

THE FAYETTE COUNTY PLANNING COMMISSION met on September 6, 2007 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

MEMBERS ABSENT: Bill Beckwith

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Jeremy Greenberg, Development Engineer
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Delores Harrison, Zoning Technician
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Powell called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on August 2, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Jim Graw seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on August 2, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Jim Graw seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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3. Consideration of the Workshop/Public Meeting Minutes of the meeting held on August 16, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Jim Graw seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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**September 6, 2007
P.C. Public Hearing**

Dennis Dutton read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

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Chairman Powell explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and only the technical aspects of the Preliminary Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON SEPTEMBER 6, 2007.

4. **Consideration of a Preliminary Plat, Wood Mill Office Park, Strickland Development Industries, Owners, and Omni Consulting Services, Agent. This property consists of 5.52 acres with four (4) lots. This property is located in Land Lot 70 of the 7th District, fronts on S.R. 54 West, and is zoned O-I.** *Staff recommended approval with one (1) condition.*

Tom Hardy, Agent, requested approval of the preliminary plat consisting of four (4) lots and stated that he agreed to the one (1) condition regarding the subdivision and street name. He pointed out that there would be a common detention facility with easements which would be maintained by a property owners association. He advised that the detention facility would have a gentle slope which would help the aesthetics of the detention facility.

Chairman Powell asked if there were any comments in regards to the technical aspects of the preliminary plat. Hearing none, he closed the floor from public comments.

Jim Graw asked if the buildings would be one-story or two-story.

Mr. Hardy replied that there may be two-story buildings; however, the square footage and number of stories would vary on each building depending on the demands of the tenants or buyers. He remarked that Lot 1 and Lot 4 may contain a two-story building. He added that the lots would be sold individually.

Tim Thoms pointed out that the relocation of the detention facility was causing the removal of some specimen trees.

Mr. Hardy advised that he had met the criteria of the Tree Protection Ordinance for the removal of specimen trees. He said that the relocation was necessary after the topography study was performed.

Al Gilbert made the motion to approve the preliminary plat subject to the one (1) condition. Jim Graw seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON SEPTEMBER 6, 2007 AND BY THE BOARD OF COMMISSIONERS ON SEPTEMBER 27, 2007.

5. **Consideration of Petition No. 1197-07, W. H. Calloway, Owner, and Stan Sugarman of White Road Associates, LLC, Agent, request to rezone 2.509 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in Land Lot 155 of the 5th District and fronts on S.R. 314 and White Road.**

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Chairman Powell advised that the City of Fayetteville had requested the County to table the petition until after their second annexation reading scheduled for tonight, September 6, 2007. He stated that Pete Frisina had contacted Attorney Don Comer who confirmed that the petition could be tabled as requested.

Nathan Wheat advised that he had just left the annexation hearing at the City of Fayetteville and the City had approved the annexation tonight. He said that legal action would be initiated against the City of Fayetteville. He requested the P.C. to table the petition for sixty (60) days.

Jim Graw made the motion to table said petition until November 1, 2007. Tim Thoms seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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6. Consideration of Petition No. T-017-07, Keepport & Associates, LLC, GDC Greenbriar, LLC, and Envoy Associates, LLC, Owners, and Jennifer Blackburn, Troutman Sanders, LLP, Agent, request the expansion of the existing tower facility containing an existing 160 foot monopole tower plus a five (5) foot lightning rod. This property is located in Land Lot 69 of the 7th District, fronts on S.R. 54 West, Broken Bow Drive, and Shiloh Drive, and is zoned C-C.

Attorney David Kirk of Troutman Sanders presented a drawing of the subject plat to the P.C. and Staff indicating the coverage area and the search ring. He said that the expansion of the existing facility would allow for additional ground equipment and that there are no plans to increase the tower height. He pointed out that the proposed expansion would slightly decrease the setback between the proposed expansion and the mobile home park property line from 180 feet to 173 feet and the distance to the closest off-site residence from 233 feet to 213.8 feet. In regards to the four (4) recommended conditions, Attorney Kirk stated that Verizon Wireless agreed with the four (4) recommended conditions; however, he added that the required landscape islands would require approval from the landlord and the installation of bollards around the fenced tower facility would require approval from the other carriers due to the existing utility easements, access easements, and leased areas. He reported that the landscape islands and bollards had been discussed extensively with the Engineering Department. He added that there was a meeting scheduled for September 13, 2007, with Staff, the representative for the owners, and the design engineer from Verizon Wireless. He reiterated that he accepted the four (4) recommended conditions made by Staff.

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

Jim Graw asked why additional equipment was necessary.

Attorney Kirk replied that Verizon Wireless was not currently located on the subject tower. He said that once Verizon Wireless co-locates on the existing tower that ground equipment is required. He stated that it was more feasible to co-locate on the existing tower than to construct a new tower and tower facility.

Katrina Wolff of Site Acquisition for Verizon Wireless explained that the existing tower is at full capacity and there are some integrity issues with the foundation of the tower and structural modifications to the tower will be required. She said that when Powertel co-located on the tower approximately two (2) years ago, structural modifications were made to the tower and should be on file with the County. She added that Metro PCS recently co-located on the tower and all of their civil drawings should also be on file with the County.

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Mr. Graw asked Jeremy Greenberg if he was aware of the structural modifications.

Mr. Greenberg advised the P.C. that he was not aware of the required structural modifications; however, structural modifications would be addressed upon the submittal of the Revised Site Plan. He further advised that the Engineering Department does not deal with structural issues on towers; however, the design professional should include a certification statement on the plans stating that the tower has been re-enforced to be structurally sound.

Tim Thoms pointed out that the existing tower facility did not meet the current requirements and he expressed concern about decreasing the setback and distance between an off-site residence. He clarified that all the recommended conditions would be met.

Attorney Kirk replied that Verizon Wireless is fine with the recommended conditions; however, Verizon Wireless must have approval from the landlord and other carriers.

Mr. Thoms asked if the tower would be relocated.

Attorney Kirk replied that the tower would not be relocated. He added it would only be modified to meet the current engineering requirements.

Attorney Kirk suggested the following recommended condition: Prior to the issuance of a building permit, Verizon Wireless shall provide stamped engineering drawings to the County Engineer demonstrating the structural integrity of the tower.

Tim Thoms made the motion to approve the petition subject to the Staff's four (4) recommended conditions and one (1) self-induced condition as follows: Prior to the issuance of a building permit, Verizon Wireless shall provide stamped engineering drawings to the County Engineer demonstrating the structural integrity of the tower. Jim Graw seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent.

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7. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning & Zoning Department.

Dennis Dutton reminded the P.C. that on June 6, 2007, the B.O.C. had instructed Staff to study the nonconforming structures based on architectural standards in the transportation corridor overlay zones. He said that there was no mechanism for expansion of a nonconforming structure. He advised that the proposed amendments were presented to the B.O.C. at the Workshop on August 1, 2007, and they had instructed Staff to advertise the proposed amendments. He reported that the proposed amendments state that in the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure (addition plus existing), the addition does not have to meet the Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. He confirmed that this is a one-time occurrence only. He added that if the addition comprises fifty percent (50%) or more of the total square footage of the structure (addition plus existing), the entire structure must be brought into compliance with the aforementioned Architectural Standards.

Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*. Strikethrough indicates deletion.

Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone,

A. S.R. 54 West Overlay Zone, 4. Architectural Standards

e. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure (addition plus existing), the addition does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure (addition plus existing), the entire structure must be brought into compliance with the aforementioned Architectural Standards.

B. S.R. 85 North Overlay Zone, 4. Architectural Standards

c. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure (addition plus existing), the addition does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure (addition plus existing), the entire structure must be brought into compliance with the aforementioned Architectural Standards.

C. General State Route Overlay Zone, 4. Architectural Standards

e. In the case of an addition to an existing nonconforming structure, where the addition comprises fifty percent (50%) or less of the total square footage of the structure (addition plus existing), the addition does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises fifty percent (50%) or more of the total square footage of the structure (addition plus existing), the entire structure must be brought into compliance with the aforementioned Architectural Standards.

Pete Frisina suggested the following changes in each of the overlay zones, in the last sentence as follows: Delete "fifty percent (50%) or more" and replace with "more than fifty percent (50%)".

Chairman Powell asked if there was anyone to speak in favor or opposition to the proposed amendments. Hearing none, he closed the floor from public comments.

Al Gilbert made the motion to approve the proposed amendments. Jim Graw seconded the motion.

Tim Thoms stated that the architectural standards should apply to all of the overlay zones whether it is a new building or an addition. He said that if a business is successful enough to propose an addition that the addition should conform to the architectural standards, even if it is a one-time occurrence. He remarked that the proposed amendments will take longer to bring existing structures into compliance. He stressed that the proposed amendments compromise the architectural standards of all of the overlay zones.

Hearing no further comments, the motion passed 3-1 with Tim Thoms voting in opposition. Bill Beckwith was absent.

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8. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions (Cabana, Covered Patio or Deck, detached, and Swimming Pool Screened Enclosure); Article V. General Provisions, Section 5-10. Accessory uses and structures; and Section 5-11. Guest Houses as presented by the Planning & Zoning Department.**

Dennis Dutton advised that the changes had been made to the proposed amendments as discussed at the previous Workshop. He pointed out that two (2) items have been added since the last review: 1) the addition of a detached covered patio or deck and 2) a swimming pool screened enclosure. He stated that a detached covered patio or deck is an open structure consisting of a roof with supporting posts/columns, commonly containing a seating/dining area, outdoor kitchen, and/or spa/hot tub. He stated that a swimming pool screened enclosure was a building or part thereof, in whole or in part self-supporting, and having walls of insect screening and a roof of insect screening, plastic, aluminum, or similar lightweight material.

Mr. Dutton pointed out that a major change was dealing with swimming pool setbacks. He reported that the Fayette County Zoning Ordinance previously did not require a swimming pool deck or swimming pool equipment to comply with the required setbacks. He noted that the setbacks for a swimming pool were previously measured from the water's edge and did not include the swimming pool deck or swimming pool equipment. Under the proposed amendments, he pointed out that the pool deck, pool equipment, and a screened enclosure shall comply with the required setbacks. He added that a Resolution had been prepared for adoption by the B.O.C. which would exempt existing swimming pool decks and swimming pool equipment from compliance with the Fayette County Zoning Ordinance, provided said swimming pools have a swimming pool permit issued as of the date of the adoption of the Resolution.

Mr. Dutton advised that the proposed amendments would be presented to the B.O.C. Workshop scheduled for October 3, 2007, and then would be advertised when instructed to do so by the B.O.C.

Staff's amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Article V. General Provisions

5-10. Accessory uses and structures. Construction of an accessory structure shall only occur concurrently with or after the construction of the principal structure, *except as otherwise provided herein.*

- A. Structure Limitations. Accessory structures shall not be used as dwelling units or for lodging purposes except as otherwise provided herein.
- B. Incidental Uses. The following accessory uses and structures and similar uses, which are customarily incidental to a residential use, are permitted in A-R and all residential zoning districts, except farm outbuildings which shall be permitted in the A-R Zoning District only: (Amended 06/24/04)
 - 1. Energy-saving Devices;
 - 2. Wells; *Pump or Well Houses;*

3. Guest Houses;
4. ~~Pump or Well Houses;~~
- ~~5.4.~~ Greenhouse, Private;
- ~~6.5.~~ Swimming Pool, Private; including a pool deck, pool equipment, and a screened enclosure
- ~~7.6.~~ Detached Garages;
- ~~8.7.~~ Recreational Court, Private; ~~and~~
- ~~9.8.~~ Gazebo; ~~and~~
9. Cabana;
10. Storage Building;
11. Carport, detached; and
12. Covered patio or deck, detached

C. Location on Lot. Accessory uses and structures shall conform to the dimensional requirements within each zoning district, except that no structure shall be located between the front property line and a residential **principal** structure, except the following **as otherwise provided herein**: a well, pumphouse or well house less than seventy (70) square feet; a detached garage less than 900 square feet when connected by a breezeway and located within thirty five (35) feet of the principal dwelling; or farm outbuildings and greenhouses in an A-R Zoning District consisting of at least five (5) acres.

D. Single and Multi-Frontage Lots for accessory uses and structures

1. Single Frontage Lot

On a single frontage lot, the area between the street and the principal structure shall be treated as a front yard with regard to the location of accessory uses and structures. Accessory uses and structures constructed in the side/rear yard of the principal structure shall comply with the requirements of Number and Size. A detached garage located in the front yard shall comply with the following requirements:

A detached garage, consisting of 900 square feet or less, located no more than thirty-five (35) feet from the principal structure, may be located in the front yard, provided all of the following provisions are met:

The detached garage may not exceed twenty-three (23) feet in height;

No more than fifty percent (50%) of the footprint of the detached garage may be located beyond the front building line of the principal structure;

The portion of a detached garage facing the street shall not exceed sixty percent (60%) of the width of the principal structure;

No portion of the detached garage may be located directly between the principal structure and the street.

Architectural Standards. The detached garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the building permit application:

- a. The design of the detached garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to, roofline pitch, roof façade, façade, residential windows, and residential doors.
- b. The detached garage shall have at least one (1) opening for vehicular access.
- c. A separate electrical meter is not permitted.
- d. The detached garage shall be connected to the principal structure by at least one (1) of the following:
 - (1) An attached or detached breezeway. A detached breezeway shall be constructed within six (6) inches of the principal structure and the detached garage, which shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement); or
 - (2) An attached raised deck shall be a minimum height of fifteen (15) inches and a maximum clearance of three (3) inches from the ground to the joist. The deck shall have a minimum width of six (6) feet. Said deck shall have guard rails measuring a minimum of three (3) feet in height; or
 - (3) An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached pergola shall be constructed within six (6) inches of the principal structure and the detached garage.

2. Double Frontage Lots

A. Corner Lot

On a corner lot, the area between the streets adjoining the side or rear property line and the residential principal structure shall be treated as a front yard with regard to the location of accessory uses and structures. The following shall apply:

- (1) Orientation of the house. The front door of the principal structure shall define the primary front yard, in which the detached accessory is prohibited, except as otherwise provided herein (detached garage – see Single Frontage Lot); and

- (2) Driveway Access. Any road that would allow driveway cut(s) shall be defined as a secondary front yard, in which the detached accessory is prohibited, except as otherwise provided herein (detached garage).
- (3) A detached garage located in the secondary front yard shall comply with the following requirements:
 - (a) Shall consist of 900 square feet or less;
 - (b) Shall be located no more than thirty-five (35) feet from the principal structure; and
 - (c) Shall not exceed twenty-three (23) feet in height.
- (4) Architectural Standards. The detached garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the building permit application:
 - (a) The design of the detached garage shall match with the general architectural style inherent in the existing principal structure, including but not limited to, roofline pitch, roof façade, façade, residential windows, and residential doors.
 - (b) The detached garage shall have at least one (1) opening for vehicular access.
 - (c) A separate electrical meter is not permitted.
 - (d) The detached garage shall be connected to the principal structure by at least one (1) of the following:
 - (i.) An attached or self-supporting breezeway. A self-supporting breezeway shall be constructed within six (6) inches of the principal structure and the detached garage, which shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement); or
 - (ii.) An attached raised deck shall be a minimum height of fifteen (15) inches and a maximum clearance of three (3) inches from the ground to the joist. The deck shall have a minimum width of six (6) feet. Said deck shall have guard rails measuring a minimum of three (3) feet in height; or

- (iii.) An attached or self-supporting pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A self-supporting pergola shall be constructed within six (6) inches of the principal structure and detached garage.

