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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**July 20, 2017**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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1. Consideration of the Minutes of the meeting held on July 6, 2017.

**NEW BUSINESS**

2. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. - Accessory structures and uses.

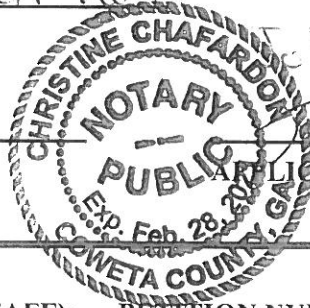
**OLD BUSINESS**

3. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

**TEXT AMENDMENT APPLICATION**  
**TO AMEND THE TEXT OF THE ZONING ORDINANCE OF FAYETTE COUNTY, GA**

APPLICANT: John TerBeek  
MAILING ADDRESS: 723 Lees mill rd, Fayetteville, GA, 30214  
PHONE: 404-423-2726 FAX: 770-631-1781  
E-MAIL: JTerBeek@GTSGA.com

Christine Chafardos  
NOTARY PUBLIC



John TerBeek  
John TerBeek  
APPLICANT'S SIGNATURE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: \_\_\_\_\_

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

DATE OF COUNTY COMMISSIONERS HEARING: \_\_\_\_\_

Received from \_\_\_\_\_ a check in the amount of \$ \_\_\_\_\_ for  
application filing fee.

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

**CURRENT TEXT PROVISION: (Please type and attach additional sheets if necessary)**

To amend Article III, Section(s) 110 - 79(c)(1)(b)

See attached

**PROPOSED WORDING OF TEXT AMENDMENT: (Please type and attach additional sheets if necessary)**

To amend Article III, Section(s) 110 - 79(c)(1)(b)

See Attached

**REASON FOR SEEKING AMENDMENT: (Please type and attach additional sheets if necessary)**

Safety → See attached

## **Current Text Provision**

### **Article III Section 110-79(c)(1)(b)**

One accessory structure, per individual lot, not to exceed 1,800 square feet of floor area (see total square footage), or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure; or

## **Proposed Wording of Text Amendment**

### **Article III Section 110-79(c)(1)(b)**

One accessory structure, per individual lot, not to exceed 1,800 square feet of earth level floor area, or the total square footage of the principal structure, whichever is less. The accessory structure may have a maximum 3600 square feet of total square footage, or twice the earth level floor area, whichever is less. Any increase in square footage must be located over the earth level floor area and accessed by permanent stairs (see total square footage). This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure; or

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Explanation: The main purpose of the amendment is to allow the property owner the ability to safely access the upper levels of their accessory structures by means of permanent stairs. The amendment is not meant to allow an increase in square footage of ground level square footage, 1800 square feet will still be the maximum allowed.

## Reasons for Seeking Amendment

### Safety

#### Background

Under the current ordinance, accessory structures can be built up to 1800 square feet of floor area. Depending on the method of construction of the structure, the upper level floor may have some significant square footage that could be utilized. The only stipulation is that the upper level floor may only be accessible by temporary stairs, as permanent stairs make the upper level a variable in the total square footage calculation.

The space above the accessory structure/garage is prime storage area, think heavy cardboard boxes etc. that need to be brought up there. Temporary pull down steps are narrow and near vertical, and ascending/descending pull down steps holding a heavy cardboard box that makes it where you cannot see your foot placement is unacceptable. Falling off the ladder from the upper landing or slipping off at any height will never yield good results, as it's a straight shot to the floor.

A better solution to temporary pull down steps are permanent stairs. Permanent stairs built to code run out more horizontal than pull down steps. In the event of a fall, the maximum possible height of your fall would depend on the rise and run of the stairs.

Accessory structures/garages are currently being built in the County up to 1800 square feet floor area with an upper level that can only be legally accessed by temporary steps, the code needs to be amended to allow safe access to the upper level of the accessory structure/garage at the maximum floor area.

It is not the fall that kills you, it's the sudden stop at the end. Based on the hardness of the material you fall on and angle your body makes contact is the deciding factor on your future.

Falling is ranked by OSHA as the number one most cited standards after inspections of worksites.

This statistic found from the bureau of labor

"Falls to a lower level accounted for 81 percent of all fatal falls. Of those cases where the height of the fall was known, more than two-fifths of fatal falls occurred from 15 feet or lower. Fatal falls to a lower level accounted for nearly 40 percent of fatal work injuries in the private construction industry in 2015."

<https://www.bls.gov/news.release/cfoi.nr0.htm>

Sec. 110-149. - Planned unit development.

(a) *Purpose.* The intent of this section is to:

- (1) Encourage the development of large lots of land as: planned residential developments (PRD), planned industrial parks (PIP), planned retreats or lodges (PRL), planned entertainment farming (PEF), planned outdoor recreation (POR), ~~and~~ planned small business center (PSBC) ~~and planned residential and business development (PRBD);~~
- (2) Encourage flexible and creative concepts in site planning;
- (3) Preserve the natural amenities of the land by encouraging scenic and functional open spaces;
- (4) Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this chapter;
- (5) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and
- (6) Provide an environment of stable character compatible with surrounding areas.

(b) *Development standards.* Each planned unit development shall meet the following standards in addition to any other as hereinafter set forth:

- (1) The development shall utilize creative and flexible design including, but not limited to: varied lot sizes, amenities, mixed uses, etc.;
- (2) The development shall be compatible with surrounding uses and with the land use plan of the county; and
- (3) *Paving of roads.* Developers of approved planned unit developments shall be required to pave all new subdivision streets contained within said development in conformance with the rules and regulations of the development regulations of the county (see chapter 104). Improvements to existing county-maintained roads or planned county roads which pass through a Planned Unit Development will be handled conditionally at the time of rezoning or at the time of a revision to a development plan. However, in any planned retreat or lodge (PRL), the developer shall be required to provide for all-weather roads, as approved by public works, suitable for the passage of emergency vehicles.

(c) *Relation to zoning districts.* An approved planned unit development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the uses, restrictions and regulations according to which development shall occur. Upon approval, the zoning map shall be changed to indicate the area as a planned unit development.

(1) *Procedures.* The following procedures shall be followed in the establishment of each and every planned unit development:

- a. *Pre-application conference.* The deadline to submit copies of the development plan and Letter of Intent shall be the first of each month by noon. If the first of the month falls on the weekend or on a holiday, the deadline is automatically extended to the next working day by noon. Prior to filing a rezoning petition for a planned unit development, the applicant shall meet with the technical review committee (TRC) in order to review the general character of the proposed development, including, but not limited to: its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.
- b. *Pre-recommendation meetings.* Prior to filing a rezoning petition for a planned unit development and subsequent to the pre-application conference with the zoning



administrator, the applicant shall meet with the planning commission in a plan review session. At this meeting, the applicant shall be required to review any plan with the planning commission and provide preliminary data concerning said plan as required by the planning commission. The planning commission may require additional pre-recommendation meetings to review said preliminary data prior to their pre-recommendation.

- c. *Rezoning petition.* A rezoning petition for a planned unit development shall only be submitted subsequent to the pre-application conference with the zoning administrator and the pre-recommendation meetings with the planning commission. This petition shall contain a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. A rezoning petition for a planned unit development shall follow the procedures in article VII of this chapter.
- d. *Development plan.* The following information shall be submitted as the development plan:
  - 1. General location map;
  - 2. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than 20 feet based on field survey or photogrammetric methods;
  - 3. Map showing the existing floodplains and flood soil as indicated by FEMA;
  - 4. Legal description of the subject property;
  - 5. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;
  - 6. Elevations of building types for all nonresidential structures which indicate the proposed general architectural style and appearance; and
  - 7. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
    - (i) Off-street parking and loading plan;
    - (ii) Economic feasibility report or market analysis;
    - (iii) Area traffic study and circulation plan within the development and to and from existing thoroughfares;
    - (iv) Hydraulic, hydrologic; and drainage engineering studies;
    - (v) Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge, impact study;
    - (vi) Based on the pre-application meeting with the zoning administrator and/or the pre-recommendation meetings with the planning commission, other information as is deemed necessary may be requested, in addition any of the aforementioned required information (items enumerated in subsections (c)(1)a through h of this section) may be excluded if deemed not applicable.
- e. *Summary of intent.* The written statement submitted with the development plan shall include the following information:



1. Statement of the present ownership of all land within the proposed development;
2. Explanation of the character of the proposed development, including, but not limited to: a summary of uses, number and type of dwelling units, a net residential density calculation, and minimum standards for floor area, lot size, yard and spacing requirements;
3. General statement of the proposed development schedule and progression of unit development or staging; and
4. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the property owners' association, where applicable.

f. *Approval.*

1. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the zoning administrator and planning commission. *Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.*
2. If the proposed development is approved as submitted, the zoning administrator shall cause the official zoning map to be changed to indicate the planned unit development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised development plan with the zoning administrator prior to changing the map. The development plan and all other accompanying information shall be properly identified and permanently filed with the zoning administrator.

g. *Subdivision approval.*

1. At the option of the applicant, a preliminary subdivision plat may be filed along with the development plan in order that tentative approval of the subdivision by the planning commission may be granted, pending the approval by the board of commissioners of the development plan.
2. In no case shall final subdivision approval precede the approval of the development plan.
3. Site development regulations, specifications, and procedures governing the platting of a planned unit development and plat approval shall be in accordance with chapter 104, article XV.

h. *Ownership control.* At the time a final plat or minor subdivision plat is approved and recorded for a planned unit development, as applicable, the land comprising the area for the final plat or minor subdivision plat shall be under one ownership (i.e., an individual, a corporation, or some other single legal entity). Individual lots may be sold only after the final plat or minor subdivision plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the planned unit development as originally approved and developed.

i. *Building and occupancy permits.* The zoning administrator shall approve of the issuance of building permits for buildings and structures in the planned unit

development if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved development plan and all other applicable regulations.

- j. *Revision of development plan.* Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the zoning administrator and planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.

(d) *Planned residential development.*

- (1) *Purpose.* The intent of a planned residential development (PRD) is to encourage creativity and resourcefulness in residential development and to provide open space, parks and recreational facilities for the residents of the development and/or the general public. **Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.**
- (2) *Permitted residential uses.* Planned residential developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. Residential accessory buildings and uses shall also be allowed per article III of this chapter.
- (3) *Permitted recreational uses.* A list of proposed recreational uses shall be submitted with the summary of intent. Only those uses approved through the rezoning process shall be allowed in the PRD.

- (4) *Permitted incidental uses.* The following incidental uses shall be allowed in a PRD:

- a. Day care facility (including an outdoor play area only);
- b. Church and/or other place of worship (including a parsonage and outdoor play area only); and
- c. School, private (including an outdoor play area but excluding housing or a stadium).

The buffers and setbacks for these uses along the exterior boundary of the PRD shall be consistent with the applicable conditional use requirements listed in article V of this chapter.

- (5) *Conditional uses.* The following conditional uses shall be allowed in the PRD zoning district, provided that all conditions specified in article V of this chapter are met:

- a. Home occupation; and
- b. Horse quarters (see article III of this chapter).

- (6) *Minimum dimensional and other requirements.* The minimum dimensional requirements in the PRD shall be as follows:

- a. Development size: 100 contiguous acres located within the A-R and/or residential zoning districts
- b. Each single-family dwelling shall be placed on a separate lot.
- c. Side yard setback: 15 feet.
- d. Rear yard setback: 30 feet.



- e. Maximum density: Four units per acre (single-family attached); and one unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.

(7) *Common open space requirements.* Planned residential developments shall meet the following common open space requirements:

- a. A minimum of 2,500 square feet per lot shall be reserved for open space. The open space shall not be located in the following areas: street rights-of-way (public or private); all land located within the 100-year floodplain; water impoundments; and all lands proposed to be dedicated to a governing authority.
- b. The open space may be publicly owned, privately owned, or be deeded to and maintained by the property owners' association, comprised of the residents of the development. When the open space is to be deeded to the property owners' association the initial owner of the development shall be responsible for the organization of said association. The organization, responsibilities and financing of the property owners' association shall be established in appropriate deed covenants, which shall run with the land and which shall appear in each and every deed of property given by the initial owner.
- c. Approved recreational uses may be located in the open space.

(8) *General deed covenants.* Appropriate deed covenants, which shall run with the land, shall be made a part of each deed of property given by the initial owner of the development in order to ensure the continuance of the planned residential development in accordance with all approved plans and this section. A copy of the covenants shall be given to the zoning administrator as a part of the record of the planned residential development.

(e) *Planned industrial park.*

- (1) *Purpose.* The intent of a planned industrial park (PIP) is to encourage the development of a localized industrial park designed to meet light and heavy industrial purposes. **Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.**
- (2) *Permitted uses.* Only those uses (permitted and conditional) in the M-1 and M-2 zoning districts shall be proposed for the PIP. Only those uses approved through the rezoning process will be allowed in the PIP.
- (3) *Minimum dimensional and other requirements.* The minimum requirements for a PIP shall be as follows:
  - a. Location: M-1 or M-2 Zoning District.
  - b. The development shall have access and egress only to an arterial thoroughfare.
  - c. Development size: ten acres.
  - d. Front, side, and rear yard setbacks along the exterior boundaries of the development shall be consistent with either the M-1 or M-2 zoning district, whichever is applicable.
  - e. Height limit: 35 feet.
  - f. A buffer of 75 feet shall be provided around the periphery of the development.

(f) *Planned retreat and/or lodge.*

- (1) *Purpose.* The intent of a planned retreat and/or lodge (PRL) is to provide a development

exclusively designed to accommodate the assembly of groups or organizations for the purpose of association, education, therapy, or instruction through conferences, seminars, and/or camps. Food and lodging may be furnished for a definite and temporary period. Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.

(2) *Permitted uses.* The following uses may be proposed in a PRL:

- a. Assembly/meeting facilities (indoor and outdoor);
- b. Dining facilities;
- c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;
- d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools;
- e. Caretaker and/or staff housing; and
- f. Solar farm (limited to a net metered facility only), provided that any inoperative equipment is repaired or disposed of in a reasonable time and manner.

In addition, only those uses (permitted and conditional) allowed in the A-R zoning district may be proposed for a PRL. Only those uses approved through the rezoning procedure will be allowed in the PRL.

(3) *Minimum dimensional and other requirements.* The minimum requirements for a PRL shall be as follows:

- a. Location: A-R zoning district.
- b. Development size: 50 contiguous acres.
- c. Maximum density: One single-family unit for each ten net acres of the development.
- d. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- e. A site plan will be required prior to the construction of structures and/or recreational facilities, as applicable, per chapter 104.
- f. Each structure whose purpose is to provide lodging shall have paved access to a public street. Said access shall meet the requirements of chapter 104.
- g. No structure shall be permitted within 150 feet of the right-of-way (existing or required) of any existing street abutting or bisecting the development.
- h. A minimum buffer of 75 feet shall be provided around the periphery of the development. To provide sufficient separation from proposed uses to alleviate any adverse effect on the use or usability of abutting or nearby properties, said buffer may be increased through the rezoning procedure by the board of commissioners as a condition of approval and shall be indicated on the development plan. Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning procedure and indicated on the development plan; conditions of approval may be incorporated by the board of commissioners.
- i. Height limit: 35 feet.

(g) *Planned entertainment farming.*



- (1) *Purpose.* To allow certain incidental uses to an active farming operation to preserve agricultural areas. An active farming operation is defined as any area of 100 or more contiguous acres from which \$10,000.00 or more of agricultural products are grown and sold on an annual basis. Income verification may be required. Agricultural products are defined here as the growing of annual crops, the raising of livestock and/or horses, and dairy farming. Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.
- (2) *Permitted uses.* The following permitted uses shall be allowed in a PEF:
  - a. Single-family dwelling and accessory uses and structures associated with the single-family dwelling exclusively as per article III of this chapter;
  - b. Farm buildings (shall be bona fide structures related to the farming operation);
  - c. Growing of crops;
  - d. Raising and selling livestock;
  - e. Dairy farm and production;
  - f. Greenhouses and shrubbery sales;
  - g. Farmer's market (limited to sales of crops grown on premises by owner of property);
  - h. Pick-your-own produce;
  - i. Processing of agricultural products (shall meet conditional use requirements per the A-R zoning district);
  - j. Horse stables and horseback riding;
  - k. Horse show (by permit, temporary, 14 days per year);
  - l. Rodeo (by permit, temporary, 14 days per year);
  - m. Petting zoo;
  - n. Educational tours;
  - o. Picnic area;
  - p. Sit-down restaurant, banquet facility, bakery and catering (no drive-through, and selling of alcoholic beverages, shall be prohibited) (minimum seating capacity of 50 persons);
  - q. Gift shop in association with restaurant only; and
  - r. Pay fishing and bait sales in association with pay fishing.
- (3) *Conditional uses.* The following conditional use shall be allowed in the PUD PEF zoning district provided that all conditions specified in article V of this chapter are met: home occupation.
- (4) *Minimum dimensional and other requirements.* The minimum requirements for PEF shall be as follows:
  - a. Location: A-R zoning district.
  - b. Development size: 100 contiguous acres.

- c. Single-family dwellings and those accessory uses and structures associated with the single-family dwelling shall meet those requirements established within the A-R zoning district.
  - d. All other nonresidential structures shall meet the following setbacks:
    - 1. Front yard: 200 feet.
    - 2. Rear yard: 100 feet.
    - 3. Side yard: 100 feet.
  - e. A site plan is required indicating the location of all structures/activities per chapter 104.
  - f. All parking and access areas shall be paved and landscaped per chapter 104.
  - g. All service areas shall be screened per article III of this chapter.
  - h. All parking and service areas shall be to the rear of any restaurant building.
  - i. Only structures whose principal purpose is for the storage of farm equipment and/or animals may have a metal facade. All other structures shall have a non-metallic facade.
  - j. Shall comply with all county, (including fire marshal), state and federal requirements.
- (h) *Planned outdoor recreation.*
- (1) *Purpose.* The intent of a planned outdoor recreation development (POR) is to provide the residents of the county adequate recreational opportunities outside of existing public facilities, parks, private recreation and amenity areas. **Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.**
  - (2) *Permitted uses.* The following permitted uses shall be allowed in a POR:
    - a. Outdoor athletic fields;
    - b. Outdoor athletic courts;
    - c. Accessory uses:
      - 1. Picnic and playground areas;
      - 2. Concession facilities;
      - 3. Press box facilities;
      - 4. Restroom facilities;
      - 5. Maintenance and/or equipment facilities;
      - 6. Ticket sales facilities;
      - 7. Bleachers;
      - 8. Dugouts;
      - 9. Lights; and
      - 10. Scoreboards.
  - (3) *Prohibited uses.* The following uses shall be prohibited in a POR:
    - a. Motorized or other wheeled vehicle sports;
    - b. Swimming pools and water related activities;

- c. Archery;
- d. Firearms and target range;
- e. Explosives and fireworks;
- f. Paintball and similar activities; and
- g. Amusement park activities and rides.

(4) *Minimum dimensional and other requirements.* The minimum requirements for a POR shall be as follows:

- a. Development size: 50 contiguous acres.
- b. The development shall have ingress and egress only to an arterial thoroughfare as designated by the county thoroughfare plan.
- c. Maximum number of outdoor athletic fields and/or courts: eight.
- d. Setbacks:
  - 1. No permitted uses shall be allowed within 100 feet of the right-of-way.
  - 2. No permitted uses shall be allowed within 500 feet from any A-R or residential zoning district.
  - 3. No permitted uses shall be allowed within 50 feet from any nonresidential zoning district.
- e. A buffer of 100 feet plus the required setbacks shall separate all permitted uses from any A-R or residential zoning district. Off-street parking areas may be located within the setback areas.
- f. Landscaping and buffer areas shall be planted in accordance with chapter 104.
- g. Paved access and paved parking shall be provided as follows:
  - 1. 40 spaces per outdoor athletic field; and
  - 2. Ten spaces per outdoor athletic court.
- h. Hours of operation are to be determined at the time of development plan approval. No play permitted after 10:00 p.m.
- i. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents. No lighting permitted after 10:30 p.m.
- j. Adequate trash receptacles and grounds maintenance shall be provided to maintain a litter-free recreation area. Dumpsters shall be screened on all sides.
- k. Outside loudspeaker system use permitted until 10:00 p.m.
- l. Height limit: 35 feet, with the exception of lights.

(i) *Planned small business center.*

- (1) *Purpose.* The intent of the planned small business center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. A PUD-PSBC will allow innovative and creative design and promote high standards in the development layout to alleviate incompatibility between the internal uses in the development to protect public safety to the



greatest degree possible. Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.

- (2) *Uses.* Only those uses (permitted and conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed.

- (3) *Minimum dimensional and other requirements.*

- a. Minimum lot size: minimum of ten acres.
- b. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- c. Front, side, and rear yard setbacks and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 zoning district, as applicable to the use.
- d. The development plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety. Vehicular access facilities shall be designed in a manner to preclude large vehicles (semi-tractor trailers, delivery trucks, etc.) from utilizing areas where pedestrians are likely to be present.
- e. Location: only those areas indicated in the county Comprehensive Plan shall be given consideration for PUD-PSBC.
- f. Height limit: 35 feet.

(j) Planned residential and business development (PRBD)

- (1) *Purpose.* The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses and, through the use of large lots and the preservation of existing single-family dwellings, to maintain rural character. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site. Traffic improvements such as decal-accel lanes, service drives, internal streets, turn lanes, etc. may be required to mitigate traffic impacts created by the development. Additional buffers and/or screening may be required to shield views from adjacent streets and/or properties.

- (2) *Permitted residential uses and structures.* Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.

- (3) *Permitted business uses and structures.* A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the

business structures proposed for the individual businesses in the PRBD. The architectural character of the business structures shall be agricultural in nature with roof types including hip, gambrel and gable. Appropriate facades shall include fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern.

- (4) *Business vehicles.* The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
- a. Development size: 75 contiguous acres.
  - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
  - c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
  - d. Minimum lot size: 15 acres.
  - e. Minimum lot width: 250 feet.
  - f. Front yard setback: 75 feet.
  - g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
  - h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
  - i. New single-family dwelling minimum floor area: 2,100 square feet.
  - ij. Height limit: 35 feet.
  - jk. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.



~~kl.~~ The business shall be owned and operated by the occupants of the property upon which the business operation is conducted. The operator of the business shall be one of the following:

1. The business operator is the owner/occupant of the property and the business is not owned by a corporation or partnership; or

2. The property and business is owned by a corporation or partnership in which case the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.

- lm. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.

~~mn~~ All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure. ~~no.~~ All vehicles associated with the business must be parked in the rear yard only.

~~op.~~ The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:005:00 p.m., Monday through Saturday.

~~pq.~~ All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.

~~qr.~~ Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.

~~rs.~~ Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to

scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

- t. Signage on individual lots shall be regulated under Sec. 108-135(a).  
Signage located at the entrance of a subdivision served by an internal local road shall be regulated under Sec. 108-135(b).

(Code 1992, § 20-6-25; Ord. of 8-25-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2016-11, § 1, 5-26-2016)

