

**BOARD MEMBERS**

John H. Culbreth, Sr., Chairman  
Danny England, Vice-Chairman  
Al Gilbert  
Brian Haren  
Arnold L. Martin, III

**STAFF**

Peter A. Frisina, Director of Community Services  
Chanelle N. Blaine, Zoning Administrator  
Howard Johnson, Planning & Zoning Coordinator

---

**AGENDA  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 19, 2019  
7:00 pm**

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

---

1. Consideration of Minutes of the Planning Commission meeting held on September 5, 2019.

**OLD BUSINESS**

2. Discussion of the Subdivision Regulations
3. Discussion of the Zoning Ordinance

**NEW BUSINESS**

4. Discussion Of Final Plat Revision

- b. Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of 20 feet. The water system may require a greater width if determined necessary for maintenance or construction;
  - c. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
  - d. Drainage easements shall be provided as required in article VIII of this chapter.
- (3) *Contiguous areas for residential development.* Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. ~~The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.~~ **(Note: coordinate any changes with zoning ordinance.)**

Zoning District	Minimum Contiguous Area (ac)
District	Free & Clear (ac)
A-R	2.0-0.6
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, & C-S	1.3-0.3
<del>R-85, R-80</del>	<del>1.5</del>
<del>R-78, R-75, R-72, R-70</del>	<del>0.9</del>
<del>R-55, R-50, R-45, R-40, R-20, DR-15, C-S</del>	<del>0.6<sup>1</sup></del>
<del>R-55, R-50, R-45, R-40, R-20, DR-15, C-S</del>	<del>0.3<sup>2</sup></del>

<sup>1</sup>Where public water is not available (lots have individual wells)

<sup>2</sup>Where public water is available

- (4) *Corporate limits.* Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.
- (5) *Street layout and design.*
- a. *Subdivision entrances and street length.* No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity

and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the county engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.

- b. *Right-of-way.* Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the development regulations.
  - c. *Corner lots.* Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two, non-parallel property lines with a third beveled line). The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
  - d. *Curb radius.* The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are dictated by the county development regulations and/or the state department of transportation.
  - e. *Dead-end streets, half-street and alleys.* Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
  - f. *Elbows.* Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The "elbow" portion of the intersection shall be designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.
  - g. *Intersections.* The center lines of no more than two streets shall intersect at any one point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.
  - h. *Stub street.* Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the subdivision up to the property line creating a stub street. Said stub street shall be indicated on the preliminary plat and final plat and labeled "Temporary Stub Street." Connecting stub streets shall maintain the same name and be terminated with a temporary turnaround as necessary.
- (6) *Subdivision names.* A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous **and internally connected by a street** to the subdivision bearing the proposed name and with the same or more restrictive zoning, ~~and covenants and restrictions as the subdivision previously bearing such name.~~ In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the planning commission. Whenever a new subdivision is permitted by the planning commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.
- (7) *Additional right-of-way.* If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the county thoroughfare plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the county by the subdivider.
- (8) *Provisions for public use.* In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land shall be

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

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement or recreational facility, indoor or outdoor;
  - (3) Appliance sales, **installation** and/or repair;
  - (4) Armories, for meetings and training military organizations;
  - (5) Art studio;
  - (6) Auto parts, tire store/installation, brake installation, muffler repair, off change, tune-up, and emission testing facilities. All service, repairs and diagnostics shall be conducted within an enclosed building;
  - (7) Bakery;
  - (8) Bank and/or financial institution;
  - (9) Banquet hall/event facility;
  - (10) Bookbinding;
  - (11) Building/**development**, contracting, and related activities, ~~(e.g., including, but not limited to: flooring sales and/or installation, sales and storage of building supplies and materials, security system installation and service and contractor equipment maintenance)~~;
  - (12) Bus passenger station (pick-up and drop-off only);
  - (13) Cabinet manufacturing, sales, repair and/or installation;
  - (14) Car wash and/or detailing facility;
  - (15) Catering service;
  - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
  - (17) Clothing store and/or variety store;
  - (18) College and/or university, including classrooms and/or administration only;
  - (19) Copy shop;
  - (20) Cultural facility;
  - (21) Day spa;
  - (22) Department store;
  - (23) Drug store;
  - (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
  - (25) Electronic sales and/or repair;
  - (26) Emission testing facility (inside only);
  - (27) Engraving;

- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral home;
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);

- (63) Radio studio;
  - (64) Railroad station;
  - (65) Rent-alls;
  - (66) Restaurant, including drive-in and/or drive-through;
  - (67) Retail establishment;
  - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
  - (69) Tattoo parlor;
  - (70) Taxidermist;
  - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
  - (72) Television/movie studio;
  - (73) Upholstery shop; and
  - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Amphitheater;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Automobile, truck, farm equipment, or motorcycle sales and incidental repairs;
  - (5) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
  - (6) Campground facilities;
  - (7) Care home, convalescent center, and/or nursing home;
  - (8) Cemetery;
  - (9) Charter motor coach service;
  - (10) Church and/or other place of worship;
  - (11) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
  - (12) Commercial driving range and related accessories;
  - (13) Child care facility;
  - (14) Dry cleaning plant;
  - (15) Experimental laboratory;
  - (16) Golf course (minimum 18-hole regulation) and related accessories;
  - (17) Home occupation;
  - (18) Horse show, rodeo, carnival, and/or community fair;
  - (19) Hospital;
  - (20) Laundromat, self-service or otherwise;
  - (21) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;