B. Through Lot

On a through lot, the area between the street from which the lot is accessed and the residential principal structure shall be treated as a front yard with regard to the location of accessory uses and structures. A detached garage located in the front yard of the principal structure, shall comply with the requirements of a Single Frontage Lot. Accessory uses and structures constructed in the front yard, which is not utilized for access purposes, shall comply with the requirements of Number and Size.

~~D.,E. Number and Size. No more than two (2) accessory uses or structures shall be allowed per principal use. Wells, pumphouses, well houses of less than thirty five (35) square feet, swimming pools, farm outbuildings, greenhouses, and accessories incidental to commercial and industrial uses shall not be included in determining the number of accessories. (Amended 04/09/98)~~

~~E. Size. No accessory structure, except farm outbuildings and combination guest house/garage or guest house/cabana, shall exceed 900 square feet of floor area. At least fifty (50) percent of the proposed accessory structure shall be enclosed except as otherwise provided herein.~~

The number and size of accessory structures shall conform to the requirements described herein. (See also Resolution 2005-07)

1. Accessory structures shall be limited to one (1) of the following options:

a. Two (2) accessory structures shall be allowed as follows:

Two (2) accessory structures shall be allowed per principal structure and shall not exceed 900 square feet of floor area each; or

b. Two (2) accessory structures shall be allowed per principal structure as follows:

One (1) accessory structure, not to exceed 900 square feet, and one (1) free-standing guest house, not to exceed 700 square feet of heated and finished living space, shall be allowed per principal use.

When a guest house is combined with an accessory structure, said total structure shall not exceed 1,200 square feet, with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure (See Section 5-11. Guest Houses); or

c. One (1) accessory structure shall be allowed per principal structure as follows:

One (1) accessory structure, not to exceed 1,800 square feet or the total square footage of the principal structure, whichever is less, shall be allowed per principal use. When a guest house is combined with an accessory structure, said total structure shall not exceed 1,800 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure (See Section 5-11. Guest Houses).

2. ~~At least fifty (50) percent of the proposed accessory structure shall be enclosed except as otherwise provided herein.~~ **At least fifty percent (50%) of the proposed accessory structure shall be enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.**

3. Wells, pumphouses, well houses of less than thirty-five (35) square feet, swimming pools (private), recreational court (private), farm outbuildings, greenhouses, and accessories incidental to commercial and industrial uses shall not be included in determining the number of accessories. (Amended 04/09/98)

4. Farm outbuildings and greenhouses must comply with Section 7-1.,B.,17. Farm Outbuildings and Greenhouses.

5. Total Square Footage

When the two (2) following criteria are met, the upper level space shall be included in the total square footage: the upper level space is accessed by permanent stairs and that portion of the upper level space where the ceiling width, measured at seven (7) feet in height, is more than fifty percent (50%) of the ceiling width measured at five (5) feet in height. The main level footprint of the building is also included in the total square footage.

Should the upper level space not meet the minimum ceiling height requirement, the upper level space may be accessed by permanent stairs, or a scuttle hole, or pull-down stairs and will not be included in the total square footage.

Permanent stairs shall comply with all current building codes, including, but not limited to: stairway width; headroom; riser height; tread depth; profile of nosing and projection; landings; surface of treads; handrails; hand grip size; illumination; etc.

F. Administration. Accessory structures of 200 square feet or greater shall be placed on a permanent foundation and shall require the issuance of a building permit and subsequent inspection. (Adopted 06/24/04)

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Architectural Standards. A pitched peaked (gable, hip, or gambrel) roof shall be required for accessory structures of 200 square feet or greater. All buildings shall be constructed in a residential character of fiber-cement siding (eg: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or finished/baked enamel aluminum siding.

- G. **Temporary Accessory Storage.** ~~Portable On-Demand Storage~~ **on demand storage** units, or "PODS" are only allowed on a temporary basis and only in conjunction with ~~an on-going~~ a renovation project for the purpose of storage of household items for a period not to exceed one year. ~~PODS~~ **Portable on demand storage units** are defined as ~~enclosed cargo crates, usually constructed of metal, aluminum, or steel~~ **any container, storage unit or other portable structure, other than an accessory building or shed complying with all building codes used to store household items.** Only ~~one~~ **two (2)** temporary accessory storage units ~~is~~ **are** allowed per lot. (Adopted 06/24/04)
- H. **Carports, Detached** - A building permit is required prior to installation. The structure must be placed on a permanent foundation (slab), meet all State wind load requirements, which shall include appropriate anchoring and only be used to house motor vehicles and trailers. Structures shall be constructed of the same material or types of material as the principle structure on the property, ~~or of metal.~~ (Adopted 02/24/05)
- I. Covered patio or deck, detached. The structure shall not be utilized as a carport, garage, storage building, or living area. Said structure shall, at a minimum, consist of a roof with supporting posts/columns, not exceed one (1) story, and comply with the Architectural Standards for an accessory structure 200 square feet or greater (see Administration).**
- J. Swimming pool, private; including a pool deck, pool equipment, and a screened enclosure. The pool deck, pool equipment, and a screened enclosure shall comply with the required setbacks. A swimming pool enclosure shall be constructed with insect screening. (See also Resolution No. 2007-)**
- K. Cabana. A structure which may have an open front or portion thereof facing a pool or lake. The enclosed sides and rear walls should be of a solid nature such as siding, stone, or brick, or finished to match the existing principal structure. The rear wall must be fully enclosed. Side wall enclosure can be limited to a fully enclosed wall or a fully enclosed wall for half the length of the proposed wall with the remaining bottom portion being a half wall (half wall must be a minimum of three feet (3') in height.**
- 5-11. **Guest Houses.**
- A. **Number.** Guest houses are accessory structures which are allowed in the A-R and residential zoning districts. Only one (1) guest house is allowed per parcel or lot. Any living area included in a ~~detached garage or swimming pool cabana~~ **an accessory** structure is a guest house.
- B. **Size.** **The size of guest house must comply with one (1) of the requirements described herein.**

P.C. Public Hearing

1. A free-standing guest house shall not exceed 700 square feet of heated and finished living space floor area. ~~When a guest house is combined with a detached garage or cabana, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure.~~
 2. *In the case where two (2) accessory structures are allowed per Section 5-10.,D.,1.,b., the guest house may be combined with an accessory structure, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure.*
 3. *In the case where one (1) accessory structure is allowed per Section 5-10.,D.,1.,c., the guest house may be combined with an accessory structure, said total structure shall not exceed 1,800 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure.*
- C. Use prohibited. A guest house which is inhabited by a person or persons based upon an oral or written lease for value is prohibited. In the event an accessory structure, which satisfies the requirements of this section, is inhabited by a person or persons, based upon an oral or written lease, the accessory structure, for purposes of this Ordinance, shall be construed to be a principal structure. No more than one principal structure shall occupy any residentially zoned lot or parcel.
- D. *Architectural Standards. A pitched peaked (gable, hip, or gambrel) roof shall be required. All buildings shall be constructed in a residential character of fiber-cement siding (eg: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), finished/baked enamel aluminum siding.*

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Staff's amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Article III. Definitions

Cabana (Pool Cabana). A structure *used in conjunction with a pool or lake commonly containing a changing area, seating area, and/or a restroom.* which may have an open front or portion thereof facing a pool or lake. ~~The enclosed sides and rear walls should be of a solid nature such as siding, stone, or brick, or finished to match the existing principal structure. The rear wall must be fully enclosed. Side wall enclosure can be limited to a fully enclosed wall or a fully enclosed wall for half the length of the proposed wall with the remaining bottom portion being a half wall (half wall must be a min. 3' in height).~~

Covered Patio or Covered Deck, detached. An open structure consisting of a roof with supporting posts/columns, commonly containing a seating/dining area, outdoor kitchen, and/or spa/hot tub.

Swimming Pool Screened Enclosure. A building or part thereof, in whole or in part self-supporting, and having walls of insect screening and a roof of insect screening, plastic, aluminum, or similar lightweight material.

P.C. Public Hearing

Example of Attachment:

“ATTACHMENT NO. _____”

STATE OF GEORGIA

COUNTY OF FAYETTE

**RESOLUTION NO. _____-07
EXEMPTING CERTAIN SWIMMING POOL DECKS AND
SWIMMING POOL EQUIPMENT
FROM THE SETBACK REQUIREMENTS**

WHEREAS, The Fayette County Zoning Ordinance previously did not require a swimming pool deck or swimming pool equipment to comply with the required setbacks; and

WHEREAS, The setbacks for a swimming pool were previously measured from the water’s edge and did not include the swimming pool deck or swimming pool equipment; and

WHEREAS, The Fayette County Zoning Ordinance, as amended the ____ day of _____, 2007, requires the swimming pool deck and swimming pool equipment to comply with the required setbacks.

NOW, THEREFORE, WE, THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, do hereby exempt existing swimming pool decks and swimming pool equipment from compliance with the Fayette County Zoning Ordinance, provided said swimming pools have a swimming pool permit issued as of this date.

SO RESOLVED this the ____ day of _____, 2007.

**BOARD OF COMMISSIONERS
OF FAYETTE COUNTY**

Jack Smith, Chairman

ATTEST:

Chief Deputy Clerk

P.C. Public Hearing

Chairman Powell pointed out that triple frontage lots had been removed from the proposed amendments as discussed at the last Workshop.

Al Gilbert said that he has heard several property owners, including some of his neighbors, state that they have had problems with locating swimming pools in their yards. He said that a patio is part of the house while the pool deck is part of a recreational facility. He remarked that he did not want to create additional hardships for property owners. He asked why Staff was considering this change.

Mr. Dutton replied that the pool deck could currently be located right up to the property line while the patio of a house must comply with the required setbacks.

Chairman Powell commented that he did not feel it was proper for the patio of the house to comply with the setbacks but not require setbacks to be met for the pool decking. He added that a pool deck is a more intense use than the patio of a house and the adjacent neighbor may not want the pool deck adjacent to the property line, especially due to the noise level.

Pete Frisina reported that he had spoken with one (1) pool company owner who stated that the proposed amendments would not create a problem. He added that he would speak with other pool company owners regarding the proposed amendments. He said that the setbacks should be met, especially with the addition of a screened swimming pool enclosure, which will look like a structure.

Tim Thoms said that he concurred with Mr. Gilbert.

Chairman Powell recognized Jerry Jones.

Jerry Jones commented that he had been trying to get a permit for a detached garage in the front yard, according to the County, for several months. He said that everyone he had talked to is ill about the Permits and Inspections Department's building codes because all it is doing is holding them up and costing them money. He stated that his property has two (2) front yards, according to the County, which is wrong. He remarked that he did not want to attach the detached garage to his house plus the size is restricted to 900 square feet. He commented that the Permits and Inspections Department would not give him back his construction plans, which needs to be corrected. He said that he did not understand why his detached garage has to be attached to his house with a breezeway. He stated that a breezeway looks ridiculous, cost money, and does nothing for the homeowners or neighbors. He remarked that the ordinance should not be amended until there is a problem. He asked why the County has building codes.

Mr. Thoms replied health, safety, and welfare.

Chairman Powell explained that the requirement of a breezeway from the house to a detached garage was for aesthetics and to also make it appear that the detached garage and the house are one (1) structure.

Mr. Jones said that all of the ridiculous items in the ordinance should be removed. He commented that he never hears anyone say that Fayette County is a good place to go get a permit because everyone is ill and mad about the codes. He stated that the County should wait until there is a problem before changing the codes or ordinances. He remarked that requiring a breezeway is ridiculous. He said that he has talked to 300 people and nobody can say it is a good deal and he should go ahead and do it. He commented that he was told to do what the County wants because they will screw you in the ground before it is over with if you don't and this is a bad position for the County government to be in. He stated that he went to the Permits & Inspections Department and he was told to get the packet hanging on the wall, to read every word of it, and make sure every "i" is dotted and every "t" is crossed before submittal. He said he thought the County employees were here to help the citizens and tax payers of the County.

P.C. Public Hearing

Chairman Powell stated that this is not a characteristic of the Staff whom he works with. He added that they bend over backwards to help people out. He said that he has never been in the Planning & Zoning Department when Staff wasn't helping somebody.

Mr. Jones replied that they have been helpful. He thanked the P.C. for their good work and asked them to do what they could.

Tim Thoms asked for clarification on a one-story detached covered patio or covered deck.

Mr. Frisina explained that multiple floors were prohibited.

Jim Graw asked what would be the maximum height for a detached covered patio or deck.

Mr. Frisina replied that the current height limitation is 35 feet; however, this type structure probably will not be 35 feet in height.

Mr. Thoms clarified that a loft would not be permitted.

Mr. Frisina replied that there could not be one (1) floor over another floor. He added that a terraced floor would not be considered as being a two-story structure.

The P.C. made the following changes to the proposed amendments:

Article V. General Provisions

Section 5-10.,B., 12. Change "covered patio or deck, detached" to "covered patio or covered deck, detached".

Section 5-10.,E.,3. Add "Aircraft Hangar" to list of accessories which shall not be included in determining the number of accessories.

Section 5-10.,I. Change "covered patio or deck, detached" to "covered patio or covered deck, detached".

Section 5-10.,J. Change to read: Swimming pool, private; including a pool deck, pool equipment, and/or a screened enclosure.

Article III. Definitions

Change "Covered Patio or Deck, detached" to read "Covered Patio or Covered Deck, detached".

Mr. Frisina stated that Staff would make the changes as discussed and e-mail the proposed amendments to the P.C.

Chairman Powell instructed Staff to make the changes as discussed and forward to the B.O.C. Workshop scheduled on October 3, 2007.

* * * * *

Chairman Powell asked if there was any further business. He asked Staff to send the P.C. an e-mail to advise them of any amendments to the preliminary plat checklist.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, September 20, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

P.C. Public Hearing

Mr. Frisina advised the P.C. that proposed amendments regarding the parking of business vehicles in the O-I Zoning District was presented at the B.O.C. Workshop. He stated that the B.O.C. had concerns about enforcement and how you would know if a vehicle was company owned. He remarked that they asked if the license plates would be checked. He added that one (1) of the Commissioners stated that he had no problems with the maintenance and fueling facility. He added that the B.O.C. wanted the Interim County Attorney to review the proposed amendments and give his legal opinion.

Jeremy Greenberg advised that he appeared before the B.O.C. to request permission to begin revisions to Article III. Street Design Standards and Specifications of the Development Regulations, which would address such items as street trees, sight distance, sidewalks, and multi-use paths. He confirmed that the B.O.C. had granted permission to revise Article III. He added that the proposed amendments would be discussed at the P.C. Workshop.

Dennis Dutton advised that there is a rezoning application and a revision to a final plat application scheduled for October.

* * * * *

There being no further business, Al Gilbert made the motion to adjourn the Public Meeting/Workshop. The motion for adjournment unanimously passed 4-0. Bill Beckwith was absent. The Public Hearing adjourned at 9:15 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**