

BOARD MEMBERS

Brian Haren, Chairman
John H. Culbreth, Sr., Vice-Chairman
Danny England
Al Gilbert
Jim Graw

STAFF

Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Chakevia Jones, Planning & Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
August 17, 2017
7:00 pm

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

1. Consideration of the Minutes of the meeting held on August 3, 2017.

NEW BUSINESS

2. Consideration of Minor Subdivision Plat of Marcia E. Thomas. The property will consist of one residential lot zoned A-R, is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

OLD BUSINESS

3. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. - Accessory structures and uses.
4. 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.

To: Fayette County Planning Commission

From: Chanelle Blaine, Zoning Administrator

Date: August 11, 2017

Subject: Minor Subdivision Plat to be considered on August 17, 2017



MINOR SUBDIVISION PLAT

Minor Subdivision Plat of Marcia E. Thomas

OWNER/APPLICANT

E.E. Thomas Estate

Recommend **APPROVAL** for the Minor Subdivision Plat.

PREPARED BY:
J.B. PRINCE & ASSOCIATES, INC.
LAND SURVEYORS
110 NORTH BERRY STREET
STOCKBRIDGE, GA. 30281
PHONE 770-957-4614

MINOR SUBDIVISION PLAT MARCIA E. THOMAS

GENERAL NOTES:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

THE EQUIPMENT USED TO MAKE THIS SURVEY WAS A TOPCON 615 303D TOTAL STATION.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT ± 0.00000000 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN ± 0.00000000 FEET AND ANGULAR ERROR OF ± 0.00000000 PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS MY OPINION THAT THIS PROPERTY IS OUTSIDE OF THE 100 YR FLOOD HAZARD AREA.
FANEL D: 13112C 0081E
EFFECTIVE DATE 09-26-2008

PROPERTY TO BE SERVED BY COUNTY WATER. PROPERTY IS ON SEPTIC SYSTEM. EACH RESIDENTIAL BUILDING LOT HAS A MINIMUM CONTIGUOUS AREA OF 2 ACRES FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS AND WETLANDS AND VISIBLE EASEMENTS OF ANY KIND. NO VISIBLE STATE WATERS EXIST ON SUBJECT PROPERTY. NO VISIBLE WETLANDS EXIST ON THE SUBJECT PROPERTY. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE, EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT. NO VISIBLE CEMETERY IS LOCATED ON THE SUBJECT PROPERTY.

APPROVALS

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SPECIALIST DATE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

ENVIRONMENTAL MANAGEMENT DIRECTOR DATE

APPROVED BY FAYETTE COUNTY ENGINEER

COUNTY ENGINEER DATE

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION ON:

DATE

SECRETARY DATE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

ZONING ADMINISTRATOR DATE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

FIRE MARSHAL DATE

SUBJECT PROPERTY

OWNER: E.E. THOMAS ESTATE
SITE ADDRESS: 570 ELLISON ROAD, TYRONE, GA.
PROPOSED TRACT = 8.946 ACRES
PARENT TRACT AREA = 35.87 ACRES +/-

ZONING NOTES

ZONED: A-R (AGRICULTURAL RESIDENTIAL DISTRICT)
THE MINIMUM DIMENSIONAL REQUIREMENTS IN THE A-R ZONING DISTRICT SHALL BE AS FOLLOWS:

LOT AREA = 217,800 SQ.FT. / 5 ACRES
LOT WIDTH = 250 FEET
FLOOR AREA = 1200 SQUARE FEET
FRONT YARD SETBACK:

MAJOR THOROUGHFARE:

ARTERIAL = 100 FEET

COLLECTOR = 100 FEET

MINOR THOROUGHFARE = 75 FEET

REAR YARD SETBACK = 75 FEET

SIDE YARD SETBACK = 50 FEET

LEVEL III SOIL SURVEY

I, LARRY F. MCEVER, DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY RESOURCE ENGINEERS INCORPORATED, IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

LARRY F. MCEVER

PROFESSIONAL REGISTERED ENGINEER NO. 512170

RESOURCE ENGINEERS INCORPORATED
8305 SPENCE ROAD
FAIRBURN, GEORGIA, 30213
PH. #: 770-969-8923

OWNER'S CERTIFICATE

I, MARCIA E. THOMAS, THE UNDERSIGNED OWNER OF THE MINOR SUBDIVISION FOR MARCIA E. THOMAS, HEREBY DEDICATE THE RIGHTS-OF-WAY FOR PUBLIC USE, AND/OR RESERVE FOR PUBLIC USE THE EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

OWNER

DATE

SURVEYOR'S CERTIFICATE

I, JONATHAN B. PRINCE, DO HEREBY CERTIFY THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS 'FUTURE'; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

JONATHAN BLAKE PRINCE, R.L.S.#: 3244

DATE

SHEET NO.
1 OF 3

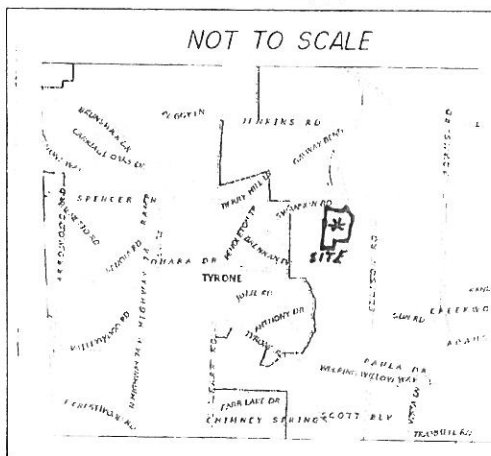
JOB #: MARCIARI

SHEET INDEX

SHEET #1	COVERSHEET/NOTES SHEET
SHEET #2	PARENT TRACT OVERVIEW
SHEET #3	SURVEY SHEET / LOT SPLIT SURVEY

VICINITY MAP

NOT TO SCALE



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 85 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 8.946 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE FROM THE INTERSECTION FORMED BY THE SOUTHERLY RIGHT-OF-WAY OF SWANSON ROAD (80' R/W) AND THE SOUTHWESTERLY RIGHT-OF-WAY OF ELLISON ROAD (80' R/W); THENCE FROM SAID INTERSECTION SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY OF ELLISON ROAD 136.45' TO AN IRON PIN PLACED 1/2" REBAR AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A COUNTERCLOCKWISE CURVE A DISTANCE OF 226.97' (SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 36 DEGREES 48 MINUTES 13 SECONDS EAST AND A DISTANCE OF 266.52' TO AN IRON PIN PLACED 1/2" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 31 DEGREES 14 MINUTES 55 SECONDS WEST A DISTANCE OF 374.99' TO AN IRON PIN PLACED 1/2" REBAR; THENCE SOUTH 03 DEGREES 11 MINUTES 53 SECONDS WEST A DISTANCE OF 160.00' TO AN IRON PIN PLACED 1/2" REBAR; THENCE SOUTH 09 DEGREES 30 MINUTES 20 SECONDS EAST A DISTANCE OF 654.83' TO AN IRON PIN PLACED 1/2" REBAR; THENCE NORTH 89 DEGREES 00 MINUTES 45 SECONDS WEST A DISTANCE OF 481.48' TO AN IRON PIN FOUND 1" OPEN TOP PIPE; THENCE NORTH 12 DEGREES 22 MINUTES 24 SECONDS EAST A DISTANCE OF 687.71' TO AN IRON PIN PLACED 1/2" REBAR; THENCE NORTH 32 DEGREES 06 MINUTES 40 SECONDS EAST A DISTANCE OF 578.45' TO AN IRON PIN PLACED 1/2" REBAR ON THE SOUTHWESTERLY RIGHT-OF-WAY OF ELLISON ROAD AND THE TRUE POINT OF BEGINNING.

* THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 44-1-10.



REVISED
05-03-2017

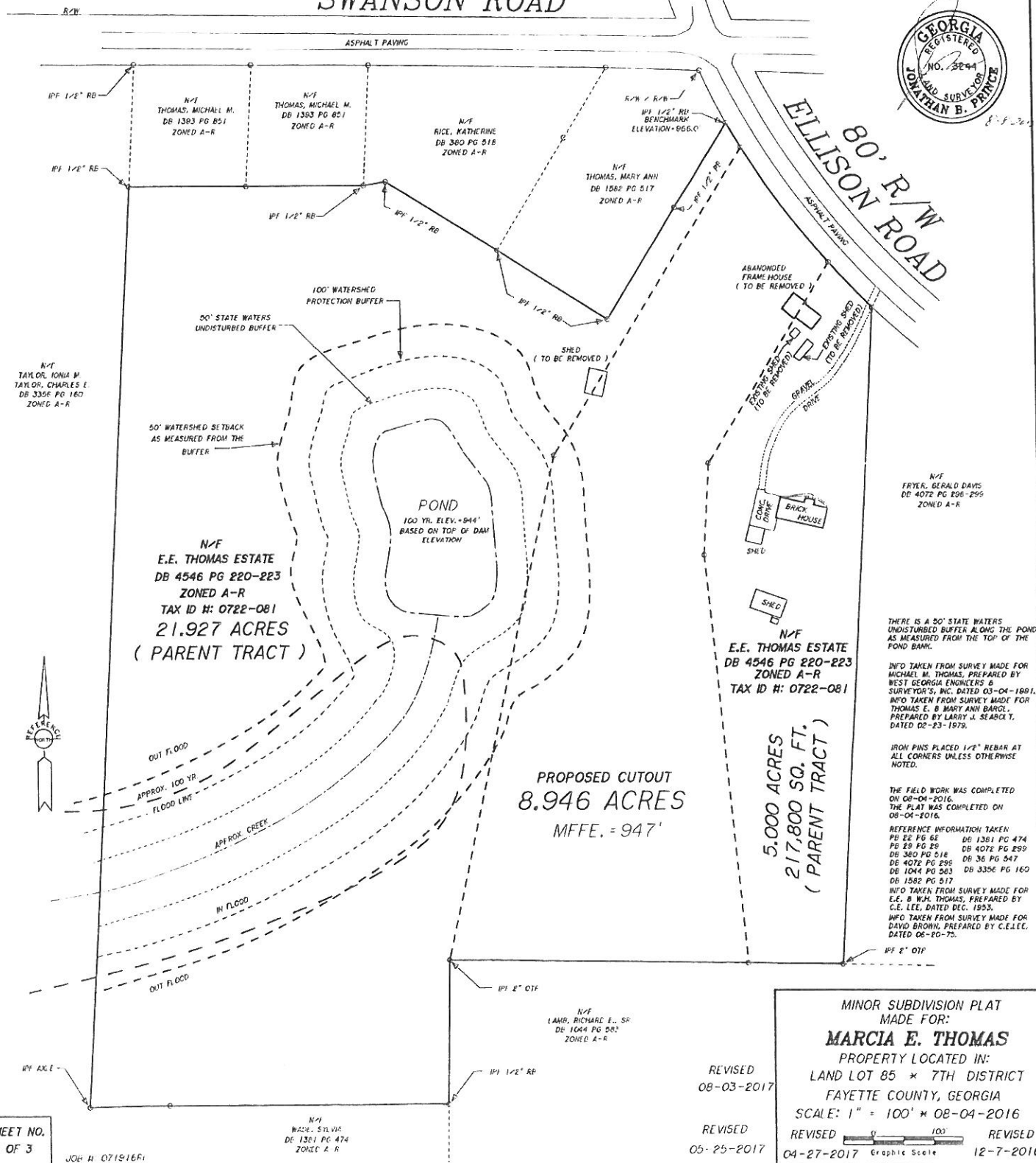
MINOR SUBDIVISION PLAT
MADE FOR:
MARCIA E. THOMAS
PROPERTY LOCATED IN:
LAND LOT 85 * 7TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 100' * 08-04-2016
REVISED
05-25-2017 12-7-2016 04-27-2017

THIS SURVEY WAS PREPARED WITHOUT THE
BENEFIT OF A TITLE COMMITMENT.
THEREFORE ALL EASEMENTS AND MATTERS
OF RECORD MAY NOT BE SHOWN HEREON.

THE SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A., 15-6-67."



80' R/W
SWANSON ROAD



PREPARED BY:
B. PRINCE & ASSOCIATES, INC.
LAND SURVEYORS
110 NORTH BERRY STREET
STOCKERIDGE, GA., 30081
PHONE B (770) 957-4814

BASED ON THE INFORMATION SHOWN ON
THE FLOOD HAZARD BOUNDARY MAPS
FURNISHED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, IT IS MY OPINION
THAT THIS PROPERTY IS OUTSIDE OF
THE 100 YR FLOOD HAZARD AREA.
PANEL B
12/15/2006
EFFECTIVE DATE 09-26-2008

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FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AND AS SET FORTH IN THE
GEORGIA PLAT ACT O.C.G.A. 15-8-67."



CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH. BEARING	R/W
C-1	896.33'	46.72'	93.35'	5°08'01"	6°23'30"	83.30'	S 26°00'37"E	80' R/W
C-2	1247.60'	22.57'	42.14'	2°04'21"	4°35'30"	45.13'	S 30°24'36"E	80' R/W
C-3	1247.60'	114.81'	228.97'	10°30'50"	4°35'30"	228.65'	S 36°42'13"E	80' R/W

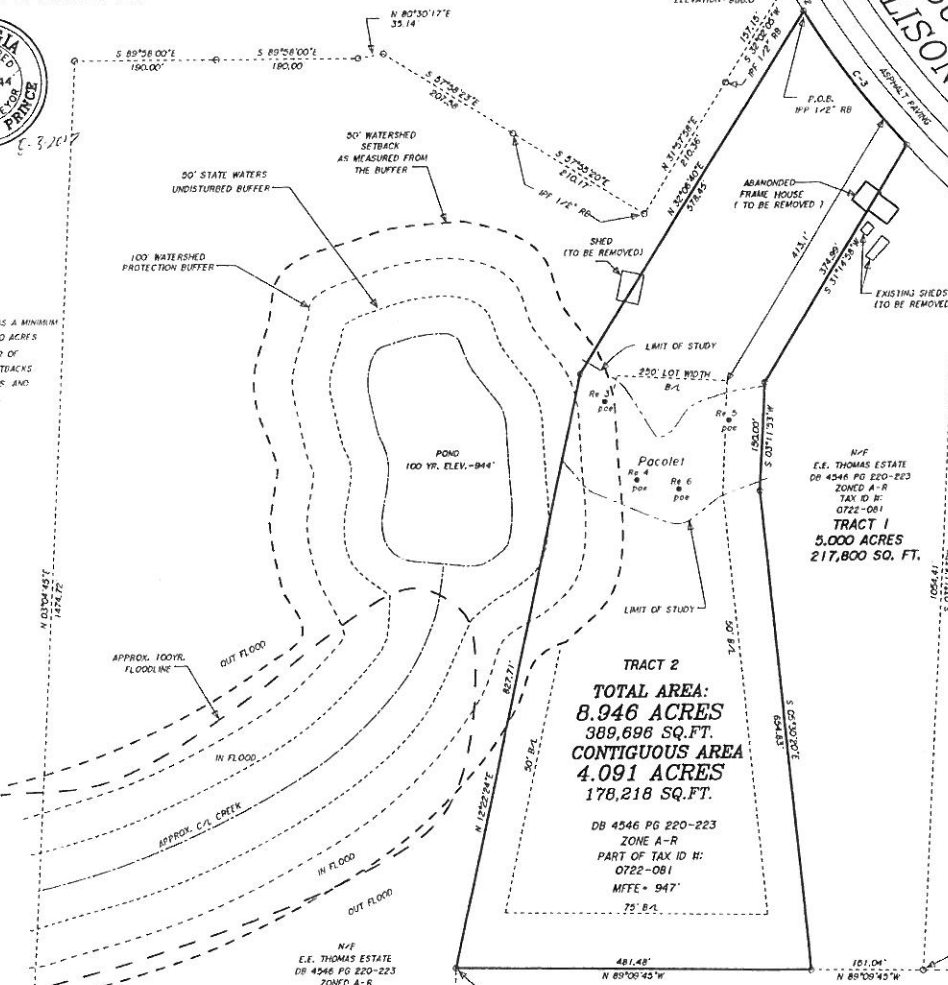
THIS MAP OF PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT 1/1000000"
THE FIELD DATA UPON WHICH THIS SURVEY
IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 1/16,332"
ERROR OF 0.000000" PER ANGLE POINT
AND WAS ADJUSTED USING LEAST SQUARES RULE.

THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
TOPCON GTS 3030 TOTAL STATION.

THE CURRENT PROPERTY OWNER IS THE
E.E. THOMAS ESTATE.

80' R/W
SWANSON ROAD

80' R/W
ELLISON ROAD



LEGEND

P.O.B.	POINT OF BEGINNING
IPP	IRON PIN FOUND
IPP	IRON PIN PLACED
RE	REBAR
MTP	MASH TOP PIPE
OTF	OPEN TOP PIPE
R/L	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW ON FORMERLY
D/B	DIED BOOK
P/B	PLAT BOOK
P/L	PAGE
L/L	LAND LOT
L/L	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER

N/F
E.E. THOMAS ESTATE
DB 4046 PG 220-223
ZONED A-R
TAX ID R:
0722-081
TRACT 1
5.000 ACRES
217,800 SQ. FT.

TRACT 2
TOTAL AREA:
8.946 ACRES
389,696 SQ. FT.
CONTIGUOUS AREA
4.091 ACRES
178,218 SQ. FT.

INFO TAKEN FROM SURVEY MADE FOR
MICHAEL H. THOMAS, PREPARED BY
WEST GEORGIA ENGINEERS &
SURVEYORS, INC. DATED 03-04-1991.
INFO TAKEN FROM SURVEY MADE FOR
THOMAS E. & MARY ANN BARGE,
PREPARED BY LARRY J. SEAROLT,
DATED 02-23-1978.

IRON PINS PLACED 1/2" REBAR AT
ALL CORNERS UNLESS OTHERWISE
NOTED.

THE FIELD WORK WAS COMPLETED
ON 08-04-2016.
THE PLAT WAS COMPLETED ON
08-04-2016.

REFERENCE INFORMATION TAKEN
PG 22 PG 85 DB 1381 PG 474
PG 29 PG 29 DB 4072 PG 299
DB 380 PG 818 DB 36 PG 047
DB 4072 PG 299 DB 3356 PG 160
DB 1542 PG 517
INFO TAKEN FROM SURVEY MADE FOR
E.E. & MARY ANN BARGE, PREPARED BY
C.E. LEE, DATED DEC. 1953.
INFO TAKEN FROM SURVEY MADE FOR
DAVID BROWN, PREPARED BY C.E. LEE,
DATED 06-20-75.

* THIS LOT DOES NOT CONFORM
TO COUNTY STANDARDS AND THEREFORE
CAN NOT BE GRANTED A BUILDING
PERMIT AS IS. THIS LOT IS TO
BE COMBINED WITH THE THOMAS
PROPERTY TO THE NORTH IN THE
FUTURE.

PARENT TRACT
21.927 ACRES

N/F
LAND, RICHARD E. SR.
DB 1044 PG 563
ZONED A-R

REVISED
08-03-2017

MINOR SUBDIVISION PLAT
MADE FOR:
MARCIA E. THOMAS
PROPERTY LOCATED IN:
LAND LOT 85 * 7TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 100' * 08-04-2016
REVISED 04-27-2017
REVISED 12-7-2016

SHEET NO.
3 OF 3

JOB #: 071916RI-TRACT3P1

Definitions

~~Floor area, accessory structure, means the sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.~~

~~Footprint, means the area of the foundation upon which a structure or building sits.~~

Foundation means an in-ground masonry or poured concrete support for a structure.

Story means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Sec. 110-79. - Accessory structures and uses.

(a) The following accessory structures and uses are permitted in A-R and all residential zoning districts.

- (1) Well/pump house;
- (2) Guesthouse;
- (3) Greenhouse, permanent or temporary (see (n) temporary greenhouse);
- (4) Swimming pool, hot tub, pool deck, pool equipment enclosure, and pool screen enclosure;
- (5) Garage;
- (6) Recreational court;
- (7) Gazebo;
- (8) Cabana/pool house, boat house, covered patio, and covered deck;
- (9) Storage building;
- (10) Carport;
- (11) Solar panel (ground-mounted);
- (12) Wind turbine/windmill (ground-mounted);
- (13) Aircraft hangar, detached (see article V of this chapter);
- (14) Dog house and dog pen/run;
- (15) Playhouse;
- (16) Outdoor kitchen and/or fireplace;
- (17) Patio; and
- (18) Underground storm shelter.

Farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses are regulated as conditional uses under article VII of this chapter and shall be allowed in the A-R zoning district only. One semi-trailer may be utilized as a farm outbuilding provided the property is zoned A-R and the semi-trailer is being used to store agricultural items. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.

(b) *Structure limitations.* Construction of an accessory structure shall occur concurrently with or after the construction of the principal structure. Accessory structures shall not be used as dwelling units or for lodging purposes, except a guesthouse.

(c) *Number and size.* The number and size of accessory structures shall conform to the requirements described herein.

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

- a. Two accessory structures, per individual lot, that shall not exceed a combined total **footprint** of 1,800 square feet ~~of floor area~~ or a combined total **footprint** of 3,600 square feet ~~of floor area~~ on a lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind ~~(see total square footage). The square footage of the largest accessory structure shall not exceed the total square footage of the principal structure.~~ One of these accessory structures 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. ~~Under this option, an accessory structure located to the side of the principal structure shall not exceed 1,800 square feet;~~
- b. One accessory structure, per individual lot, **footprint** 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
- c. One accessory structure, per individual lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind, **footprint** not to exceed 3,600 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. Under this option, an accessory structure shall be located only to the rear of the principal structure.

- (2) At least 50 percent of the square footage of an accessory structure building shall be fully 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) A well/pump house, dog house, or playhouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure (as regulated in A-R under article V of this chapter); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace; patio; underground storm shelter; or beehive shall not be included in determining the number of accessory structures provided herein.
- ~~(4) Total square footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure:~~
- ~~a. The upper level space is accessed by permanent stairs; and~~
 - ~~b. That portion of the upper level space where the ceiling width, measured at least seven feet in height, is more than 50 percent of the ceiling width measured at least five feet in height.~~
- (d) *Location on lot.* Accessory structures shall conform to the dimensional requirements within each zoning district. No structure shall be located in the front yard except: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and greenhouses located in an A-R zoning district, where the lot consists of five acres or more. A well/pump house of 70 square feet or less may be located within the setbacks. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.
- (1) *Detached garage located in the front yard of a single frontage lot and a through lot.* A detached garage located in the front yard shall meet the following requirements:
- a. Footprint shall not exceed 900 square feet of floor area;
 - b. Located no more than 35 feet from the principal structure;
 - ~~c. Shall not exceed 23 feet in height;~~
 - ~~d. No more than 50 percent of the footprint of the garage may be located beyond the front building line of the principal structure;~~

- ~~e. The width of the portion of the garage facing the street shall not exceed 60 percent of the width of the principal structure; and~~
- ~~f. No portion of the garage may be located directly between the principal structure and the street.~~

(2) *Detached garage located in the front yard of a corner lot.*

- a. *Primary front yard.* The location of the front door of the principal structure shall establish the primary front yard. If the front door is not oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and
- b. *Secondary front yard.* Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:
 - 1. **Footprint** shall not exceed 900 square feet ~~of floor area~~;
 - 2. Located no more than 35 feet from the principal structure; and
 - ~~3. Shall not exceed 23 feet in height.~~

(3) *Architectural standards for a detached garage located in all front yards.* The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

- a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.
- b. The garage shall have at least one opening for vehicular access.
- c. A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.
- d. The garage shall be connected to the principal structure by at least one of the following:
 - 1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
 - 2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three 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 feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.
- (e) *Guesthouses.* Only one guesthouse is allowed per individual lot. Any living area included in an accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.
- (f) *Architectural standards.* All accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming accessory structure shall match the architectural design of the existing nonconforming accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.
- (g) *Temporary accessory storage.* Portable on-demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one year. Portable on-demand storage units are defined as 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 two portable on-demand storage units are allowed per lot.
- (h) *Carport.* The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.
- (i) *Cabana/pool house, boat house, covered patio, and covered deck.* The cabana, covered patio, and covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one story, and comply with the architectural standards for an accessory structure 200 square feet or greater.
- (j) *Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure.* The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material and shall be exempt from the architectural requirements herein.
- (k) *Solar panels (ground-mounted).* Ground-mounted solar panels shall be limited to three per lot, the total cumulative square footage of ground-mounted solar panels

shall not exceed 900 square feet, shall not exceed ten feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground-mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one accessory structure/use.

- (l) *Wind turbines/windmill (ground-mounted)*. Wind turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater. Each lot is limited to one ground-mounted wind turbine/windmill. The ground-mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.
- (m) *Nonconformance*. All accessory structures or uses which had a building permit issued prior to January 24, 2008, are legally nonconforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.
- (n) *Temporary greenhouse*. Temporary greenhouses shall not exceed ten feet in height. Each lot is limited to one temporary greenhouse. The side yard setback shall be a minimum of 30 feet or the minimum side yard setback of the applicable zoning district, whichever is greater, and the rear yard setback shall be a minimum of 50 feet or the minimum rear yard setback of the applicable zoning district, whichever is greater. The maximum square footage for temporary greenhouses shall be as follows:

Acreage	Square Feet
< 2	600
2 to < 3	800
3 to < 4	1,000
4 to < 5	1,200
5 or greater	2,400

Temporary greenhouses shall be maintained in good condition and the covering shall not be torn and tattered. Temporary greenhouses shall only be used for the purpose of growing or storing plants. Temporary greenhouses shall be exempt from subsections (c)(2) and subsection (f) of this section. One temporary greenhouse of 120 or less square feet on a lot shall not count toward the total square footage or number of accessory structures for that lot. Greenhouses built in the A-R zoning district as regulated under article V of this chapter shall be exempt from these requirements.

A temporary greenhouse permit will be required for all temporary greenhouses prior to construction. Scaled drawings shall be submitted to the planning and zoning department which shall include, but not be limited to: temporary greenhouse elevations including height and total square footage and location on the lot including the distance from the property lines.

(Code 1992, § 20-5-20; Ord. No. 2012-09, § 3, 5-24-2012; Ord. No. 2012-13, § 3, 12-13-2012; Ord. No. 2013-07, § 1, 7-25-2013; Ord. No. 2014-19, §§ 2—5, 12-11-2014)

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)