- (22) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
  - (23) Religious tent meeting;
  - (24) Seasonal sales, outdoor;
  - (25) Self-storage facility (external access);
  - (26) Self-storage facility (internal access);
  - (~~26~~ 27) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
  - (~~27~~ 28) Shooting range, indoor;
  - (~~28~~ 29) Stadium, athletic; and
  - (~~29~~ 30) Temporary tent sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 75 feet.
      - 2. Collector: 70 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 15 feet.
  - (5) Side yard setback: 15 feet.
  - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
  - (7) Height limit: 35 feet.
  - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
  - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

Sec. 110-169. - Conditional use approval.

rr. Self-storage facility (**external access**). Allowed in M-1 and C-H zoning districts.

- 1. The maximum size of a storage bay shall be 550 square feet.

2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding(i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock,stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern ~~brick, stone, stucco, or similar building materials compatible with the area~~. The transportation corridor overlay zone shall apply when applicable.
3. Aisle ways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
4. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage shall have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and shall be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angled parking.
5. All outdoor lighting shall be shielded away from adjacent residential uses.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

?? Self-storage facility (internal access). Allowed in M-1 and C-H zoning districts.

1. No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet.
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding(i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock,stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone shall apply when applicable.
3. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing a street. Vehicle loading/unloading bays on the side of the self-storage facility shall require a canopy.
4. No outside storage of materials or equipment shall be allowed.
5. A vehicle, boat, and/or trailer storage structure shall be fully enclosed.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

- (a) *Amendment.* The board of commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the county at least 15 calendar days prior to such meeting.
- (b) *Variance or appeal.* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance or an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the planning commission does not grant the variance or appeal, the property owner may then appeal to the board of commissioners.

(Code 1992, § 8-510; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 110-79. - Residential accessory structures and their uses.

- (a) The following residential accessory structures are permitted in A-R, all residential zoning districts and properties regulated under Sec. 110-169, pertaining to "Conditional use approval - Single-family residence and residential accessory structures and/or uses".
- (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.

These regulations shall not apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and Sec. 110-169, pertaining to "Conditional use approval", of this chapter. A semi-trailer/box truck utilized as a farm outbuilding as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and horse quarters, as regulated under Sec. 110-169, pertaining to "Conditional use approval". These regulations shall not apply to structures associated with nonresidential uses allowed in A-R and residential zoning districts.

- (b) *Structure limitations.* Construction of a residential accessory structure shall occur concurrently with or after the construction of the principal structure. Residential 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 residential accessory structures shall conform to the requirements described herein.
- (1) Residential accessory structures shall be limited to one of the following options:
    - a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or a combined total footprint of 3,600 square feet 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.~~ One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized

as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure:

- b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or
  - c. One residential 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. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure. Under this option, a residential accessory structure shall be located only to the rear of the principal structure.
- (2) At least 50 percent of the square footage of a residential 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 or one semi-trailer/box truck (as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District", and section 110-169, pertaining to "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; horse quarters (as regulated under section 110-169, pertaining to "Conditional use approval"), **temporary greenhouse (see (o) below)**, or beehive shall not be included in determining the number of residential accessory structures provided herein.
- (d) *Location on lot* . Residential 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) *Residential 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 residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only 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 residential accessory structures.
- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot*. Said detached garage shall meet the following requirements:
    - a. The detached garage shall not be located more than 35 feet from the principal structure.
    - b. The design of the detached 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.
    - c. The detached garage shall have at least one opening for vehicular access.
    - d. The detached 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 detached 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 detached garage.
- (2) Residential accessory structure located in the secondary front yard of a corner lot. When a residential accessory structure 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.
- (f) *Guesthouses.* Only one guesthouse is allowed per individual lot (**see also Sec. 110-169. w**). Any living area included in a residential 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.
  - (g) *Architectural standards.* All residential 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 residential accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming residential accessory structure shall match the architectural design of the existing nonconforming residential accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.
  - (h) *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 a residential accessory structure, complying with this Section, used to store household items. Only two portable on-demand storage units are allowed per lot.
  - (i) *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.
  - (j) *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 a residential accessory structure of 200 square feet or greater.
  - (k) *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.
  - (l) *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.

- (m) *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.
- (n) *Nonconformance*. All residential 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 residential accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.
- (o) *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)~~ (g) 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.

Sec. 110-169. - Conditional use approval.

w. Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from [Sec. 110-79](#), pertaining to "Residential accessory structures and their 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.
2. Greenhouses. All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.
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.
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) Commercial/retail activity shall not be permitted.
  - (iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.
5. Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.
6. Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.
7. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, ~~but shall not be used for residential purposes~~ may. A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also Sec. 110-79.). A guesthouse shall not be used as tenant space. Farm outbuildings, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.