina said that is not the intent.

Dennis Davenport said Brian makes a good point and we need to include that the private event is being held with the purpose of receiving some sort of consideration.

Pete Frisina said that the basic premise is it is a business where someone is paying a fee to hold the event.

Dennis Davenport said the definition for a private event needs to reflect the consideration aspect because any wedding would fit this definition. Dennis Davenport said he would work on the definitions of events and get something back to the Planning Commission.

Dennis Davenport asked if the ordinance addresses alcohol.

Pete Frisina said the zoning ordinance doesn't regulate alcohol and he didn't know how this would fit into the alcohol ordinance.

Doug Powell asked if there is a difference between selling and serving.

Dennis Davenport said the alcohol regulation doesn't differentiate between selling and serving unless it is a private function and the reason we differentiate private functions, like the family wedding, the County does not want to be involved with that but if you charge for the function the County does get involved.

Doug Powell said what if the facility supplies the alcohol.

Dennis Davenport said individuals can bring in their own alcohol for a private event but nobody from the facility should be serving it.

Pete Frisina said he would continue to work on the regulations and bring it back to the Planning Commission.

4. Discussion of the number of dogs as regulated in the Zoning Ordinance.

Pete Frisina said he talked to Commissioner McCarty and said that he was not pursuing this at this time and he would come back later to discuss the subject.

Doug Powell asked if he mentioned chickens.

Pete Frisina said chickens will come up again as there is a movement toward urban and suburban agriculture and it is very popular at this time.

THE FAYETTE COUNTY PLANNING COMMISSION met on January 15, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Brian Haren, Vice-Chairman
Al Gilbert
Bob Simmons

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Patrick Stough, County Attorney

Welcome and Call to Order:

Chairman Graw called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff.

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1. **Consideration of the Minutes of the Meeting held on January 5, 2015.**

Al Gilbert made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 3-0-1. Brian Haren abstained because he did not attend the meeting.

Chairman Graw said at this time there are only four (4) members of the Planning Commission because a fifth member has not yet been appointed by the Board of Commissioners.

2. **Discussion of wedding/event facility in the A-R Zoning District.**

Pete Frisina said the only changes that were made since the last meeting is the definition of a "wedding/event facility." He added this change was in response to Brian Haren's concern with the definitions for private and public events and that we didn't want a private wedding held on someone's property to be regulated under this proposed section. He stated that Dennis Davenport created the definition of a wedding/event facility and rewrote the first portion of the section to read "The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent." He asked Brian Haren if this addressed his concerns

Brian Haren said the changes address his concerns.

Pete Frisina asked Rick Minter if he had any concerns.

Rick Minter said he is concerned with the section that addresses unpaved roads and didn't see how this applied to his case. He said for the events he has had a dirt road is better than a paved road and didn't know why this was needed.

Pete Frisina said originally this was written that a facility would not be allowed on an unpaved road and this is what the County Engineer developed as a way to allow use of an unpaved road that he determined could carry the traffic. He added not all unpaved roads were in the same shape and some unpaved roads may not be appropriate for the use. He said when Rick Minter comes in to get this conditional use the County Engineer would have to do an assessment of the road based on the ordinance to determine if the conditional can be established. He added that Rick Minter could contact the County Engineer to look at the road prior to the ordinance being adopted.

Rick Minter asked if his road was an Arterial.

Pete Frisina said he thought it classified as a Local road.

Rick Minter asked about the use of the property for Inman Heritage Days.

Pete Frisina said Rick Minter has been able to hold those types of events under the conditional use that limits them to no more than 14 days per year. He said the wedding/event facility is different as it is not limited to 14 days per year.

Al Gilbert said what happens if the County Engineer and a property owner disagree as to the use of the road.

Pete Frisina said the decision of the County Engineer can be appealed to the Zoning Board of Appeals.

Chairman Graw said there are criteria the County Engineer will use but it is still up to his judgment.

Rick Minter asked if his road is an Internal Local road.

Pete Frisina said his road was a Local road and it was not an Internal Local road.

Chairman Graw said he still has a concern about lighting and thinks it needs to be required for safety.

Rick Minter said he didn't have lights as he wanted to be considerate to his neighbors.

Chairman Graw asked Patrick Stough if the County has any liability by not requiring lighting.

Patrick Stough said the County would not have any liability by not requiring lighting.

Brian Haren asked if the County controls lighting for any other commercial development.

Pete Frisina said the County controls lighting so it doesn't shine into the road or adjacent parcels but the County does not require lighting.

Brian Haren said he is not in favor of requiring lighting.

Al Gilbert said if the County doesn't require lighting in a commercial development why would we require it for a part-time venture.

Brian Haren asked if the procedure for applying for this is addressed in these amendments.

Pete Frisina said it would follow the procedure for a Conditional Use and they would need to do a sketch plan on a survey.

Chairman Graw asked the Planning Commission if they were ready to go to public hearings and it was the consensus of the Planning Commission to move ahead with public hearings.

3. Discussion of proposed amendment to the Zoning Ordinance, Article IX. Policies, Procedures and Standards Governing Amendments and Article VII. Zoning Board of Appeals.

Patrick Stough said there were just a few changes since the last meeting. He added most of the changes were just changing terms used such as the planning and zoning department for the zoning administrator. He said in Section 110-292 the time allotted for public hearings was increased from 15 minutes to 20 minutes per side. He added in Section 110-297 a petitioner that requests a table due to the lack of a full board can only table once.

Pete Frisina said that had been the policy but it was never written in the ordinance.

Chairman Graw asked why the ordinance does not require the inclusion of the vote to the BOC like 5-0 or 3-2.

Pete Frisina said the vote is included in the information sent to the BOC.

Brian Haren asked about Section 110-297 paragraph a, 2, second to the last sentence which reads "If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next planning commission public hearing, provided the petitioner requests to table the agenda item prior to the presentation "and what is considered the presentation.

Pete Frisina said it is when the applicant starts presenting the merits of the petition.

Brain Haren said so he can walk in here take a look and only see three (3) members and say I want to table right now.

Al Gilbert made a motion to recommend approval of the withdrawal of Petition RP-054-15. Brian Haren seconded the motion. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

4. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

Pete Frisina said these amendments are the A-R Wedding/Event regulations staff and the Planning Commission has been working on for the past several months. He stated the regulations establish the A-R Wedding/Event facility as a Conditional Use in the A-R zoning district which came out of a citizen request. He added the Conditional Use regulations address the following: those related Conditional Uses such as a horse show, rodeo, carnival, community fair, and/or religious tent meeting to be held but still be restricted to no more than 14 days, the regulations exclude concerts, sporting events, or vehicle racing, the minimum lot size is 10 acres, a facility would not be allowed on a lot accessing an internal local road (subdivision street), a facility can be allowed on an unpaved road when certain conditions are met as evaluated by the County Engineer, establishes setbacks, requires off street parking, sets hours of operation, requires all structures utilized for weddings/event to meet all applicable building and fire codes, requires sanitation facilities be approved by the Environmental Health Department, requires food service to meet all state and local requirements, does not allow Tourist Accommodations in conjunction with an A-R wedding/event facility, all tents shall require the approval of the county fire marshal, and a sketch, drawn to scale, on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events and parking areas shall be required.

Chairman Graw asked if there was anyone from the public that would like to comment on these regulations.

Rick Minter said he is concerned with the regulations about the unpaved roads and the County Engineer's evaluation. He said each County Engineer may have a different opinion of how to apply these conditions for an unpaved road. He added that a good unpaved road is better than a not so good paved road and an unpaved road will be a natural speed break and safer.

Rand Ogino said he feels the same way as Rick Minter about unpaved roads and we should allow a facility on an unpaved road to the point it starts to cost the County for increased maintenance of the road and then the increased cost be worked out with the facility owner and he thinks the extra maintenance is the real issue. He said an unpaved road is more in character with a farm wedding atmosphere.

Chairman Graw said if I am not mistaken this does not require a facility to be on a paved road.

Phil Mallon said that is correct.

Chairman Graw said when the Planning Commission first started talking about this it was restricted to paved roads only and even having paved driveways up to a certain point for safety purposes. He added after input from the public the Planning Commission moved toward allowing them on an unpaved road with some control for the protection of the public and the County. He stated that there may be additional cost to the County from wear and tear on the unpaved road and the Planning Commission tried to take the middle ground on an unpaved road.

Randy Ogino said these regulations will require interpretation from someone and as those groups of people change the interpretation may change and we need something that will be more concrete and not left to the discretion of a County Engineer.

Chairman Graw said there are criteria in the ordinance to make this evaluation.

Randy Ogino said some of the criteria is how many owners there is along the road and so what is the number of owners that will make the difference. He said these regulations leave too much to interpretation and they are too broad and we need something simpler.

Phil Mallon said there are more concerns than the cost of maintaining an unpaved road, there is also safety. He added that if a facility tears up a road the County will have to divert funds from other roads to maintain this road.

Rick Minter asked about the traffic impact that could be required and what would be involved.

Phil Mallon said the study would need to be conducted by a licensed engineer.

Rick Minter said that sounds like it would be overly burdensome for this type of development.

Al Gilbert suggested a list of what would be required of someone in terms of paying for road maintenance or improvements to set up a facility. He added that he also has concerns with how different County Engineers will interpret these regulations.

Brian Haren said maybe not owner responsibilities but better evaluation criteria that will lead the County to a conclusion of whether to approve or deny a facility.

Chairman Graw said the criteria could be tighter and simpler.

Phil Mallon said that is possible.

Randy Ogino said the County has churches that are located on unpaved roads and they can have as many wedding as they want with no restrictions.

Brian Haren said he would not have a problem with holding a church to the same requirements on an unpaved road.

Pete Frisina said new churches are not allowed on an unpaved a road. He said the issue is we don't know how much traffic one of these facilities will generate and how it will affect an unpaved road.

Brian Haren said we need to balance the need of the facility owner and the public.

Phil Mallon said we could tighten the criteria and add a statement that a written agreement is required from the facility owner to pay for any additional maintenance or improvements.

Brian Haren asked if a bond could be posted for road maintenance.

Pete Frisina said bonds are usually temporary.

Chairman Graw said we need a mechanism to determine the cost of maintaining an unpaved road and how much a facility owner would have to pay. He added that these amendments may not be ready for a vote and they need to be looked at again.

Randy Ogino said the last sentence in b. which says" As Fayette County will not provide an increased level of resources for a road to support an event facility, any required improvements and/or repairs will be at the cost of the owner/operator "and the next sentence that says "The Conditional Use approval may be revoked by Fayette County if any of the above conditions cannot be met in a manner satisfactory to Fayette County" will give the County the teeth to revoke the Conditional Use permit if the facility owner won't help pay for road maintenance.

Chairman Graw asked if we need a formula to determine the road maintenance cost.

Rick Minter suggested deleting everything in 2. except the following sentences: "These facilities shall not be permitted on a lot which fronts on a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer. As Fayette County will not provide an increased level of resources for a road to support an event facility, any required improvements and/or repairs will be at the cost of the owner/operator. The Conditional Use approval may be revoked by Fayette County if any of the above conditions cannot be met in a manner satisfactory to Fayette County."

Chairman Graw suggested that these amendments be tabled for further discussion.

Pete Frisina said we need to table to a specific date for action as this is a public hearing.

Al Gilbert said we could table to the next month and meet in two (2) weeks to discuss. Al Gilbert made a motion to table the public hearing to March 5, 2015.

Bob Simmons seconded the motion.

Phil Mallon said he would get with Pete Frisina to address the concerns raised tonight.

Al Gilbert asked if the Planning Commission needs to wait 30 days to vote.

Brian Haren said he is not comfortable voting on something until it is before him and he can read it.

Chairman Graw agreed with Brian Haren.

Chairman Graw called for the vote and the motion passed 4-0. Chairman Graw said the Planning Commission would discuss these amendments on February 19th and vote on March 5th.

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Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:00 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
JIM GRAW, CHAIRMAN

ATTEST:

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THE FAYETTE COUNTY PLANNING COMMISSION met on February 19, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Brian Haren, Vice-Chairman
Al Gilbert
Bob Simmons

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Phil Mallon, County Engineer
Dennis Davenport, County Attorney

Welcome and Call to Order:

Chairman Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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1. **Discussion of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.**

Pete Frisina said these are the regulations we looked at on February 5th and they were tabled until March 5th so we could discuss the concerns brought up by the public at the last meeting. He said the Planning Commission should have three (3) copies: one in all black is what was discussed on February 5th, the redline are Randy Ogino and Rick Minter's suggestions and the blue line is Phil Mallon's amendments. Pete Frisina said Phil Mallon's amendments contain references to the Fayette County's Development Regulations, which include the American Association of State Highway and Transportation Officials' (AASHTO's) Guidelines for Geometric Design of Very Low Volume Local Roads. He added there is still language about the road being improved by the County or the facility owner and language concerning the wear and tear on the road.

Phil Mallon said his amendments are in response to the concerns stated at the last meeting and our current regulations don't really address when someone wants to put some type of non-residential use on an unpaved road. He added that zoning rules prohibit some non-residential uses on an unpaved road.

Chairman Graw said, for the benefit of Dennis Davenport, Randy Ogino and Rick Minter's concerns are the criteria in the proposed regulations are too vague and open to interpretation and they recommended taking out all of the criteria. He added that Phil Mallon has proposed specific regulations and references in the Development Regulations.

Randy Ogino said he liked the revisions to 3. c. proposed by Phil. He asked Phil Mallon where there are presently churches in the County that access an unpaved road, has the County had issues with excessive wear and tear on those roads.

Phil Mallon said he is not aware that any one church that is creating a problem.

Randy Ogino said he didn't think the wedding/event facility would produce any more traffic than one of these churches. He said let's put something in place and if it creates a problem we can come back and change the ordinance and he likes the part of being able to revoke the Conditional Use permit if a facility creates a problem. He asked what would happen if we end up in court, can we defend the criteria we use to turn somebody down for a Conditional Use.

Chairman Graw said we have to have some criteria to determine if someone can do this or not and without criteria we have a problem.

Randy Ogino said we are still leaving the criteria up to the discretion of the County Engineer.

Chairman Graw said he makes those kinds of decisions all the time.

Randy Ogino asked if a court of law will see it that way.

Chairman Graw said I think they will if we use good criteria.

Rick Minter said it sounds like the County will maintain a paved road if someone tears it up but you won't fix an unpaved road if someone tears it up and it's their responsibility to fix it.

Brian Haren said in 3, b it clearly says if the road does not meet safety standards it shall be improved by the County so I don't think that is discriminating.

Rick Minter said it only mentions unpaved roads.

Brian Haren said right.

Dennis Davenport asked are there unpaved roads in the County that are maintained by a private entity.

Phil Mallon said he is not aware of any official agreement with a private entity to maintain a public road.

Dennis Davenport said in these regulations the County would be requiring a private entity to do work on public roads and we shouldn't do that because if they don't maintain it property and there is an accident as a result the county is responsible. He said another issue is as a

Conditional Use you meet a set of conditions where the County has no discretion; the Conditional Use is approved if all of the conditions are met. He stated once you put discretion into the mix, you no longer have a Conditional Use and once you issue a Conditional Use permit and the road degrades as a result, the County can't take the approval back because we shouldn't have issued it in the first place. He said he recommends against a revocation of a Conditional Use based on its effect on the road.

Randy Ogino said he understands not putting the maintenance requirement on the property owner but what about relating it to the excess funds the County has to spend on the road because of the facility. He added we need objective criteria to achieve this because this business is requiring the County to spend excess funds for road maintenance.

Dennis Davenport said the County has unpaved roads and it is the County's decision to improve those roads or not. He said if the County doesn't improve those roads the County can't complain about having unpaved roads because the County has the power and authority to improve those roads. He added that making rules on how to maintain road based on a business that accesses the road is not wise course of action.

Randy Ogino said the problem is we are trying to determine if a business can be allowed on a road that the County is saying is safe to travel on and now we are going to say just because this business wants to access these roads we are going to say the business can't be there because the road is unsafe.

Dennis Davenport said you have to ask yourself does the County allow other non-residential uses on an unpaved road in A-R and if the answer to that question is yes you don't have much leverage to say can't you have other non-residential uses on an unpaved road because you allow other non-residential uses in A-R to access an unpaved road.

Pete Frisina said most similar Conditional Uses such as churches, private, schools, colleges, and non-profit recreational facilities in A-R are required to access an arterial or collector and for the most part those roads are going to be paved.

Rink Minter said he thinks a farm wedding facility that is a part of a working farm should be treated differently than a standalone wedding facility.

Bob Simmons said because you would be using it for wedding and not a farm and the weddings are what are going to increase the traffic.

Rick Minter said it is not like we are creating a whole different business.

Brain Haren said I think that it is a whole different business because there is a big difference in running a wedding venue and running a farm.

Rick Minter said he sees it as a way to promote your farm.

Chairman Graw said we permit churches in A-R and I would imagine that there are churches on unpaved roads.

Pete Frisina said there are nonconforming churches on unpaved roads.

Chairman Graw said he would bet that some of these churches generate more traffic than a wedding facility may generate because you are not going to have a wedding every week.

Al Gilbert said we have conditions a church has to meet but no where do we have anything in the ordinance where the County Engineer sets out criteria for roads. He added the ordinance is laid out specifically as to what conditions must be met to build a church. He said he is not comfortable with leaving something up to the discretion of staff.

Dennis Davenport said when you know that it is the volume of traffic that is going to impact the road, have we considered limiting the use to a certain number of events per year to address the concern.

Randy Ogino said a farm can have trucks and tractors using unpaved roads but we are taking about a few cars going in and out and we think it is going to cause a problem.

Rick Minter said he thinks school buses tear up a road more than a wedding facility will.

Dennis Davenport said he is looking at a true wedding facility and a wedding facility that looks like a farm and you are doing it in addition to the farm versus you are doing it as the main business. He stated with a true wedding facility the way to make money is to have as many weddings as you can and two (2) weddings per weekend every week is not something you would want to put on an unpaved road. He said so where is the line where this produces too much traffic and what is a reasonable number of events as far as an unpaved road is concerned.

Pete Frisina said as one of the conditions the County should make a determination whether a road can handle the traffic based on the current criteria in our existing Development Regulations and his concern has always been to determine if the road meets standards on the front end of the process.

Randy Ogino said a farm a can have tractor trailers coming in and out.

Pete Frisina said the County allows certain uses on certain roads and a farm is not required to be on a paved road.

Randy Ogino said the traffic that could go in and out of that farm is probably much more than would be produced by a wedding facility.

Pete Frisina said we don't know how much traffic will be generated by a wedding facility.

Randy Ogino said then how can we create regulations for something we have no idea how much traffic it will create.

Pete Frisina said he has been on some unpaved roads in the county that in his opinion wouldn't be able to handle that much traffic.

Brian Haren said there are some with limited site distance or grades that are out of line with roads standards.

Randy Ogino said a tractor trailer can go down it if there is a farm on it.

Brian Haren said he getting the sense that we don't want to leave this determination up to a single individual and the County spends a lot of time recruiting, interviewing and hiring a professional engineer to make these decisions so if you have somebody who is making bad decisions than blame the person that hired the engineer

Randy Ogino said it is not necessarily their qualifications when you go to court but the criteria the County uses.

Brian Haren said in paragraph 3, a, it says assessment of the road's characteristics against minimum safety standards documented in Fayette County's Development Regulations, which include the American Association of State Highway and Transportation Officials' (AASHTO's) Guidelines for Geometric Design of Very Low Volume Local Roads and those are accepted engineering standards that will stand up in court.

Rick Minter asked how many unpaved roads would meet those standards.

Randy Ogino said you will have someone say you allow me to bring tractor trailers in and out of the farm and now you are saying it is unsafe for a wedding facility.

Dennis Davenport said it is not the decision by a person that is the problem it is the discretion as is started in 3, c, where it states the Conditional Use approval may be revoked by Fayette County if the road requires increased maintenance as a result of facility operations and this is not specifically defined by a standard. He recommends the County determine a limit on the number of events on an unpaved road to address the concerns.

Chairman Graw said one of these facilities could be on a road where there are residences as well.

Phil Mallon said his concern is if a facility goes in and maintenance becomes a problem what does the County tell those other property owners along that road that complain and wants the county to get the facility owner to pay to maintain the road.

Dennis Davenport said it is not a good practice to try to get funds from the wedding facility to maintain the road because once the County allows it the County has the responsibility to maintain the road.

Brian Haren said what we are looking at roads that were not designed to handle a lot of traffic and may not support a wedding facility and limiting the number of events per year is something that you probably can't determine from an engineering perspective.

Al Gilbert said he understands Phil Mallon's concern because he has a budget to maintain roads and once it is gone it's gone.

Phil Mallon asked what's the drawback of allowing a private entity improve or maintain an unpaved road if the road department approves the improvements and maintenance methods.

Dennis Davenport said if the County allows any private entity to work on a public road the County assumes responsibility for the work and if there is an accident as a result of that work the County is legally responsible.

Chairman Graw suggested limiting the number of events that can be held by a facility on an unpaved road to address some of these concerns.

Brian Haren asked how we would regulate the limit.

Chairman Graw suggested through a permit for each event and he suggested 12 events per year.

Al Gilbert said this would give the County the opportunity to evaluate theses facilities to determine their effect on an unpaved road.

Randy Ogino said if the facilities don't have a bad effect we could increase the number of events at a later date.

Rick Minter asked if the County would limit the amount of people that can come to an event.

Chairman Graw said that would be limited by the Fire Marshal.

Pete Frisina said the Fire Marshal only limits the capacity of a building and would not limit the amount of people outside of a building.

Brain Haren said this is a good approach and the Road Department could get base line data from a facility.

Phil Mallon said he agrees with the approach.

Brian Haren said we still need to evaluate the road for safety such as site distance.

Phil Mallon said site distance applies to building a new road not site distance for a driveway.

Pete Frisina said the approach is to limit a wedding/event facility on an unpaved road to 12 events per calendar and to require a permit to keep tract of the number of events.

Dennis Davenport said let's make sure that we are requiring an adequately sized lot so as to minimize the effect on surrounding properties.

Pete Frisina said the proposed regulations will not allow the use on lot that accesses an internal local road.

2. Discussion of proposed amendment to the Zoning Ordinance, Article IX. Policies, Procedures and Standards Governing Amendments and Article VII. Zoning Board of Appeals.

Pete Frisina said he would review the changes made since the last meeting which are the following: Sec. 110-291. - language changed to make the sentence more clear, Sec. 110-292. – included the applicant with proponent and deleted workshop/meeting from public hearing, Sec. 110-293. – added staff to the list of who can propose amendments to the zoning ordinance, Sec. 110-294. - just for an example not an amendment, gave an example of how long it would be before a property that was denied for a rezoning could reapply and be heard, Sec. 110-297. – added language to better define when a table applies to the Planning Commission's 100 day deadline to act on a rezoning, Sec. 110-299 –a minor amendment to clean up the language, Sec. 110-238 – remove language which conflicts with the BOC's policy to appoint ZBA members, Sec. 110-239 – removed language and created a new Sec. 110-243 which is consistent with the procedure of a rezoning, Sec. 110-241 - included the applicant with proponent, removed the 15 calendar day requirement for the certified notice to the applicant, added a withdrawal to the list of actions the ZBA can take, extended the period in which the ZBA must act on a petition from 45 days to 60 days, and added language to better define when a table applies to the ZBA's 60 day deadline to act on a petition. He presented zoning amendment scenarios as follows:

Withdrawal

- **Petitioner withdraws application prior to legal advertisement running in legal organ.** The application is void. No action required by the Planning Commission or Board of Commissioners.

Donna Black said the lot will be turned over to the Home Owner's Association and the association has a management company that will keep it up and left as open space.

Chairman Graw asked if it will be cleaned up.

Donna Black said yes and she didn't know there was a tree down on the lot.

Al Gilbert made a motion to recommend approval of Petition RP-055-15. Brian Haren seconded the motion. The motion passed 4-0.

4. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

Pete Frisina said these are the regulations we have been working for the A-R Wedding/Event facilities. He said this originated with a citizen who is interested in starting a facility. He stated this will be allowed in A-R as a Conditional Use. He said the conditions are as follows: minimum lot size is 5 acres, it is not allowed on a lot that accesses an internal local road, a lot which accesses an unpaved road is limited to no more than 12 wedding/events per calendar year, it sets a minimum 100 foot setback for all buildings and areas utilized for weddings and events from any abutting residential zoning district, adequate off-street parking shall be required and a 50 foot setback shall separate parking areas from any abutting residential zoning district, hours of operation for weddings and events shall be between the hours of 9:00 a.m. and10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends and these hours of operation shall not limit the setup and cleanup time, all structures utilized for weddings and events shall meet all applicable building and fire codes, sanitation facilities shall be approved by the Environmental Health Department, food service shall meet all state and local requirements, Tourist Accommodations shall not be allowed in conjunction with an A-R wedding and event facility, tents shall require the approval of the county fire marshal, a sketch, drawn to scale, on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events and parking areas shall be required, and in the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with the Fayette County Development Regulations shall be required. He added that it excludes concerts, sporting events, or vehicle racing but allows a horse show, rodeo, carnival, community fair, and/or religious tent meeting as these are Conditional Uses currently allowed in A-R.

Chairman Graw asked if there was anyone who wanted to speak in favor of the petition.

Diane Stone said she owns land on Davis Road and she has someone interested in the property for a wedding and event facility but the property is on an unpaved road and this person would probably not buy the property if it is limited to only 12 events per year. She said she understands the reason to limit traffic

on an unpaved road but it is hard to say that one of these facilities would generate a lot of traffic. She added that this proposed use is a good idea but it wouldn't help her selling her land with the limitation.

Chairman Graw asked her how many acres she has.

Diane Stone said a total of 28.5 acres. She added that she is in favor of the proposal even though it may not help her sell her property, but could the ordinance be revisited in the future.

Pete Frisina said staff and Planning Commission had a lot of concern with unpaved roads and how do we determine if an unpaved road can handle the increased traffic as not all unpaved roads are the same quality. He said Public Works and Planning Commission had originally proposed criteria for the County Engineer to evaluate each unpaved road but that made some of our elected officials and the County Attorney uneasy so we compromised by limiting the number of weddings/events on an unpaved road to determine if there is a problem and overtime we may come back and look at this again. He said staff and Planning Commission came up with 12 events based on a facility functioning six (6) months out of the year and two (2) events per month.

Diane Stone said she understood the reasoning and she thinks overall it is a good use.

Chairman Graw asked if there was anybody who wanted to speak in opposition to the petition. Hearing none he brought it back to the board.

Al Gilbert made a motion to recommend approval of the proposed amendments. Brian Haren seconded the motion.

Al Gilbert said the Planning Commission did a lot of work on these amendments and he appreciated staff's work on the amendments and while this may be revisited in the future we will have something in place and we can reevaluate after we have some experience.

Chairman Graw called the vote. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

5. **Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Article IX. Policies, Procedures and Standards Governing Amendments and Article VII. Zoning Board of Appeals.**

Pete Frisina said these amendments are a result of a presentation made by the County Attorney to the Board of Commissioners concerning parliamentary and zoning procedures and these amendments address zoning procedures for rezonings and text amendments and procedures for the variances and appeals made to the Zoning Board of Appeals. He said since staff and Planning Commission have been working on these amendments for some time, he was not going to go through these amendments line for line but he would answer any questions the Planning Commission may have. He said basically the procedures for public hearing for rezonings and text amendments and those procedures for appeals and variances are now consistent.