

THE FAYETTE COUNTY PLANNING COMMISSION met on August 22, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Pete Frisina, Director Community Services Division
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members, Staff and Board of Commissioner, Allen McCarty.

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1. Consideration of the Minutes of the Meeting held on July 2, 2013.

Tim Thoms made a motion to approve the minutes. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

NEW BUSINESS

2. Consideration of Whispering Woods Estates Minor Subdivision Plat, James and Ann Hunter, Owners. The property is zoned A-R and is located in Land Lot 34 of the 4th District and fronts on Bankstown Road.

James Hunter said he and his wife purchased the property and were now asking for the Minor Subdivision Plat to be approved so they can build their house.

Bill Beckwith asked if they have any plans to subdivide the property in the future.

James Hunter replied there were no plans to subdivide the property in the future.

Dennis Dustin said this was an outparcel of Jerl Estates Subdivision that was not platted.

Bill Beckwith asked where this property is located in relation to the Kenley Park Subdivision with the air strip.

James Hunter replied that his property is approximately a quarter mile north of Kenley Park.

Doug Powell made a motion to approve the Minor Subdivision Plat with one (1) condition that the Soil Scientist signs the plat prior to recording. Tim Thoms seconded the motion. The motion passed unanimously 5-0.

3. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance Appeals regarding: chickens in residential zoning districts.

Pete Frisina said that the Board of Commissioners instructed Commissioner McCarty to form a citizen committee to work on regulations to allow chickens in residential zoning districts and to coordinate with the Staff and Planning Commission and since we were having a meeting he invited Commissioner McCarty to the meeting to start the discussion.

Commissioner McCarty said he has talked to a lot of people in the County that are in favor of chickens and has only one (1) person out about 30 that is not in favor of chickens. He added that we have an elderly population in Fayette County; most people have a little land in R-70 for example which is what he is zoned and he would like to have a few chickens for eggs because fresh eggs are better for you and healthier than store bought eggs and chickens control insects in your yard as well. He said chicken control ticks, fleas and fire ants and chickens (hens) aren't noisy and this is a way for families to supplement their food supply. He said he will form a citizen committee to work on regulations and he would suggest allowing up to a dozen chickens.

Julee Smilley said she was involved in movement to allow chicken in Peachtree City and she is in favor of chickens as they are beneficial. She said she had four (4) chickens in Peachtree City and did not realize they were not allowed. She added that they were contained in her back yard which is fenced. She stated that generally a rooster is not necessary with backyard chickens, chickens don't smell in small numbers, they are low maintenance and she fed her kitchen scraps, their manure does not smell like cats' and dogs' do and their manure does not carry diseases. She said hens don't make as much noise as a barking dog and they go to their coop at night and don't make any noise at night. She stated that chickens don't attract anymore predators than that is already present. She said that coops don't need to be big and there are plans and kits available that are attractive and when she had chickens she had less problems with bugs in her yard. She added that chickens in backyard setting become domesticated and act like pets and many cities and counties are enacting backyard chicken regulations. She stated that some communities have done pilot programs and found that there were very few complaints and she suggested a pilot program in Peachtree City.

Pete Frisina asked Julee Smilley if her chickens stayed in her yard.

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Julee Smilley said they stayed in her fenced in backyard and it is best that they are contained in your yard.

Bill Beckwith asked if this movement would apply to ducks as well.

Commissioner McCarty said this discussion is for chickens only.

Pete Frisina asked Commissioner McCarty when he will get his committee started.

Commissioners McCarty said he is in the process of forming a committee and Joe Scarborough said he would be involved and Julee Smilley also would be involved.

Al Gilbert suggested that Jim Graw be part of the committee.

Jim Graw said he would prefer not to be a member of the committee.

Pete Frisina asked Commissioner McCarty if his committee would come up with just the parameters of the regulations or will they actually draft specific regulations.

Commissioner McCarty said the committee would come up with the parameters for the regulations.

Pete Frisina said so then staff would have to draft the actual regulations based on those parameters.

Commissioners McCarty said that was correct.

Jim Graw said that Planning Commission has to look at the rights of those who want chickens and the rights of those that do not want chickens, so how do we protect the rights of those who do not want chickens.

Julee Smilley said we currently allow dogs that could be dangerous and no asks permission for that and a chicken is not dangerous.

Jim Graw asked what she would recommend for the protection of those living next door to chickens.

Julee Smilley said most of her neighbors did not know she had chickens as they didn't create much noise and except for one neighbor they didn't care once they found out.

Pete Frisina asked if her chickens ever got out and went on her neighbors' property.

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Julee Smilley said her chickens never got out or went on her neighbors' property and she asked Jim Graw for clarification of the neighbor's rights.

Jim Graw asked if the neighbors' don't want chickens next to them how you protect their rights.

Doug Powell said the zoning ordinance allows chickens in the A-R zoning district and that's where you should live if you want chickens, but if you have a residential subdivision that has developed under an ordinance where chickens are not allowed then overnight you allow chickens and you change the rules for that neighborhood.

Commissioner McCarty agreed that the neighbors' need to be protected as well.

Doug Powell said he had talked to a number of people today to gauge interest and none of them wanted chickens.

Commissioner McCarty said in terms of subdivisions lot size is a determining factor.

Doug Powell said one (1) acre is the smallest lot we allow and he had a rooster in his subdivision that was noisy until Code Enforcement got rid of it.

Julee Smilley said she has had a different reaction and people want chickens but she is not saying they are for everybody but they can be controlled and kept on their own property and not bother anybody else.

Chairman Gilbert asked if there were to be an ordinance, what we would want to see in that ordinance.

Jim Graw said limit the number based on the lot size, increased setbacks for coops, and signatures of all of the adjacent neighbors agreeing with the chickens on the property.

Julee Smilley said that was most offensive to her.

Jim Graw said that is their right and you have to look at their rights.

Doug Powell said a pilot program might be a way to go to try it out.

Jim Graw said he lives on a quarter acre lot in Peachtree City and he thinks that is too small a lot for chickens but in the County with one (1) acre lots he is willing to consider it but you have to have very tight restrictions.

Doug Powell said his concern is being downwind from a chicken coop.

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Tim Thoms asked are we proposing to change the ordinance and what will be the process for the change.

Chairman Gilbert said that is why Commissioner McCarty is here tonight to determine if he needs to form a committee or not and he thinks a pilot program would be a good idea and he also understands Jim Graw wanting the neighbors to sign off on chickens but he sees a problem is who is going to administer all of this as our Planning and Zoning department is over worked now and somebody is going have to get a permit and get a signature from each property owner and the staff is swamped.

Bill Beckwith said the ordinance from Arkansas in the package that was sent out is a good ordinance for a starting point.

Doug Powell said is just starting his homework but anything like this needs to be taken care of or it can have a bad affect.

Julee Smilley suggested that the citizen committee could oversee a pilot program.

Bill Beckwith asked if she was interested in Peachtree City or the County.

Julee Smilley said is interested in helping the County because this is beneficial.

Tim Thoms asked how far along is Peachtree City in their ordinance.

Julee Smilley said it was her understanding that David Rast is working on an ordinance.

Tim Thoms said we would be interested in looking at their ordinance.

Jim Graw said the problem with a pilot program is at the end if it is deemed undesirable then everybody needs to get rid of their chickens.

Tim Thoms said the difference in Peachtree City is they probably don't allow chickens at all where the County has a zoning classification that allows chickens.

Julee Smilley said Peachtree City allows on lots of two (2) acres.

Pete Frisina said with probably 40 percent of the unincorporated County zoned A-R if they have chickens the department is just receiving any calls concerning chickens.

Tim Thoms said his neighbor has about a dozen chickens in a coop and he agrees with Doug Powell that the ordinance has not allowed chickens in residential zoning in the past and he would like to be sure before we change the ordinance.

Jim Graw said if you come back with recommendations to allow chickens we are hearing from those who want chickens and not from those who do not want chickens and he suggests that you get people that don't want chickens to be on the committee. He added that he doesn't like to change the rules in the middle of the game and chickens have never been allowed in residential zoning.

Commissioner McCarty said that is why you recommend that your neighbors would have to approve your chickens.

Doug Powell said on large lots it may not be as much of a problem as on smaller lots in a subdivision neighborhood.

Chairman Gilbert said he would be on the citizen committee. Chairman Gilbert added maybe Animal Control should regulate chickens.

Commissioner McCarty thanked the Planning Commission for letting him and Julee talk tonight.

Julee Smilley thanked the Planning Commission.

Pete Frisina said the Planning Commission will have a public hearing on the Zoning Ordinance amendments for the variance for illegal lots at the next meeting.

Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Tim Thoms said so moved.

Chairman Gilbert said the meeting was adjourned.

PLANNING COMMISSION
OF
FAYETTE COUNTY


AL GILBERT, CHAIRMAN

ATTEST:

