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Howard Johnson, Planning & Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 5, 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 November 21, 2019.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of Windy Oaks Farm. The property will consist of 3 lots zoned A-R, is located in Land Lot 60 of the 7th District and fronts on Ebenezer Road.
3. Discussion of movie facility.

OLD BUSINESS

4. Discussion of the Zoning Ordinance.

To: Fayette County Planning Commission

From: Chanelle Blaine, Zoning Administrator

Date: November 26, 2019

Subject: Minor Subdivision Plat to be considered on December 5, 2019



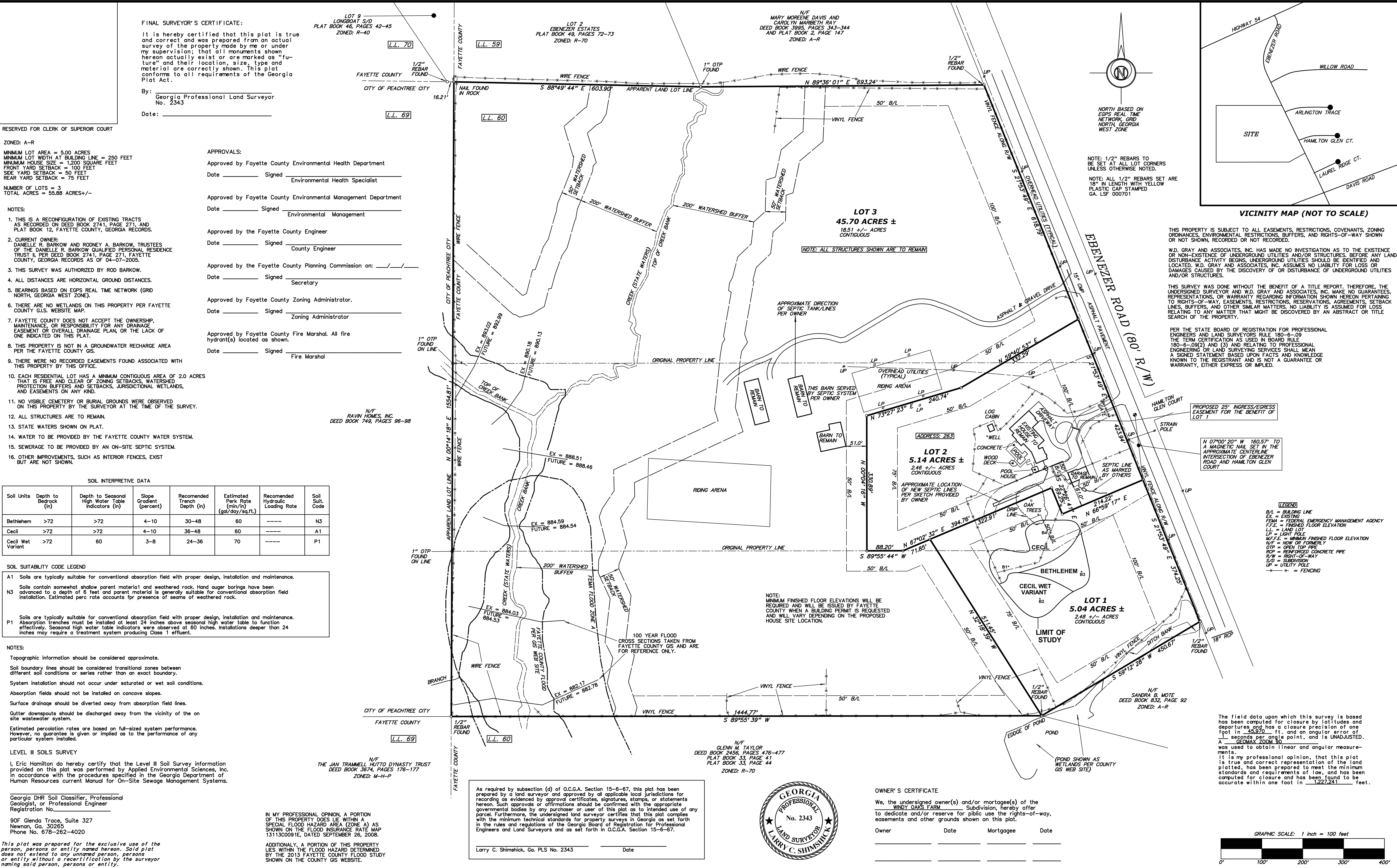
MINOR SUBDIVISION PLAT

Windy Oaks Farms

OWNER/APPLICANT

Rodney Barkow

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



W.D. Gray and Associates, Inc.

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

OWNER/DEVELOPER:

ROD BARKOW
263 EBENEZER ROAD
FAYETTEVILLE, GA. 30215
PHONE: 770-487-9637

MINOR SUBDIVISION PLAT OF WINDY OAKS FARM

THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO DIVIDE THESE PARCELS OF LAND INTO THREE LOTS. THIS PROPERTY WAS PREVIOUSLY RECORDED IN DEED BOOK 2741, PAGE 271 AND PLAT BOOK 12, PAGE 10.

Sec. 110-106. Mail Cluster Box Units (CBUs)

CBUs and associated shelter structures shall be prohibited within the public right-of-way and shall not be placed on private property. CBUs shall be placed on a lot (see Sec. 110-170., (c)) under the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision. Any shelter structure shall fit within the aforementioned lot.

Sec. 110-170. - Nonconformances.

- (c) *Creation of a legal nonconforming lot for enhancements to a development.* Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, ~~tot-lets~~, **pocket parks**, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs, **mail Cluster Box Units (CBUs)** and the preservation of historic and agricultural structures for ornamentation (see nonconforming structures). A ~~tot-let pocket park~~ shall **not exceed 10,890 square feet (1/4 acre) in size and shall only be equipped with** may contain playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, **benches and picnic facilities including one (1) covered picnic pavilion not to exceed 400 square feet.** A minimum 15-foot setback shall be maintained ~~for any playground equipment within a pocket park~~ or ~~for~~ any historic or agricultural structures utilized for ornamentation. The lot must be labeled "Not a Building Lot" on the preliminary plat and/or the final plat or minor subdivision plat, as applicable. The lot shall be under the ownership of the homeowners' association, property owners' association, or developer/property management entity, as applicable.

t. *Developed residential recreational/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, and picnic area.* Allowed in subdivisions in the A-R, 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, and C-S zoning districts, with final plat or minor subdivision plat approval.

1. Lot area: Per zoning district.
2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
3. Landscape areas shall be required and planted in accordance with chapter 104.
4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.
5. Paved parking area is required per chapter 104.
6. ~~No activity and lighting permitted after 10:00 p.m.~~
7. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.

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 **structure**, 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 **three residential accessory structures, per individual lot**, that shall not exceed 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, ~~pool equipment enclosure structure~~, 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.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential 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, 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, ~~or less~~, shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of ~~more than~~ 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.

- (2) Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
- a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus ten feet.
 - b. All towers shall be set back from all adjoining properties zoned nonresidential a distance of 100 feet.
 - c. All towers shall be set back from the street right-of-way (existing or required, whichever is greater) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see chapter 104, development regulations).
 - d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three times the tower height or a minimum of 500 feet, whichever is greater.
 - e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.
 - ~~f. All towers shall be set back from all adjacent municipalities and counties a minimum distance of 1,000 feet.~~
- (3) Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a private school conditional use.
- (4) All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:
- a. Up to 70 feet: one carrier;
 - b. Greater than 70 up to 120 feet: two carriers;
 - c. Greater than 120 feet up to 150 feet; three carriers;
 - d. Greater than 150 feet up to 180 feet: four carriers;
 - e. Greater than 180 feet up to 250 feet: five carriers; and
 - f. Greater than 250 feet: six carriers.
- (5) All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain-link fence not less than eight feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.
- (6) A landscaped strip ten feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six feet in height when planted and spaced every ten feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the zoning administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.
- (7) Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower,