

BOARD MEMBERS

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

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
April 5, 2018
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 March 15, 2018.

NEW BUSINESS

2. Discussion of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses.
3. Discussion of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.
4. Discussion of auto brokers and internet sales in the O-I zoning district.
5. Discussion of tourist accommodations.

ZONING ORDINANCE

Sec. 110-3. Definitions

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Flag lot means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

Lot, landlocked, means a lot ~~of record~~ having no frontage on a street.

Lot, corner, means a lot located at the intersection of two or more streets.

Yard, front, means the area between a property line adjacent to a thoroughfare street and the front building line, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear building setback line, extending the full width of the lot.

Yard, side, means the area between the side property line and the side building setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

~~*Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.*~~

Amended 3/22/18:

Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not clearly oriented to one street, the street in which the addressed driveway accesses and a line running parallel to the street from the nearest and furthest points of the principal structure to the street extending the full width of the lot.

Front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

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

These regulations shall not apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as are regulated as conditional uses under article Sec. 110-125. - A-R, Agricultural-Residential District and VII Sec. 110-169. - Conditional use approval of this chapter and shall be allowed in the A-R zoning district only. ~~One~~ a semi-trailer may be utilized as a farm outbuilding as regulated under Sec. 110-125. - A-R, Agricultural-Residential District. ~~provided the property is zoned A-R and the semi-trailer is being used to store agricultural items.~~ These aforementioned buildings/structures shall be allowed in the A-R zoning district only. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.

(c) *Number and size*

- (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, auxiliary structure or one semi-trailer (as regulated in A-R under ~~article V of this chapter~~ Sec. 110-125. - A-R, Agricultural-Residential District and VII Sec. 110-169. - Conditional use approval); 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.

(d) Location on lot. Accessory structures shall conform to the dimensional requirements within each zoning district. ~~A well/pump house of 70 square feet or less may be located within the setbacks.~~

(e) *Accessory structures located in a front yard.* 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.

No structure shall be located in the front yard except: ~~a well/pump house consisting of 70 square feet or less; a detached garage (see subsections (d)(1) and (2) of this section for requirements) on a single frontage lot, a through lot or in the primary or secondary front yard of a corner lot (see subsection (1) 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; or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.~~

~~(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:~~

(1) *Detached garage located in the front yard of a single frontage lot, a through lot, the primary front yard on a corner lot, or secondary front yard on a corner lot.* Said garage shall meet the following requirements:

- a. ~~Shall not exceed 900 square feet of floor area;~~ Footprint shall not exceed 900 square feet.
- b. ~~Located no more than 35 feet from the principal structure;~~ The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- d. The garage shall have at least one opening for vehicular access.
- e. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
 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.

(2) *Accessory structure located in the secondary front yard of a corner lot.* When an accessory structure, exclusive of a detached garage per (1) above, is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.

~~(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. Shall not exceed 900 square feet of floor area;~~

~~2. Located no more than 35 feet from the principal structure; and~~

~~(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.~~

(NOTE: All subsequent sections of the ordinance to be reordered as applicable.)

Sec. 110-125. - A-R, Agricultural-Residential District.

(b) Permitted uses. The following permitted uses shall be allowed in the A-R zoning district:

- (1) Single-family dwelling;
- (2) Accessory structures and uses (see article III of this chapter);
- (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies); ~~and~~
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; ~~and~~
- (6) One semi-trailer utilized as a farm outbuilding provided the property is a minimum of five (5) acres and the semi-trailer is only used to store agricultural items.

Sec. 110-169. - Conditional use approval.

- x. Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. Allowed in the A-R zoning district. ~~These aforementioned buildings/structures shall be shall be exempt from Sec. 110-79. - Accessory structures and uses.~~
 1. Farm outbuilding. All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes. ~~Farm outbuildings shall be exempt from architectural standards (see article III of this chapter)~~
 2. Greenhouses. All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials. ~~Greenhouses shall be exempt from architectural standards (see article III of this chapter).~~
 3. Horse stables. All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses. ~~Horse stables are exempt from architectural standards (see article III of this chapter).~~
 4. Auxiliary structures. All structures permitted in this category shall comply with the following:
 - (i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
 - (ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.

- (iii) For those uses that have the potential of generating noise levels audible to the adjacent properties acoustical treatment (soundproofing) shall be required to mitigate the volume of sound.
- (iv) Commercial/retail activity shall not be permitted.
- (v) An auxiliary structure shall not be utilized in conjunction with a home occupation.
- ~~(vi) Auxiliary structures are exempt from architectural standards (see article III of this chapter).~~

SUBDIVISION REGULATIONS

Sec. 104-593. - Definitions.

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Flag lot means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot, landlocked, means a lot having no frontage on a street.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between a property line adjacent to a street and the front building line, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear setback line, extending the full width of the lot.

Yard, side, means the area between the side property line and the side setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

~~*Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.*~~

Amended 3/22/18:

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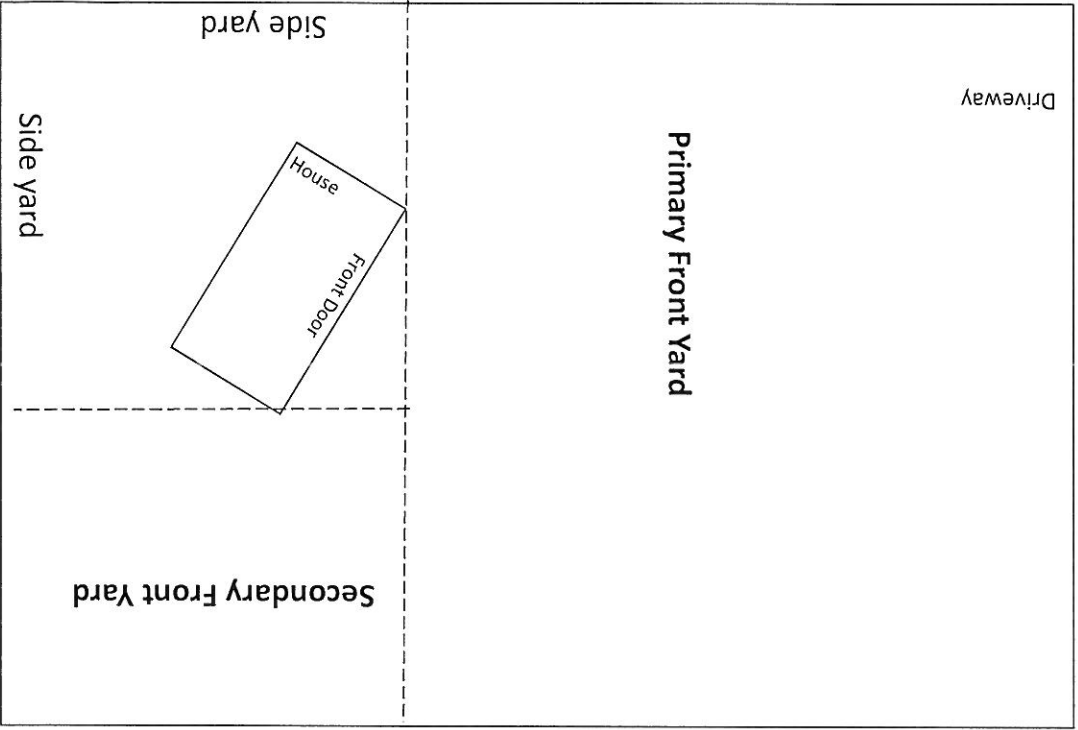
Front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

Sec. 104-603. Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations, and establish the front, side and rear yards on a nonconforming landlocked lot. This procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot and/or the orientation of the lot access will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of a Minor Subdivision Plat or Final Plat, as applicable.

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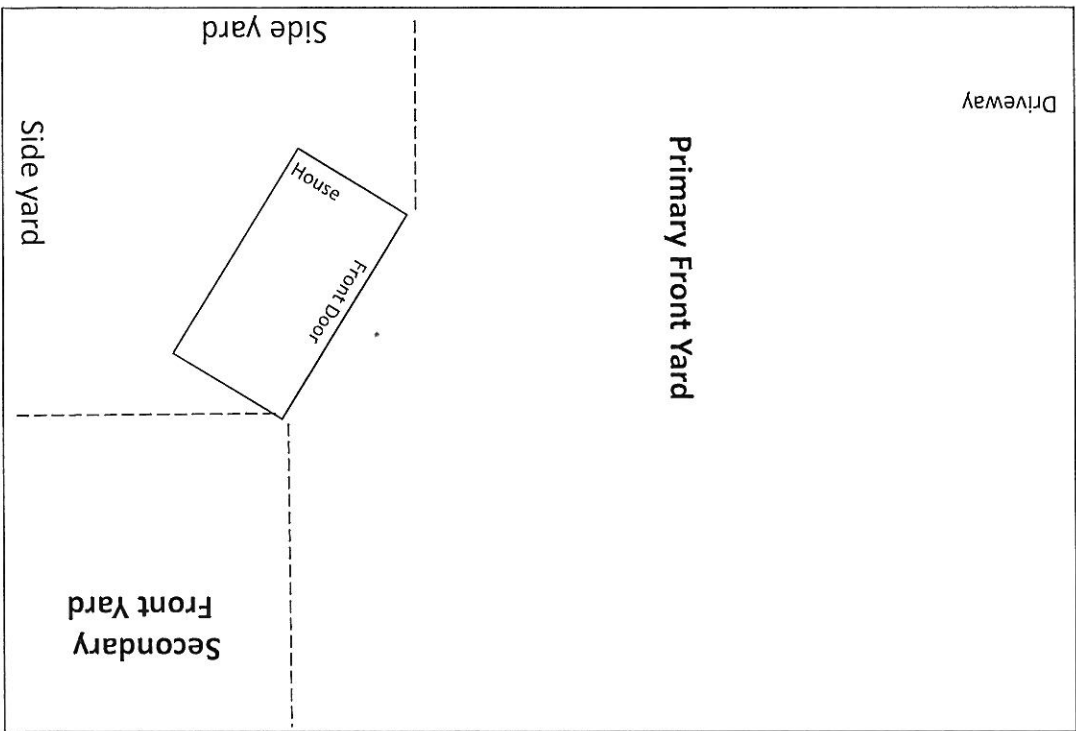
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Street

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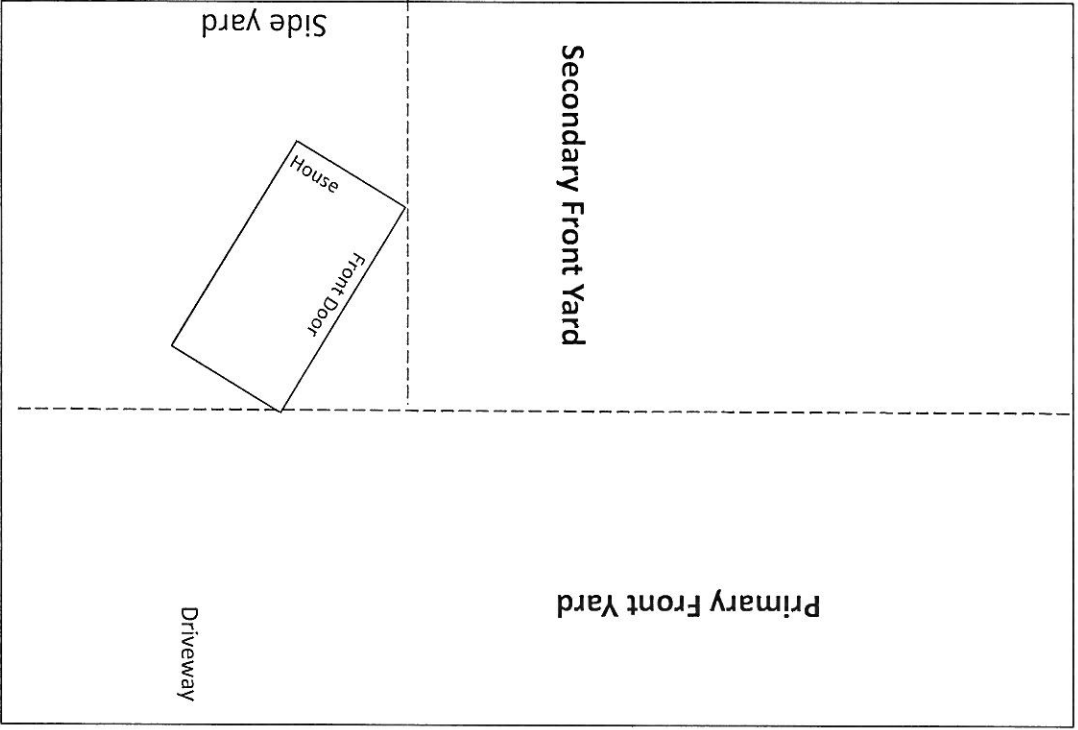
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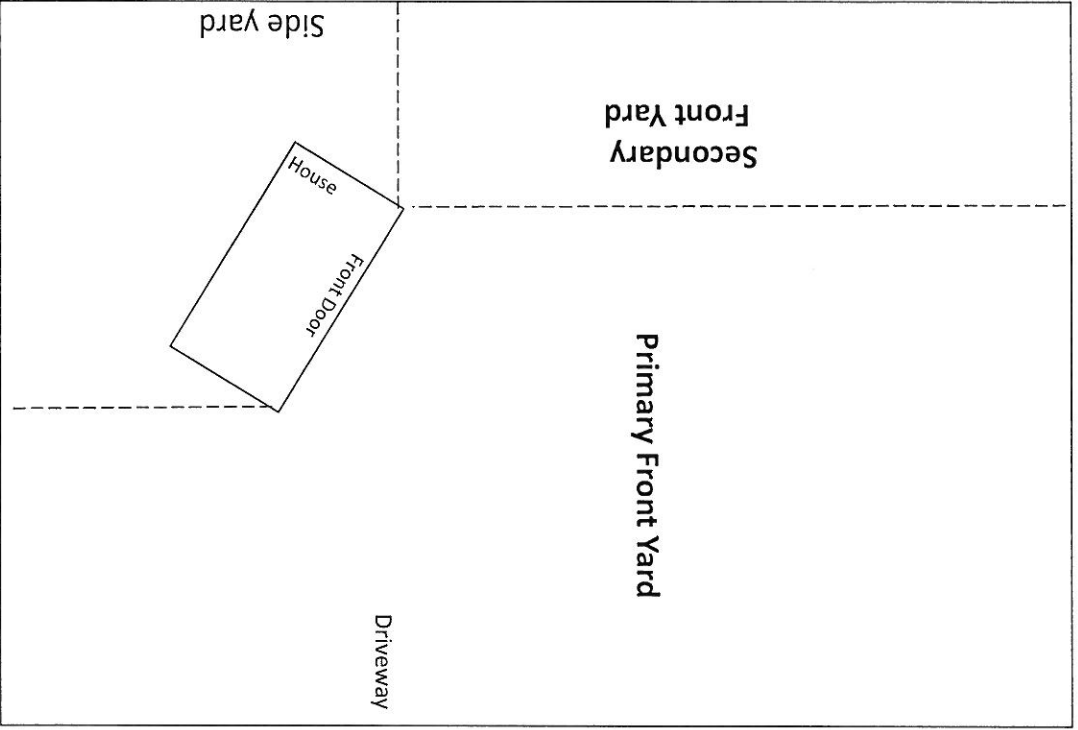
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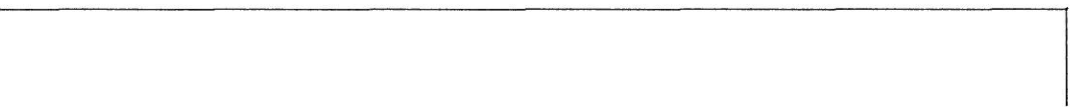


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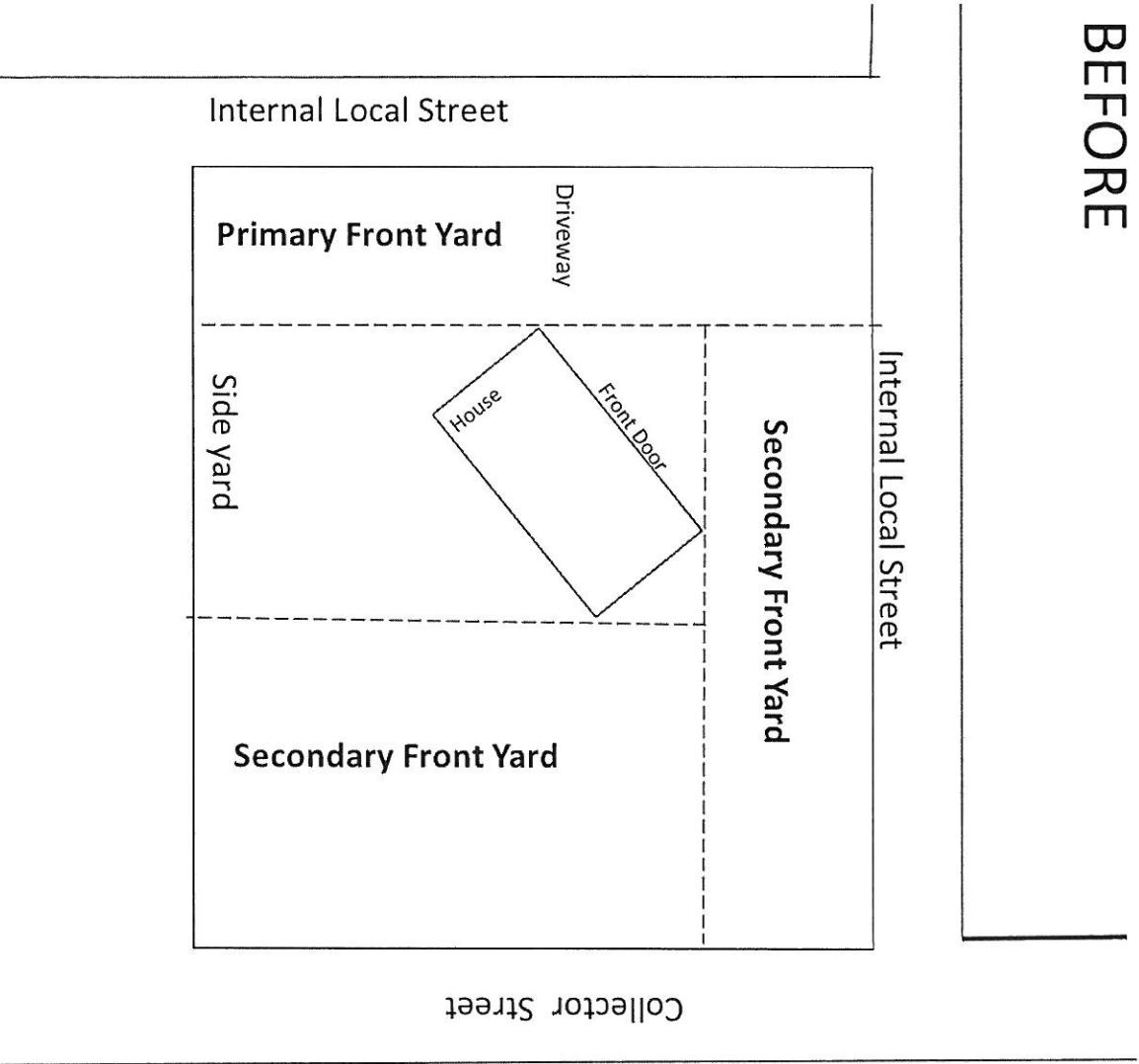
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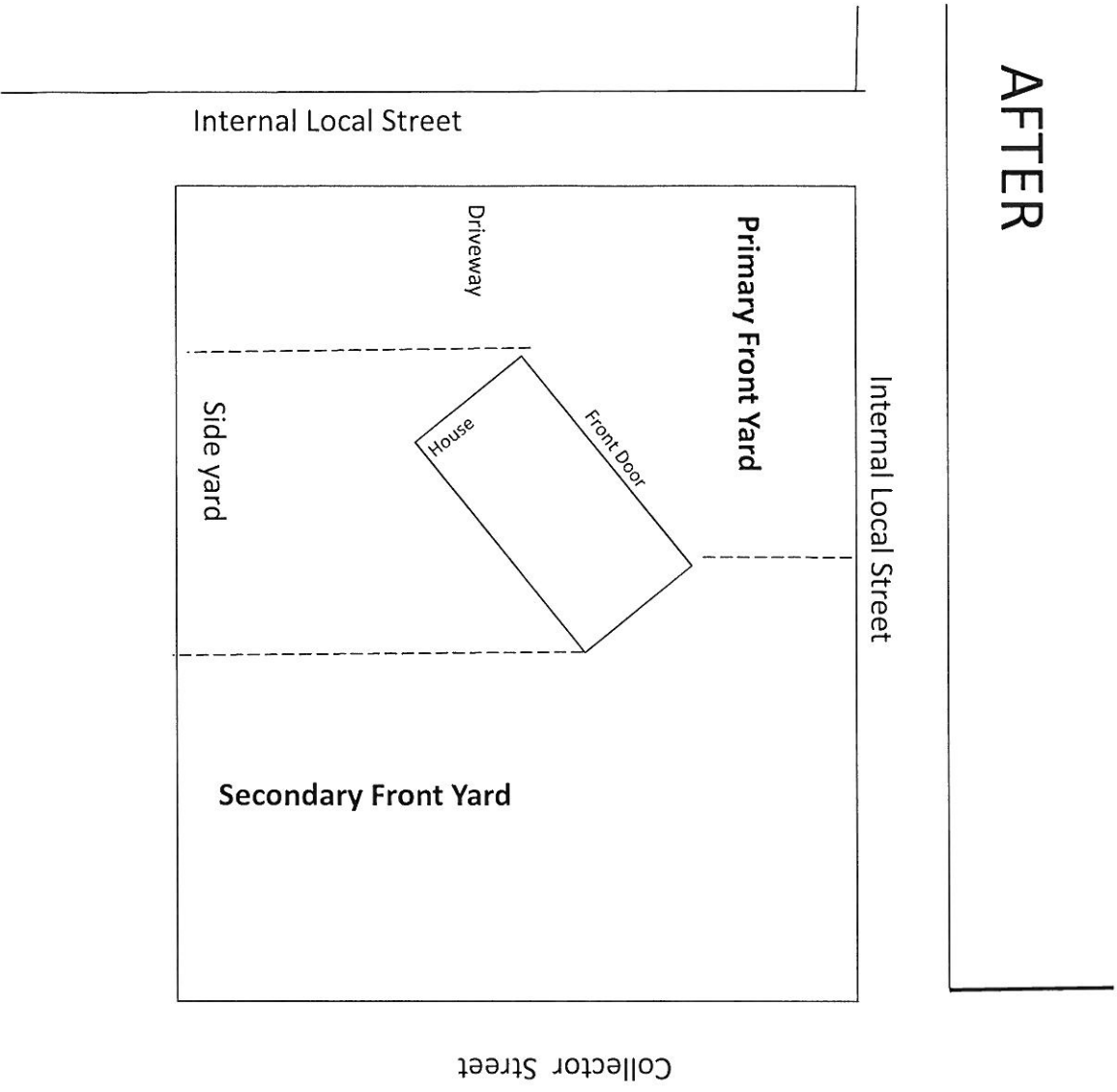
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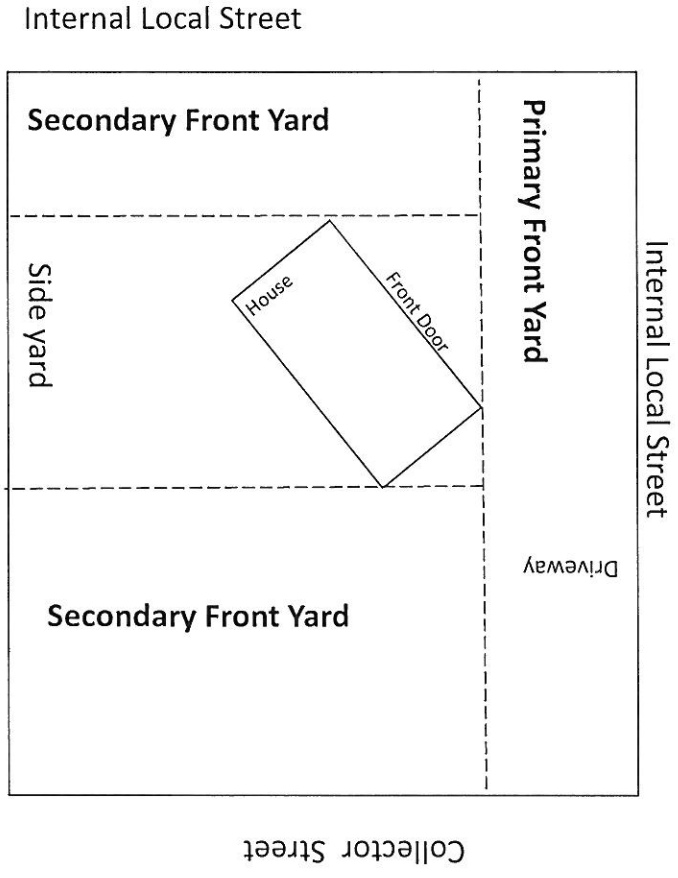
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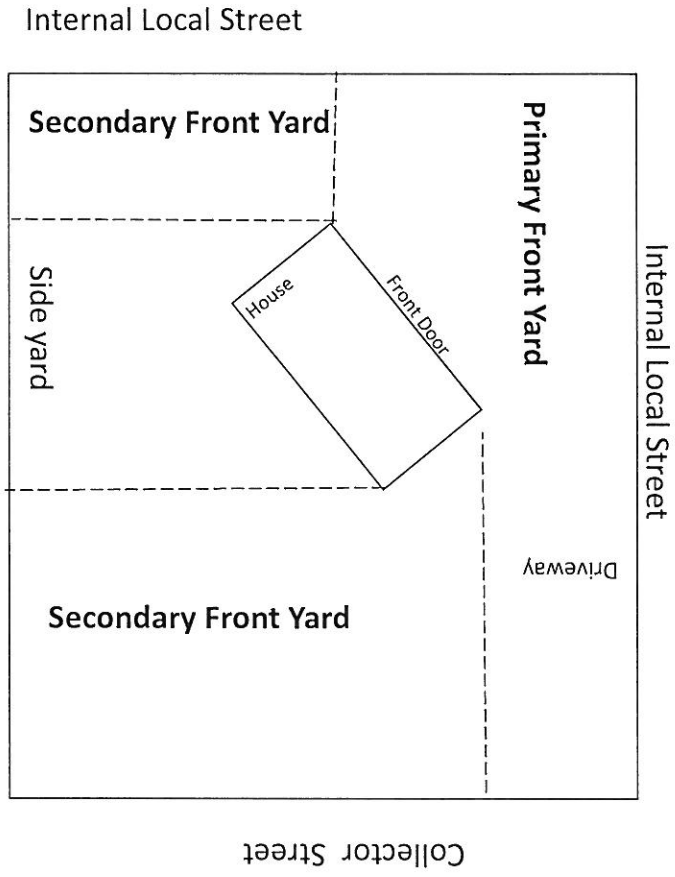
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Existing Regulations

ARTICLE VI. - TOURIST ACCOMMODATIONS

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

Zoning Ordinance

Sec. 110-3. - Definitions.

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Campground facilities means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term " hotel" includes the term "motel".

Tourist Accommodation Types

Non-Residential Zoning:

Sec. 110-142. - O-I, Office-Institutional District.

(b) Permitted principal uses and structures.

(7) Hotel

(d) Conditional uses.

(3) Bed and breakfast inn

Sec. 110-143. - C-C, Community Commercial District. **NOT INCLUDED IN ZONING DISTRICT?**

Sec. 110-144. - C-H, Highway Commercial District.

(b) Permitted principal uses and structures. (39) Hotel

(d) Conditional uses.

(6) Bed and breakfast inn,

(7) Campground facilities

Sec. 110-169. - Conditional use approval.

J. Bed and breakfast inn. Allowed in the C-H and O-J zoning districts.

1. The bed and breakfast inn shall be limited to no more than ten guestrooms. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.

3. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.

k. Campground facilities. Allowed in the C-H zoning district.

1. Campsites shall be utilized by recreational vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
2. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
3. Campground facilities shall be permitted only on a lot which fronts on a major thoroughfare (as designated by the county thoroughfare plan). All access is limited to the major thoroughfare only.
4. The lot area shall be at least ten acres.
5. The maximum density shall not exceed four campsites per gross acre.
6. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility casements, and signs (see chapter 108).
7. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (i) Front yard: 75 feet.
 - (ii) Side yard: 25 feet.
 - (iii) Rear yard: 25 feet.
8. At least ten percent of the gross acreage shall be reserved for recreational areas.
9. Accessory uses shall be allowed provided that the following requirements are met:
 - (i) Such uses and structures shall be restricted to the use of occupants of the park and their guests.
 - (ii) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections (2)h.6 and 7 of this section.
 - (iii) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
 - (iv) Total floor area for all structures listed in subsection (2)h.9(iii) of this section shall not exceed 3,000 square feet.
 - (v) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.

10. The site plan for the proposed campground (including all accessory structures) shall be approved by the county environmental health department.

Sec. 110-149. - Planned unit development. (f) Planned retreat and/or lodge. (Is a Tourist Accommodation by definition above.)

Residential Zoning:

Sec. 110-125. - A-R, Agricultural-Residential District.

(c) Conditional uses.

(3) A-R bed and breakfast inn

f. A-R bed and breakfast inn. Allowed in the A-R zoning district.

1. Minimum lot size: ten (10) acres.

2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

3. Ownership.

i. If the A-R bed and breakfast inn is not owned by a corporation or partnership, the A-R bed and breakfast inn operator shall be the owner/occupant of the property.

ii. If the property and the A-R bed and breakfast inn business are owned by a corporation or partnership, the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.

4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.

5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.

6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

GOAL: Add Tourist Accommodations to residential zoning districts and allow them on properties zoned non-residential that are being used residentially. Tourist Accommodations are separated into three types:

Short term whole house rental

Short term partial house rental

A-R Bed and Breakfast Inn (Existing Conditional Use).

Short term whole house rental

- lot must be a minimum of five (5) acres
- lot cannot be in a platted subdivision where lot's addressed access is an Internal Local

Short term partial house rental

- on lots of less than five acres
- on a lot in a platted subdivision based on road classification (Internal Local)

No accessory structure guesthouse shall be used as a Tourist Accommodation
Fire Marshall will require sprinkler system in all Tourist Accommodations

Residential -A-R, C-S, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, PUD-PRD, PUD-PRL

Non-residential - O-I, C-C, C-H, L-C 1, L-C 2, M-1, M-2, BTP, G-B

*EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, **L-C 1, L-C 2**, M-1, M-2, and BTP.*

Definition

Short term partial house rental means the rental of a residence for 30 consecutive days or less where the owner or long term renter of the residence resides in the residence during the time of the short term rental.

Short term whole house rental means the rental of a residence for 30 consecutive days or less where the owner or long term renter of the residence does not reside in the residence during the time of the short term rental.

Conditional uses.

(?)Short term whole house rental and partial house rental;

Short term whole house rental and partial house rental. Allowed in the zoning districts.

- A short term whole house rental and partial house rental shall comply with Article VI. - Tourist Accommodations.
- Meal service shall not be provided to tourists in a short term whole house rental or partial house rental.
- A tourist accommodation with a short term whole house rental is allowed on a lot on a lot with a minimum of five (5) acres and which not does have its addressed access on a street designated as an Internal Local by the county thoroughfare plan and/or the county engineer.
- A tourist accommodation on a lot which is less than five (5) acres in size shall be limited to short term partial house rental only.
- A tourist accommodation on a lot which has its addressed access on a street designated as an Internal Local by the county thoroughfare plan and/or the county engineer shall be limited to short term partial house rental only.

Sec. 110-3. – Definitions.

Electronic Commerce (E-Commerce) means a business engaged in transactions via the internet or an internet based platform. These transactions can include taking orders, closing sales, and or making purchases.

Goods means items which are sold, leased or traded in the normal course of a firm's business.

Stock-in-trade means goods held by a business for sale.

Sec. 110-142. - O-I, Office-Institutional District.

- (a) Description of district. This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) Permitted principal uses and structures. The following permitted uses shall be allowed in the O-I zoning district:

(18) E-Commerce, provided that no goods are offered for sale on the premises.

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

(14) Electronic Commerce (E-Commerce)

Section 110-169 Conditional use approval.

Electronic Commerce (E-Commerce). Allowed in the O-I zoning district.

1. All electronic commerce sales facilities shall comply with the following conditions:
 - (i) No goods/stock-in-trade is offered for sale on the premises.
 - (ii) No outside storage of equipment or goods/stock-in-trade shall be permitted.
 - (iii) Inside storage is limited to 25%? of the total floor space per business (not including volatile/flammable products?).

Example of E-Commerce Businesses:

- Warby Parker
- Casper