

THE FAYETTE COUNTY PLANNING COMMISSION met on April 5, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
Danny England
Al Gilbert
Jim Graw

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

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the meeting held on March 15, 2018.

Al Gilbert made a motion to approve the minutes from the meeting held on March 15, 2018. Danny England seconded the motion. The motion passed 4-0. John Culbreth was absent.

NEW BUSINESS

2. Discussion of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses.

Pete Frisina stated that on page two (2) Section 110-79. Accessory Structures and Uses he amended the farm out building section to state the regulation 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. He further added that a semi-trailer may be utilized as a farm outbuilding as regulated under Sec. 110-125. - A-R, Agricultural-Residential District. He said these aforementioned buildings/structures shall be allowed in the A-R zoning district only. He also said these regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts. Pete Frisina stated that there was some old verbiage allowing a semi-trailer to be used as a farm out building in A-R. He said he decided to take out any A-R related uses out of the accessory use category and put them in the A-R section. He also stated that a commissioner asked why Fayette County didn't require landscaping along a building in a secondary front yard. He said that is difficult to enforce, and he's not in favor of pushing it.

Brian Haren asked if Fayette County can require it if the accessory structure is in the secondary front.

Pete Frisina replied that administratively it's a tough thing to enforce. He further said the Board of

Commissioners wanted examples of flag lots. He also said they wanted to know how a flag lot affects the neighbor.

No action was taken on this item and the discussion will be continued at a future meeting.

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.

Pete Frisina stated that the Board of Commissioners had some questions about some changes made and the Amendments to Chapter 110. Zoning Ordinance was sent back to the Planning Commission for more consideration. He said the definition of a building line means a line running parallel to the street which touches the nearest point of the principal structure to the street. He added that a front yard is a 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. He stated that he looked at the amended version of Chapter 110. Zoning Ordinance from 3/22/2018 and it says *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. He further added that the amendment is to protect the front plane of the yard.

Jim Graw said this amendment takes away the ability to utilize some of the front yard.

Pete Frisina replied that it does. He also added that the amendment from 4/2/2018 says *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 primary front yard shall be determined by a perpendicular line running from the midpoint of the principal structure to a street, 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. He stated that it takes away the driveway access.

Danny England asked where an accessory can be on a lot that has a primary and secondary front.

Pete Frisina replied that it can be in the secondary yard, not in the setback, and it has to be more than 20 feet from the primary front yard setback. He said the perpendicular line from the front of the house may be a better determinant for the orientation of the front of the house. He added that the 4/2/2018 definition states that if 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 primary front yard shall be determined by a perpendicular line running from the midpoint of the principal structure to a street, 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. He said there

are three ways to determine the front yard, two are based on address access.

Jim Graw asked if the property owner could only build in the secondary front yard and the side yard.

Pete Frisina replied yes. He said he believed amendment 4/22/2018 is an easier approach.

Danny England said the front plane of the house extends until it hits the front of the house. He stated that everything in front of the front plane of the house is classified as the front.

Jim Graw said that's very simple. He asked if the property owner would still have a secondary front.

Pete Frisina said yes, there would still be a secondary front.

No action was taken on this item and the discussion will be continued at a future meeting.

4. Discussion of auto brokers and internet sales in the O-I zoning district.

Chanelle Blaine stated that auto brokerage won't be discussed, we'll focus on internet sales in O-I. She said we're going to call it electronic commerce or e-commerce, and the definition we have for ecommerce is 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. She added that the definition for goods means items which are sold, leased or traded in the normal course of a firm's business. She also said the definition for stock and trade means goods held by a business for sale. She added that ecommerce will be added to subsection 18 of Sec. 110-142. - O-I, Office-Institutional District stating that no goods will be offered for sale on premises.

Brian Haren asked what about stating that goods will not being stored.

Chanelle Blaine replied that under a conditional use all electronic commerce sale facilities shall comply with the following conditions:

1. No goods/stock-in-trade is offered for sale on the premises.
2. No outside storage of equipment or goods/stock-in-trade shall be permitted.
3. Inside storage is limited to 25% of the total floor space per business (not including volatile /flammable products).

Danny England said building code allows up to ten (10) percent of the floor area for a different use than the primary business. He added that if the business has a large area being used to store potentially hazardous things the risk can become too great.

Jim Graw said we're talking about O-I which really doesn't give you the ability to store anything.

Brian Haren stated that we're talking about allowing commercial activity in O-I, which I don't feel is a good fit in the zoning district. He added that ecommerce is a commercial activity that's

new, but it's still commercial and it belongs in a commercial zoning district.

Jim Graw said that giving it the title of ecommerce is making it too broad. He asked if it could be restrictive to the point where a business owner can't store anything on the property. He stated that he agrees with Chairman Haren in that commercial business isn't the intent of the O-I zoning district.

Pete Frisina stated that O-I is meant to be is more service related than commodity related.

Danny England stated that his concern with the ecommerce use in O-I is warehousing material.

Al Gilbert said O-I was set up for low traffic areas.

Chanelle Blaine asked if we should allow ecommerce storage or no storage at all.

Pete Frisina replied the ordinance will state that there will be no storage inside or outside.

Jim Graw said we should also state that there won't be any inventory held there either. He added that no goods or inventory will be held there. He also asked if this was going to be conditional use in O-I.

Pete Frisina said it could be a conditional use.

No action was taken on this item and the discussion will be continued at a future meeting.

5. Discussion of tourist accommodations.

Pete Frisina stated that we have a section in the existing regulations under Article six (6) titled Tourist Accommodations, which is not in the zoning ordinance. The definition of tourist accommodations says a *tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days*. He stated that he looked in the ordinance to find out what would be classified as a tourist accommodation, and under Sec. 110-3. – Definitions:

1. Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.
2. 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.
3. Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the term "motel".

Pete Frisina added that the goal is to 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:

1. Short term whole house rental

2. Short term partial house rental
3. A-R Bed and Breakfast Inn (Existing Conditional Use).

Brian Haren asked what the definition of partial house rental is.

Pete Frisina replied that it 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 rental. He added that he was also not in favor of renting guest homes for tourist accommodations.

Danny England asked if a partial rental requires a sprinkler system.

Pete Frisina replied it was a question for the fire marshal. He further added that on a partial house rental he would recommend no more than two rooms be rented out.

Brian Haren asked if we want to regulate the number of times it can be rented each month.

Pete Frisina said he wouldn't be opposed to whole house rental on a lot with more than five (5) acres fronting on a street that's a major thoroughfare.

Jim Graw said economically the sprinkler system is too costly. He added that it may deter people from renting their houses.

Pete Frisina stated that tourist accommodations are covered under three separate ordinances: zoning, the code for tourist accommodations, and the hotel/motel tax. He added that we talked to a company, Host Compliance, who will provide the county, for a fee, with information on who rents out their house in the area.

Jim Graw asked if the company will let you know who's doing this outside of the compliance. He also asked what kind of liability is Fayette County under for permitting this.

Pete Frisina replied that he didn't think any liability. He added that this is the initial stage of refining a tourist accommodation and he will keep working on it.

No action was taken on this item and the discussion will be continued at a future meeting.

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

Al Gilbert said so moved. Danny England seconded the motion and the motion passed 4-0.

The meeting was adjourned at 8:42 pm.

PLANNING COMMISSION
OF FAYETTE COUNTY, GA



BRIAN HAREN, CHAIRMAN

ATTEST:


