

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 20, 2023
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on July 6, 2023.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.
6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.
7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.
8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Meeting Minutes 7/6/23

THE FAYETTE COUNTY PLANNING COMMISSION met on July 6th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
John H. Culbreth Sr., Vice Chairman
John Kruzan
Arnold Martin
Danny England

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Debbie Bell requested changes for the agenda. She requested Item 8 Consideration of a Minor Subdivision Plat of Madison Monroe Acres be removed and replaced with the Consideration of Preliminary Plat of The Manor at Stonecrest Preserve. She also requested to amend Item 10 to the Consideration of the Minor Final Plat of The Alvarez Estate. She requested Item 11 be added and amended to the Work Session.

John Culbreth made a motion to approve the agenda with amendments: Item 8 amended to Consideration of Preliminary Plat of The Manor at Stonecrest Preserve. This property will consist of 52 lots, zoned R-50, is located in Land Lot 104 of the 7th district. Item 10 amended to Consideration of Minor Final Plat of The Alvarez Estate. This property will consist of 5 lots, zoned A-R, is located in Land Lot 33 & 64 of the 5th District. Item 11 will be added to the agenda as the Work session of amending Sec.110-169. Conditional use approval (Special Events). Danny England seconded the motion. The motion carried 5-0.

4. Consideration of the Minutes of the meeting held on June 1, 2023.

Arnold Martin made a motion to approve the minutes of the meeting held on June 1, 2023. John Kruzan seconded the motion. The motion passed 3-0-1. John Culbreth Sr. and Danny England abstained.

5. Consideration of a Minor Final Plat for Smith Dairy Estates. The property will consist of three (3) lots, zoned A-R, is located in Land Lot 158 of the 4th District and fronts on Rising Star Road and Massengale Road.

Debbie Bell stated the plat has been reviewed and approved by staff.

Mark McCullough stated a personal residence is being built on the property and they plan to sell the seven acre tract.

Chairman Oliver asked if anyone in the audience had any questions. There were none. He then brought the discussion back to the Board. There were no comments.

Arnold Martin made a motion to approve the Minor Final Plat for Smith Dairy Estates. John Culbreth Sr. seconded the motion. The motion passed 5-0.

- 6. Consideration of a Minor Final Plat of Phillips & Suren Property. The property will consist of three (3) lots, zoned R-20 and A-R, is located in Land Lot 219 of the 5th District and fronts on Longview Road.**

Arnold Martin asked if there were any changes to the driveways?

Debbie Bell stated no. She stated she thinks there was a point of sale by deed but a proper plat had not been recorded and this is correcting that deficiency in preparation for the sale of the land.

Chairman Oliver asked if there was a motion?

John Kruzan made a motion to approve the Minor Final Plat of Phillips & Suren Property. John Culbreth Sr. seconded the motion. The motion carried 5-0.

- 7. Consideration of a Minor Subdivision Plat for Towson Village Shiloh. The property will consist of two (2) lots, zoned M-H-P, is located in Land Lot 69 of the 7th District and fronts on Broken Bow Drive and Deanwood Terrace (Towson Village Shiloh – Peachtree City).**

Debbie Bell stated the property is being split along the centerline of the creek and the 11 acre parcel is being separated with the intent to make it part of the Towson Village Development which is in Peachtree City. She stated the plans have been reviewed and approved by staff.

Daniel Fields stated he was there on behalf of the applicant. He confirmed the intent to bring the parcel into the development.

Chairman Oliver asked if there were any questions. There were none.

Danny England made a motion to approve the Minor Subdivision Plat for Towson Village Shiloh. John Kruzan seconded the motion. The motion carried 5-0.

- 8. REVISED: Consideration of a Preliminary Plat of The Manor at Stonecrest Preserve. The property will consist of 52 lots, zoned R-50, is located in Land Lot 104 of the 7th District and fronts on Dogwood Trail.**

Debbie Bell stated the Preliminary Plat was reviewed and approved by staff in 2021. She stated Deborah Sims, Zoning Administrator, discovered this while doing some research and found that it was never brought before the Planning Commission. She stated in order to correct the error they are presenting the plan tonight.

Deborah Sims stated they need make sure the Preliminary Plat gets approved before construction.

Arnold Martin asked about how this came to surface?

Deborah Sims stated preliminary plats are good for two years and during conversations of other projects this one came up. She stated construction plans had been approved and when she searched through the minutes the plat had not been approved. She stated she did not know why but they are doing the housekeeping to get it approved. She stated ordinances have not changed since it was done in 2021 and they are close to breaking ground.

John Kruzan asked will they have two years after being approved tonight?

Deborah Sims stated yes. They will have two years to have 50% of the streets in and paving done. She stated they can phase it if they want to. She stated they have approved drawings and have had a preconstruction meeting. She stated she believes this was just an oversight.

Danny England stated it looked familiar.

Deborah Sims stated staff could not find anything in the minutes to show approval from the Planning Commission. She stated they do have the Enclave at Stonecrest Reserve which is also on Dogwood Trail.

Danny England stated he remembered having a conversation about connecting the two developments.

Arnold Martin agreed. He stated he remembered that conversation as well.

Chairman Oliver asked if there was a motion?

John Kruzan made a motion to approve the Preliminary Plat of The Manor at Stonecrest Preserve. Danny England seconded the motion. The motion carried 5-0.

9. Consideration of a Minor Final Plat of the John Sullivan Smith, Jr, Testamentary Trust. The property will consist of two (2) lots, zoned A-R, is located in Land Lot 5 of the 7th District and fronts on Davis Road.

Randy Boyd stated they've surveyed and prepared a plat that was turned into the County. He stated it has been approved by the County.

Danny England made a motion approve the Minor Final Plat of the John Sullivan Smith. Testamentary Trust. Arnold Martin seconded the motion. The motion carried 5-0.

10. Consideration of a Minor Final Plat of The Alvarez Estate. This property will consists of five (5) lots, zoned A-R, is located in Land Lot 33 & 64 of the 5th District and fronts Ebenezer Church Road and Lester Road.

Debbie Bell stated this is a subdivision estate property. She stated they did reconfigure some of the lots, there was a lot that didn't have any road frontage, so they corrected some things that were considered

problems in the process as well.

Randy Boyd stated he didn't know this would be on the agenda tonight, but he did work on this one as well and they've been working on it for three years. He stated they tried to just straighten some things out with driveways and property lines and just fix it.

Arnold Martin asked if any was in wetlands.

Randy Boyd stated he hasn't seen the plat lately but if there were wetlands they would be shown on the plat because staff from Environmental Management has been working with them. He stated there is a lot of topography changes there. He stated it goes up quick due to the lake.

Arnold Martin stated he did not see any wetlands on the plat.

Danny England made a motion to approve the Minor Final Plat of The Alvarez Estate. John Culbreth Sr. seconded the motion. The motion carried 5-0.

11. Work session of amending Sec.110-169. Conditional use approval (Special Events).

Debbie Bell stated that several people have expressed interest in the revising and recreating of a special events ordinance. She stated this is not a public hearing but just a discussion. She stated the Rick Ross event is a large event and that they have to have a way to address events of that scope. She stated at the same time, she is looking and working with residents and churches to make sure they are not having an adverse impact on events that have been going smoothly. She stated they want to make sure they are not affecting private parties. She stated the intent is not to affect graduation parties or weddings with 100-300 people but there need to have some parameters for events like the Rick Ross event where there is 8000 people on one site in one day. She stated she wanted to just have a discussion before putting in some kind of formal ordinance format and having a public hearing. Debbie also provided some discussion points as a place to start on what could be revised in the ordinance.

Arnold Martin asked about the difference between the discussion points provided and what was in place for the Rick Ross event?

Debbie Bell stated the only thing that really covered events is Section 110-169, Horseshow, Carnival, and/or Community Fair. She stated they would issue an occasional special event permit to somebody that wanted to have a barbecue fundraiser for their church or something like that. That is ultimately what the rick ross event was permitted under. They didn't have something that anticipated the scope of this event. She stated this year the event coordinator came and met with county staff, met with the sheriff's department, with the marshal's office, fire marshal, building official, planning and zoning, environmental health met with all of us and they told the event coordinator what was needed. She stated this long list is basically based on things that they asked for and they provided and she thinks that's the reason that it went much, much better this year. She stated there are some residents from North Bay here. And they may have some specific issues like traffic issues that she's not aware of specifically but it was better addressed than last year. She stated the list provided are things that the host should be doing when putting on an event of that scale.

Chairman Oliver asked if there was any comment from those in the audience?

Ray Minter spoke about Inman Farm Heritage Days. He mentioned how the event is three days long

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with free admission. He spoke about having certified traffic control and nurses on standby at the event and the Plan to get EMS down there if necessary. He stated he's not sure if he would fit into the special events category and feel they should be able to continue as is.

Chairman Oliver asked if it would be an undue burden meeting the requirements?

Mr. Minter stated yes. He spoke about how it is the mission of the organization to preserve and honor the history. He shared his concern about being treated as a special event when instead they should be treated as a church or a school.

Debbie Bell stated the list of requirements leaves staff latitude to determine what's needed for an event depending on the scale and scope of an event because not all events are going to need all of those things. Some events might just need a simple sketch that says here's where we're having it.

Chairman Oliver stated there is wording that stated all requirements must be met.

Debbie Bell stated they would have to tweak the wording.

Chairman Oliver asked about how the application fee would be determined?

Debbie Bell stated there is a posted fee schedule and if they add any fees for this it would be posted in that fee schedule as an amendment to the fee schedule.

Mr. Minter further spoke about his event. He stated he wouldn't have a problem getting the permit if they were doing something outside of their mission and stated bylaws.

Chairman Oliver stated because of the level of sophistication the bar has been raised and he may have to provide a plan of his event.

Mr. Minter stated he'd be glad to share the plan but he thinks that what he does is adequate for the public. He stated they don't use any County resources. He expressed one of his main concerns is having to pay some kind of EMT or POST certified officers to be there.

Chairman Oliver asked how many people come to the event?

Mr. Minter stated two or three thousand over the weekend. He shared how having over a few days helps spread out the traffic.

John Culbreth Sr. spoke about how events grow over time and they have look toward the future. He spoke about the Peachtree Road Race and how ordinances were created to regulate the event.

Mr. Minter stated that is one of the reasons they have two shows a year.

Arnold Martin asked about organizations where it is the mission of the LLC or the 501c3 to hold a two day event. He shared his concern about people using this tactic to get around the special event ordinance.

Debbie Bell stated they try to find a definition that will work but sometimes it doesn't work. She stated she started crafting an ordinance that was trying to base it on the event size but Mr. Rapson, County

Administrator, requested she leave those requirements in there for staff to determine as needed. She stated that would allow them to look at a certain event and say okay, these are the things that we feel like in our professional judgment would be needed for such and such an event.

Chairman Oliver asked if anyone else wished to speak?

Larry Younginer expressed his concern on the Rick Ross events. He shared how when Holyfield lived on the property, he had events that were enjoyable. He stated Holyfield lived at the house and Rick Ross doesn't live there and doesn't do anything that would qualify as A-R. He shared his concern about the property being a business site for him. He shared the experiences the residents of Northridge are having, including traffic and noise.

MiMi Phillips stated she lived in the Northridge subdivision as well. She shared her concern about the Rick Ross event and the rap concert. She shared that the residents of the subdivision are settled, quiet, and respect each other. She spoke about how the first event caused concern for the second one because of how many residents were stuck in their home.

Chairman Oliver asked if this year was better than last year?

Ms. Phillips stated it was better but they were still trapped in their homes. She shared that the complaint is not for him to not have the event but to instead have the event somewhere that can better accommodate the number of attendees. She expressed concern about not being able to get to her family if there were to be an emergency. She also shared how this event affects multiple businesses including a ballet studio near his home. She then shared about a tractor trailer that knocked out the power in their subdivision. The tractor trailer was setting up for the Rick Ross event.

Arnold Martin stated they have spoke with Fun Spot in the past about the noise with their fireworks to make sure there wasn't a negative effect. He stated in the same manner, if the parameters are such that in the end, whether it is Mr. Ross or anybody else and they can't meet those requirements, then they may be forced to have to choose another location. He then explained that there are for profit golf courses that are zoned A-R. He then explained the importance of the HOA calling the police when adverse activities are going on. He stated if the neighbors are complaining, after a while, they're going to find another place because it becomes too difficult.

John Culbreth Sr. asked what kind of permit did Rick Ross have?

Debbie Bell stated it was issued under Section 110-169 bb.) Horse Show, Carnival, Community Fair. She stated that's the only category that they have for special events other than an A-R conditional use permit for an AR wedding event facility which is different. She stated there are only four items under the category in terms of requirements and they are very basic. She stated it worked well for a long time.

John Culbreth Sr. stated that's a starting line. He stated they have hear the residents in terms of their concerns and their inconveniences that have been made and craft something as Mr. Martin indicated that will deter certain types of events. He stated having 6500 people in a neighborhood becomes a nuisance over time. He stated if they don't they will constantly be using resources of the county and local counties, South Fulton, Peachtree City, Fayette county offices, you're tying up that many resources for a one specialty event while there are other parts of the region that need police protection. He stated 1000 is a low number if 6500 has been disrupting a community for two years.

Debbie Bell noted that in terms of the law enforcement, the different municipalities and law enforcement officers that were there all worked together under Chief Deputy Rhodes, and they were off duty and paid for by Mr. Ross. She stated last year it was a drain on law enforcement because they had to respond and try to deal with that the traffic issues and things going on, but this year, those were off duty from City of South Fulton and so forth.

Holly Longino expressed concern of when addressing the big events that they don't throw the baby out with bathwater. She stated she volunteers at the Iman Heritage Days and shared that it is an education event. She stated maybe there's some wording that can help these churches and events that don't really fall under some of the problems that other residents are having just to make sure that community and culture are protected. She stated it's a historic admin community and they enjoy education others on the history of farming and agriculture. She stated the possibility of financial burdens that could make it impossible and they want to speak up during these important decisions.

Arnold Martin asked if there is anything they would change or improve as their festival continues to grow?

Ms. Longino stated they've had years where they've held far more cars than they do today. She stated they've been able to open up extra space with the help of their community. She stated she doesn't feel growth is an extreme concern and being able to spread it out over the days and twice a year helps.

Mr. Minter stated they can probably handle twice as many people as they get now.

Danny England stated a boiler plate code isn't going to work. He stated Rick Ross gets 5000 people in one day and that's not a good solution. Mr. Minter gets 5000 over the weekend and they've never experienced a hassle getting in and out. He stated the location, the scale of the operation, the type of operation all makes a difference. He stated this is much more malleable and much more of a gray area in terms of the types of codes that we normally work with. But it is on a case by case basis. He stated they're trying to protect against this happening multiple locations across the county. He asked how many events in the county are the same scale as Rick Ross?

Debbie Bell stated that was the only one that she knew of.

Mr. Younginer stated one thing that separates them dramatically is the amount of noise. He spoke about the pool party Mr. Ross had and how it caused a disturbance starting in the morning. He asked that something be put in the ordinance to help with the noise.

Chairman Oliver asked if there were any further comments. There were none.

PUBLIC HEARING

No Public Hearings.



Arnold Martin made a motion to adjourn. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:16pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JIM OLIVER, CHAIRMAN

ATTEST:

**CHELSIE BOYNTON
PC SECRETARY**

RDP-016-23

REQUESTED ACTION: Revise the Development Plan for Morning Falls Subdivision

PARCEL NUMBER: 1308 021

PROPOSED USE: Agricultural-Residential

EXISTING USE: Undeveloped land

LOCATION: Gadson Drive

DISTRICT/LAND LOT(S): 13th District, Land Lot 224

OWNERS: CG & PH, LLC

AGENT: John K. Pell

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Morning Falls Subdivision by removing Tract I, which was originally slated to be Phase II of Morning Falls. The applicant wishes to remove this tract of 48.425 acres from the development plan. Tract II will remain part of the Morning Falls Development. Applicant proposes to rezone 48.425 acres from C-S to A-R for the purposes of creating one 5-acre parcel for a single-family home and maintaining the balance in a conservation use for wildlife (Rezoning Petition 1329-23).

STAFF RECOMMENDATION

Phase II of the subdivision was never developed and the current ownership has no wish to develop the property into a major subdivision. Staff recommends **CONDITIONAL APPROVAL** of the request to revise the development plan, subject to the following recommended condition(s):

1. The petitioner(s) shall, within 60 days, complete Rezoning Petition 1329-23.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned C-S (Conservation Subdivision) on August 25th, 2005. It is labeled Phase II of Morning Falls Subdivision in a Final Plat recorded May 16, 2008.

This property is not located in an Overlay Zone.

Rezoning History:

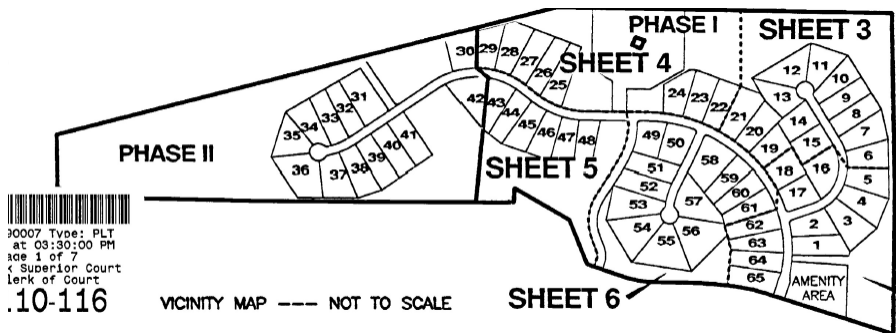
On August 25, 2005, the Board of Commissioners approved Petition No. 1149-05 to rezone 164.22 acres from A-R to C-S, for the purposes of developing a single-family subdivision.

The developer received a Land Disturbance Permit to begin construction on September 21, 2006. They proceeded to build Phase I but did not complete the project. The property was subject of a foreclosure and on May 16, 2008, First City Bank recorded the plat for Phase I as Owner/Developer.

Phase II was never developed. The original plan indicated 13 additional lots in Phase II.

John Pell purchased most of the Phase II property from First City Bank on March 17, 2011 (deed Book 3740 Page 649). A 5.725-acre parcel was retained by the developer for the purposes of providing the required conservation acreage needed for the Conservation Subdivision status of Phase I.

On November 3, 2011, Mr. Pell deeded the land to CG & PH, LLC, of which he is a part. On March 8, 2012, they placed the property into a conservation easement for the purpose of preserving it as a wildlife habitat. This CUVA was renewed in 2022.



B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.72	C-S	Conservation Area	Low Density Residential – 2-acre minimum
South	156 (2 parcels)	A-R	Agriculture , timber & 1 Single-family residence	Low Density Residential – 2-acre minimum
East	122	C-S	Single-Family Residential	Low Density Residential – 2-acre minimum
West	3.6 (3 parcels)	A-R	Single-Family Residential	Low Density Residential – 2-acre minimum

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Gadson Drive.

Site Plan: The applicant submitted a final plat for the property. It meets the requirements for the A-R Zoning District.

F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 6" PVC watermain along south side of Gadson Dr.
- Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0017E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** – There is no stormwater management facility on the Phase II parcel.
- Environmental Health Department** – This office has no objections to the proposed rezoning of the parcel #1308021. If this is going to be developed in residential properties then a level III soils report also needs to be conducted.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

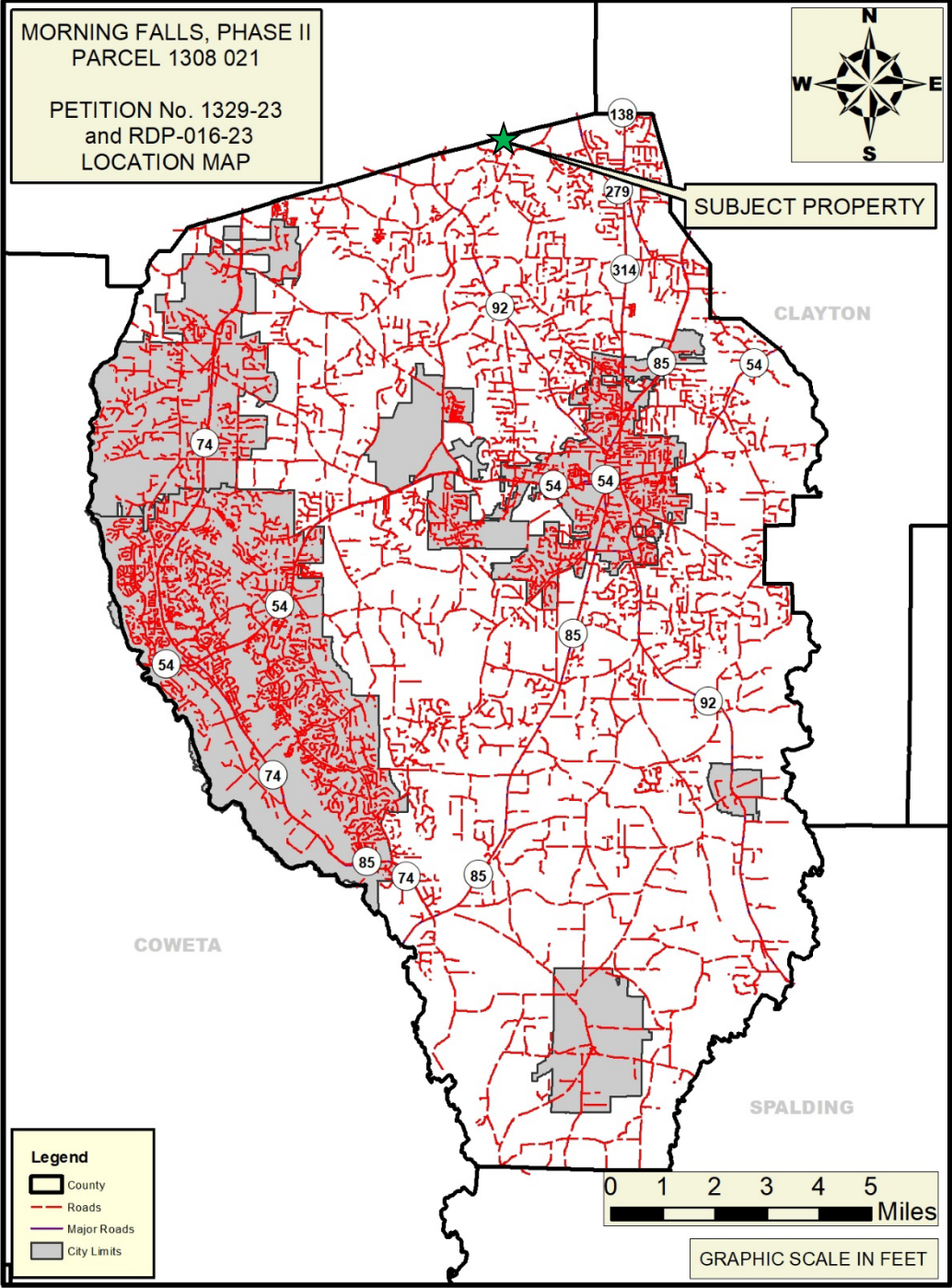
ZONING DISTRICT STANDARDS

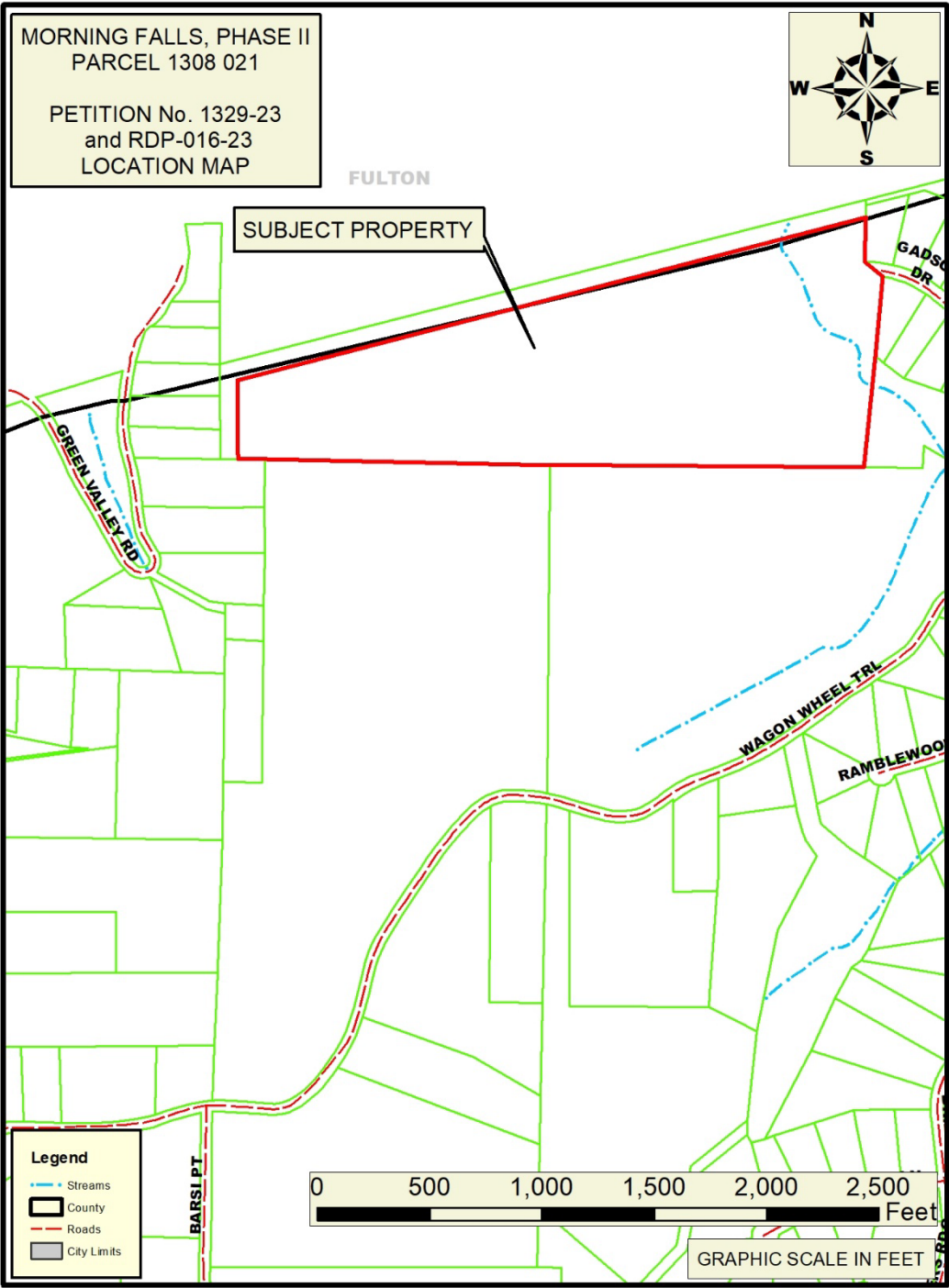
Sec. 110-125. A-R, Agricultural-Residential District.

- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
- (1) Single-family dwelling;
 - (2) Residential 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);
 - (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/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
- (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

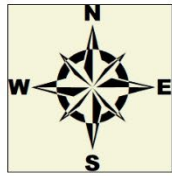
(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)





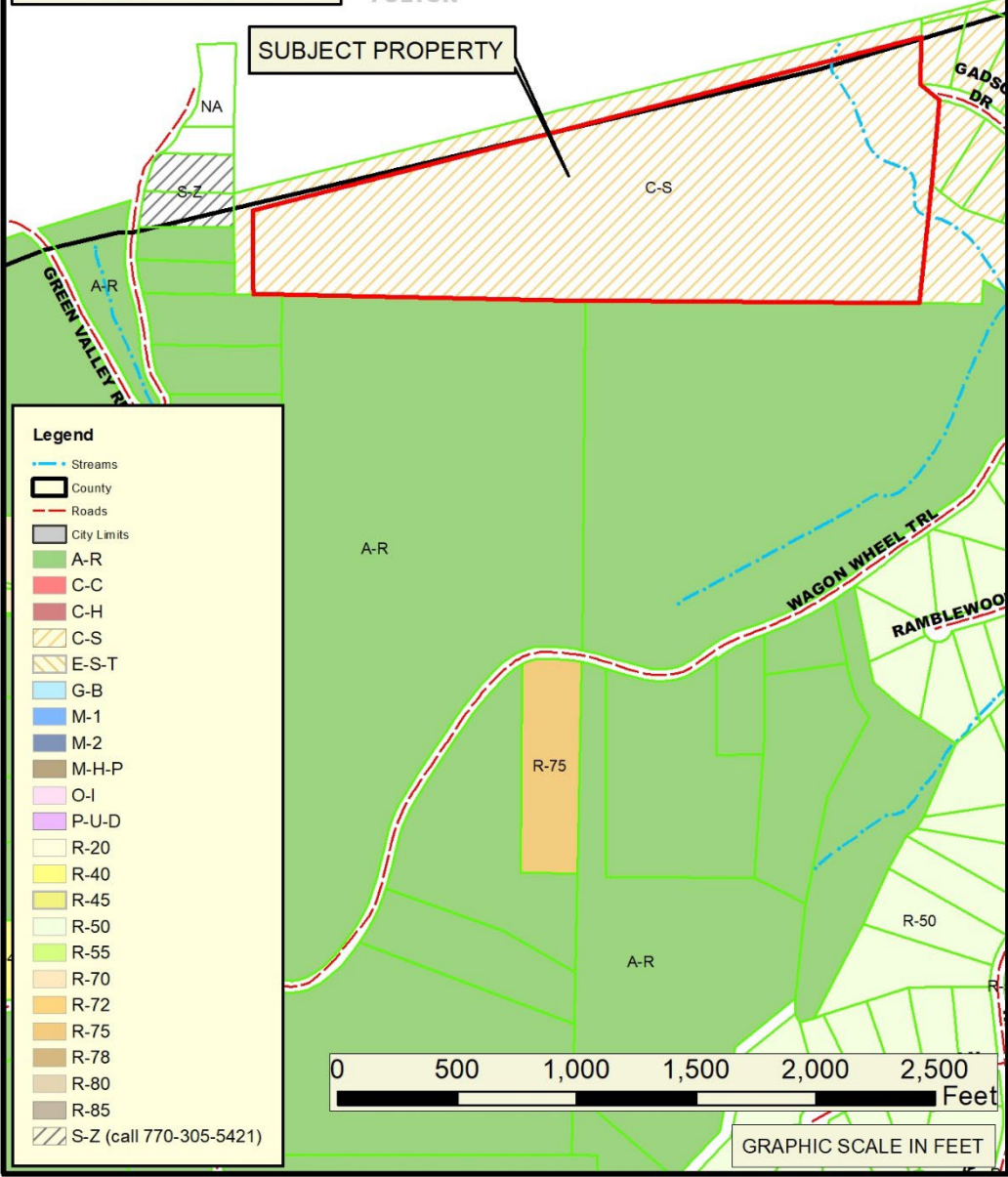
MORNING FALLS, PHASE II
 PARCEL 1308 021

PETITION No. 1329-23
 and RDP-016-23
 ZONING MAP

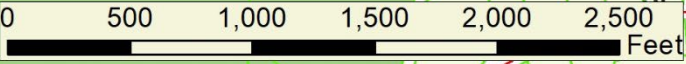


FULTON

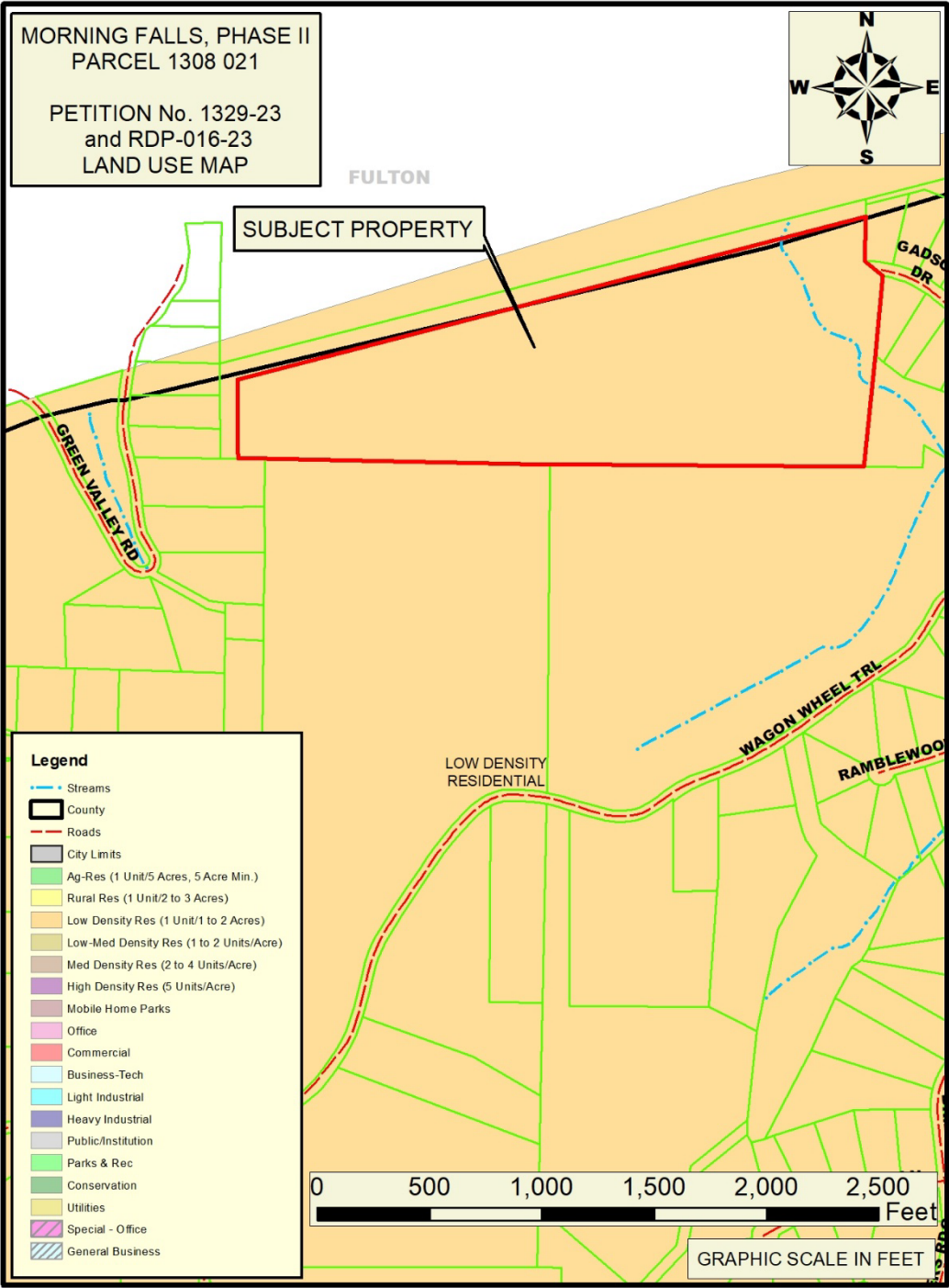
SUBJECT PROPERTY

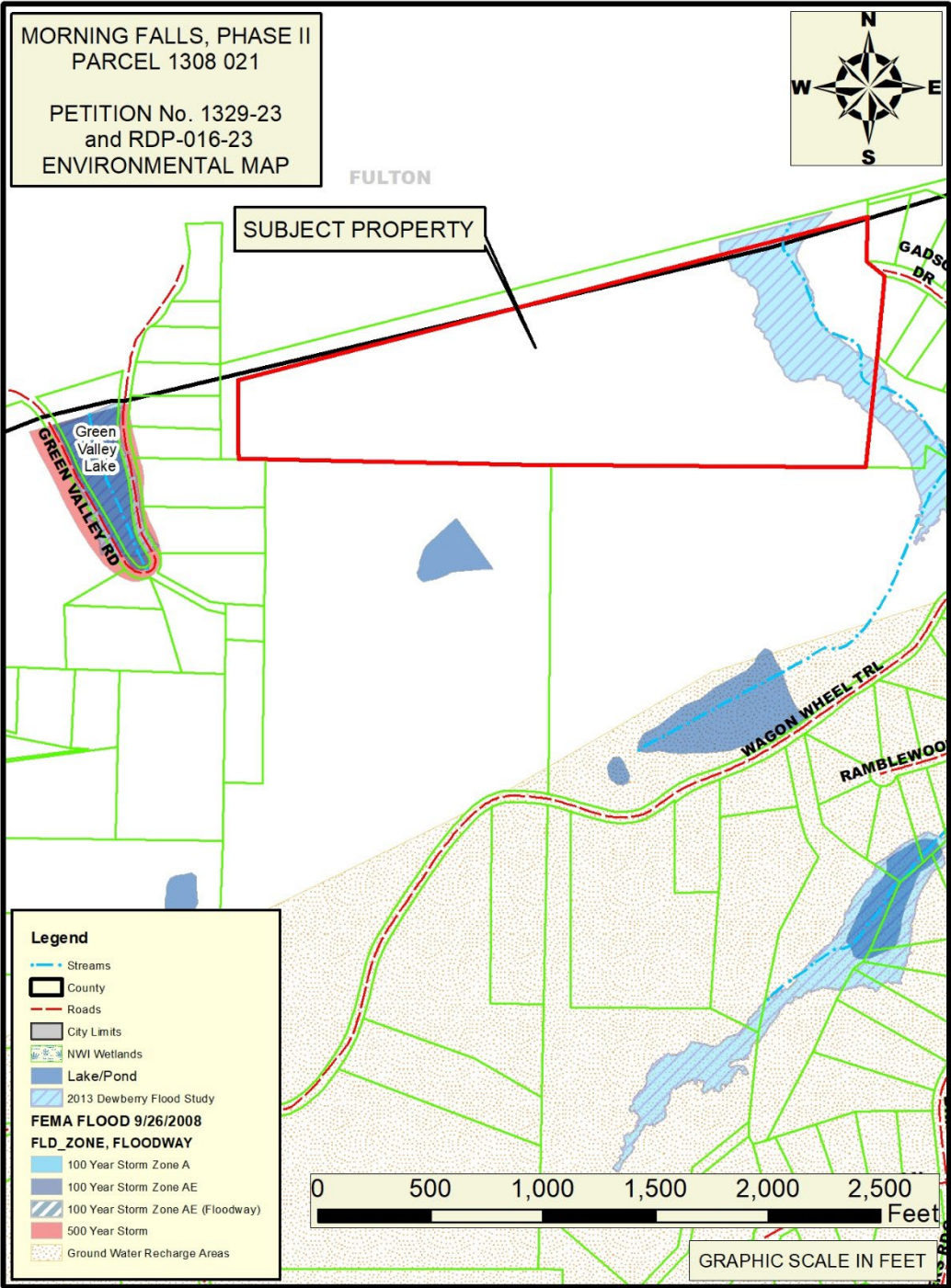


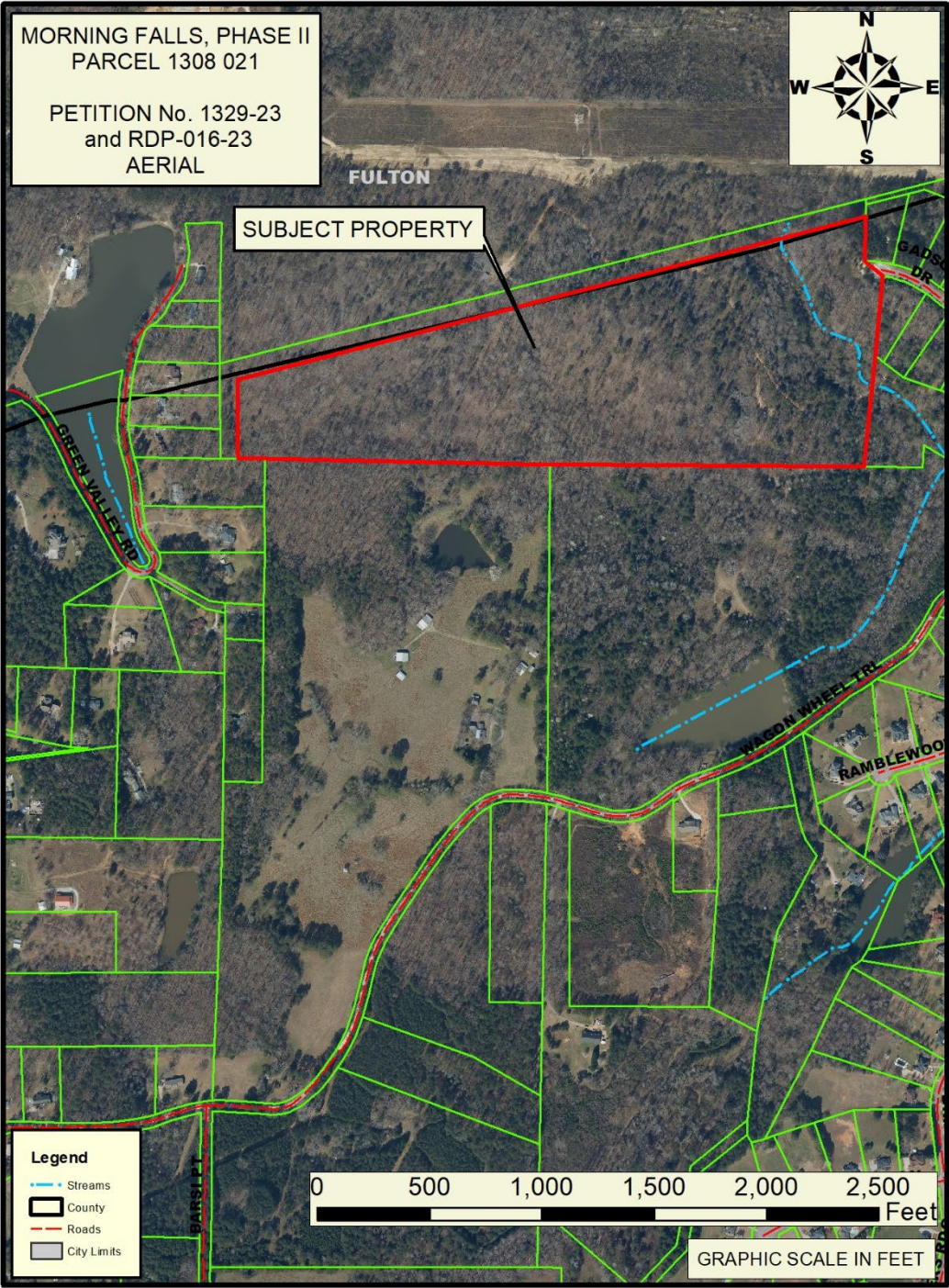
- Legend**
- Streams
 - County
 - Roads
 - City Limits
 - A-R
 - C-C
 - C-H
 - C-S
 - E-S-T
 - G-B
 - M-1
 - M-2
 - M-H-P
 - O-I
 - P-U-D
 - R-20
 - R-40
 - R-45
 - R-50
 - R-55
 - R-70
 - R-72
 - R-75
 - R-78
 - R-80
 - R-85
 - S-Z (call 770-305-5421)

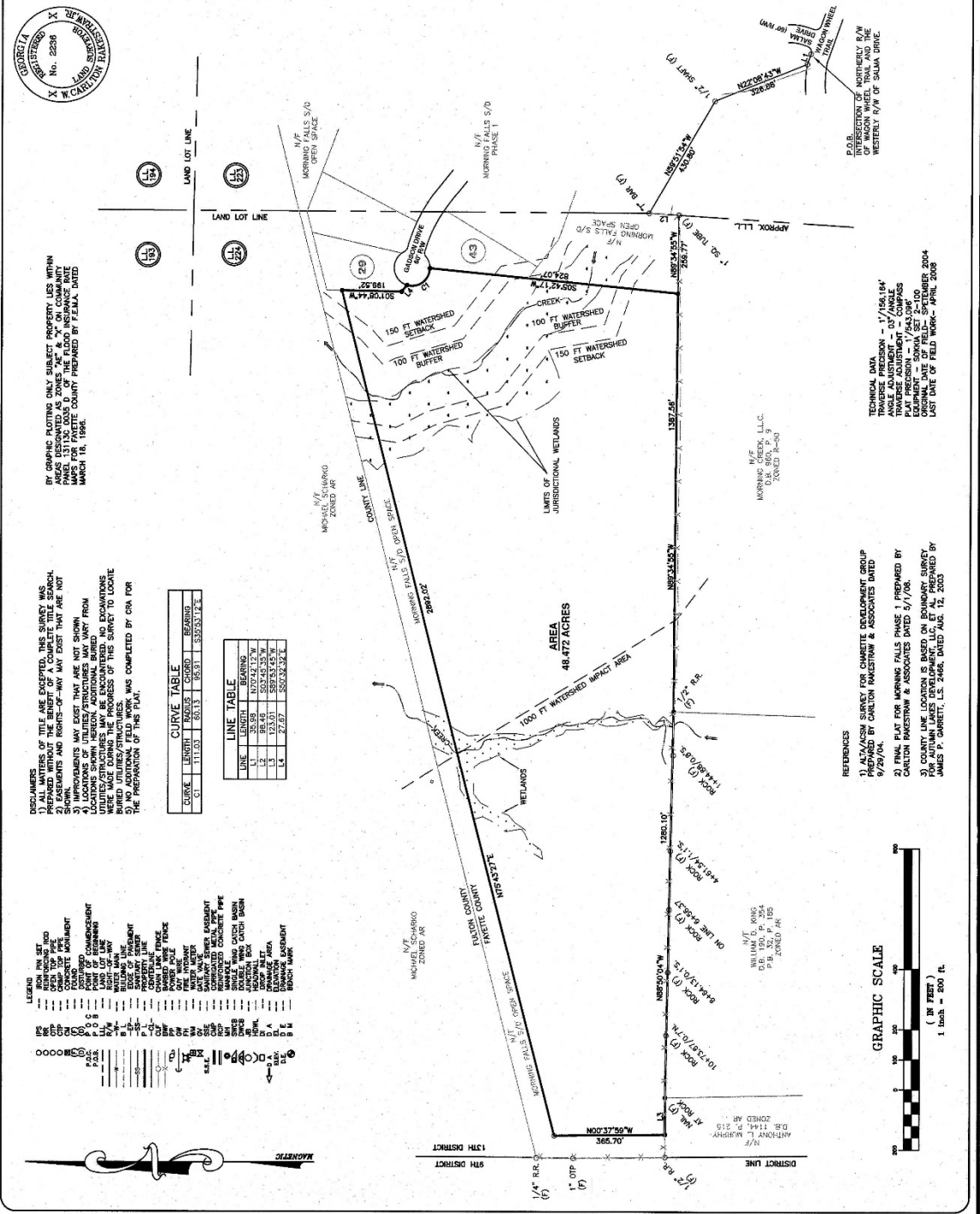


GRAPHIC SCALE IN FEET









BY GRAPHIC PLATING ONLY SUBJECT PROPERTY LIES WITHIN AREAS DESIGNATED AS ZONES "R-1" & "R-2" ON COMMUNITY DEVELOPMENT MAP FOR FAYETTE COUNTY PREPARED BY F.E.M.A. DATED MARCH 18, 1996.

DISCLAIMERS
 1) ALL MATTERS OF TITLE ARE DECEPTED. THIS SURVEY WAS MADE BY THE SURVEYOR AND HIS RIGHTS OF WAY MAY EXIST THAT ARE NOT SHOWN.
 2) EASEMENTS AND RIGHTS OF WAY MAY EXIST THAT ARE NOT SHOWN.
 3) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN.
 4) LOCATIONS OF UTILITIES STRUCTURES MAY VARY FROM THE PLAT.
 5) UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UTILITIES.
 6) NO ADDITIONAL FIELD WORK WAS COMPLETED BY CRK FOR THE PREPARATION OF THIS PLAT.

CURVE TABLE

CURVE	LENGTH	ANGLES	CHORD	BEARING
C1	111.03	50.13	95.91	S35°51'17.2"E

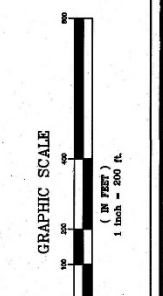
LINE TABLE

LINE	LENGTH	BEARING
L1	35.59	N70°42'11.2"W
L2	88.46	S02°45'35.3"W
L3	12.81	S89°58'00.0"W
L4	27.97	S55°42'43.2"E

- LEGEND**
- 1" = 100'
 - 1" = 200'
 - 1" = 300'
 - 1" = 400'
 - 1" = 500'
 - 1" = 600'
 - 1" = 700'
 - 1" = 800'
 - 1" = 900'
 - 1" = 1000'
 - 1" = 1100'
 - 1" = 1200'
 - 1" = 1300'
 - 1" = 1400'
 - 1" = 1500'
 - 1" = 1600'
 - 1" = 1700'
 - 1" = 1800'
 - 1" = 1900'
 - 1" = 2000'
 - 1" = 2100'
 - 1" = 2200'
 - 1" = 2300'
 - 1" = 2400'
 - 1" = 2500'
 - 1" = 2600'
 - 1" = 2700'
 - 1" = 2800'
 - 1" = 2900'
 - 1" = 3000'
 - 1" = 3100'
 - 1" = 3200'
 - 1" = 3300'
 - 1" = 3400'
 - 1" = 3500'
 - 1" = 3600'
 - 1" = 3700'
 - 1" = 3800'
 - 1" = 3900'
 - 1" = 4000'
 - 1" = 4100'
 - 1" = 4200'
 - 1" = 4300'
 - 1" = 4400'
 - 1" = 4500'
 - 1" = 4600'
 - 1" = 4700'
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 - 1" = 7000'
 - 1" = 7100'
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 - 1" = 7300'
 - 1" = 7400'
 - 1" = 7500'
 - 1" = 7600'
 - 1" = 7700'
 - 1" = 7800'
 - 1" = 7900'
 - 1" = 8000'
 - 1" = 8100'
 - 1" = 8200'
 - 1" = 8300'
 - 1" = 8400'
 - 1" = 8500'
 - 1" = 8600'
 - 1" = 8700'
 - 1" = 8800'
 - 1" = 8900'
 - 1" = 9000'
 - 1" = 9100'
 - 1" = 9200'
 - 1" = 9300'
 - 1" = 9400'
 - 1" = 9500'
 - 1" = 9600'
 - 1" = 9700'
 - 1" = 9800'
 - 1" = 9900'
 - 1" = 10000'

TECHNICAL DATA
 TRVERSE PRECISION - 1"/168,184"
 HORIZONTAL ADJUSTMENT - LEAST SQUARES
 PLAT PRECISION - 1"/54,036"
 ORIGINAL DATE OF FIELD WORK - APRIL 2004
 LAST DATE OF FIELD WORK - APRIL 2008

REFERENCES
 1) ACCESS DEED FOR MARKET RESEARCH CENTER PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 9/29/04.
 2) FINAL PLAT FOR MORNING FALLS PHASE 1 PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 5/1/04.
 3) COUNTY LINE LOCATION IS BASED ON BOUNDARY SURVEY BY JAMES P. GARRETT, L.S. 3448, DATED JULY 12, 2003.

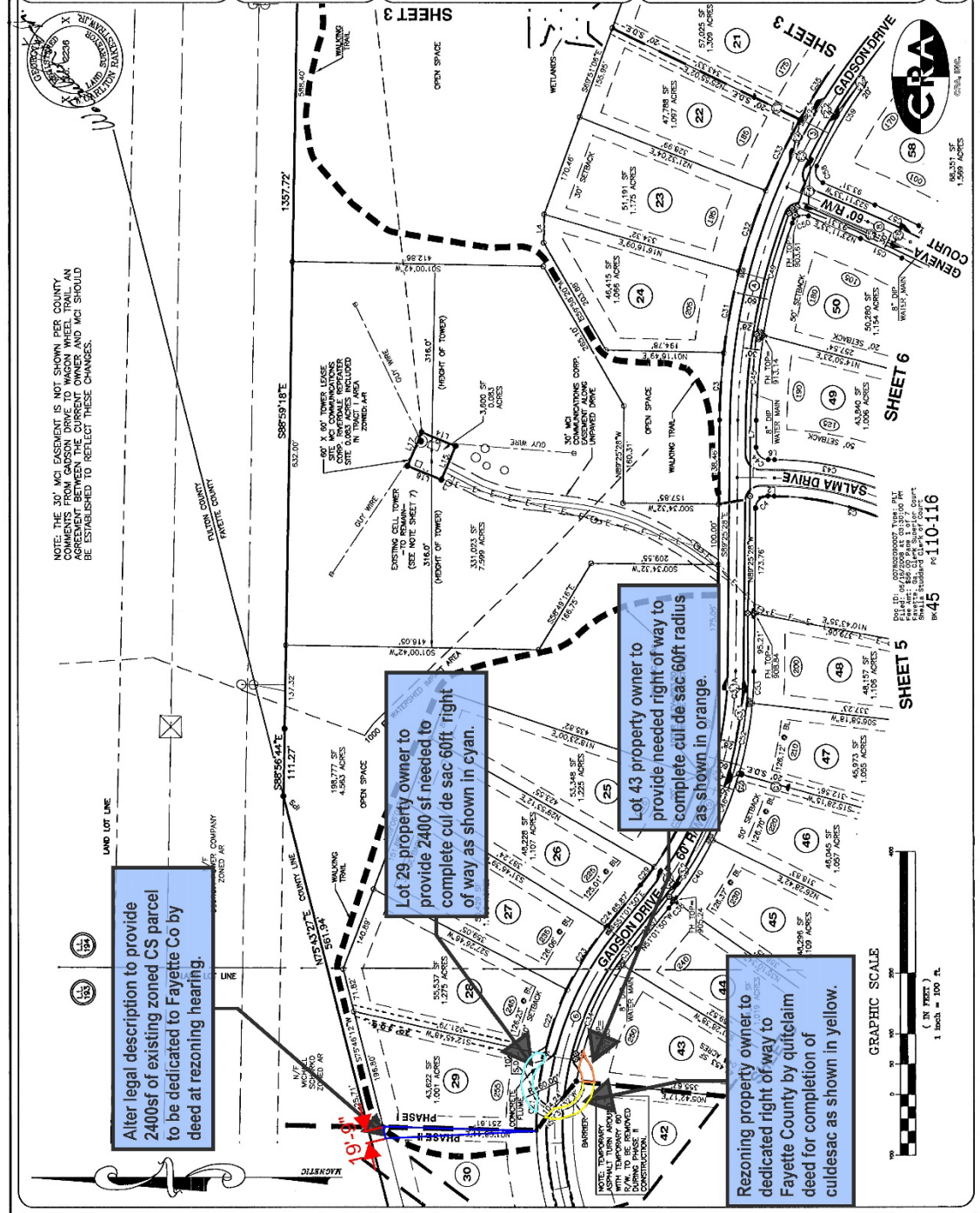


CARLTON RAKESTRAW & ASSOCIATES
 REGISTERED LAND SURVEYORS
 2909 MARTIN HWY. DALLAS, GEORGIA 30117
 PHONE: 770-433-2200 FAX: 770-433-2300

APPROVED BY: W.C.R.
 DRAWN BY: S.M.B./O.L.G.
 DATE: 05-01-08
 PROJECT NO. 04-023
 REGISTERED LOT FILE # 04-023-1

LOCATED IN LAND LOTS - 223 & 224
 13TH DISTRICT
 FAYETTE COUNTY, GEORGIA

FINAL PLAT OF MORNING FALLS-PHASE I
 SHEET 4/7



NOTE: THE 30' MCL EASEMENT IS NOT SHOWN PER COUNTY RECORDS. AN AGREEMENT BETWEEN THE CURRENT OWNER AND MCI SHOULD BE ESTABLISHED TO REFLECT THESE CHANGES.

Alter legal description to provide 2400sf of existing zoned CS parcel to be dedicated to Fayette Co by deed at rezoning hearing.

Lot 29 property owner to provide 2400 sf needed to complete cul de sac 60ft right of way as shown in cyan.

Lot 43 property owner to provide needed right of way to complete cul de sac 60ft radius as shown in orange.

Rezoning property owner to dedicate right of way to Fayette County by quitclaim deed for completion of culdesac as shown in yellow.

RIGHT-OF-WAY REQUIREMENTS

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCELS OR PARCELS ARE STATED HEREON FOR RECORDATION PURPOSES. THIS DOES NOT CONSTITUTE A WARRANTY OF TITLE OR GUARANTEE OF ACCURACY OR COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

W. CARLTON RAKESTRAW, JR., P.L.S. 2236 DATE

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT OR PLAN FOR FILING:

NAME DATE
NAME DATE

LINE	LENGTH	BEARING
L1	35.98	N70°42'12"W
L2	98.46	S07°45'35"W
L3	123.01	S89°53'45"W
L4	75.00	S89°53'45"W
L5	17.80	S01°08'24"W
L6	27.87	S07°32'32"E
L7	21.09	S75°43'27"W
L8		

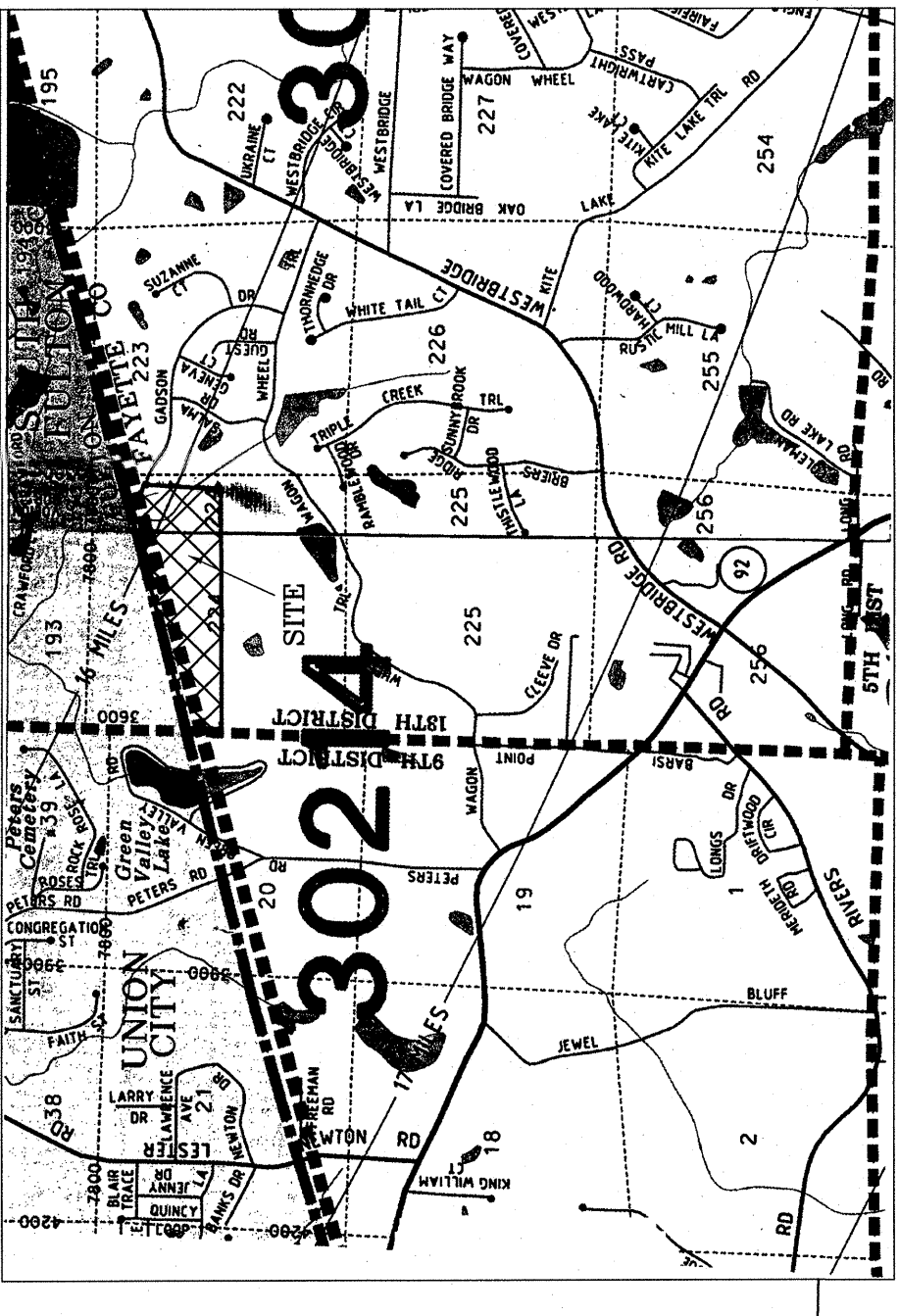
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	111.03	60.13	S35°53'12"E	95.91

AREA
TRACT I - 48.425 ACRES
TRACT II - 0.047 ACRES
TOTAL - 48.472 ACRES

- NOTES:
- (1) THIS PLAT DOES NOT REPRESENT A NEW FIELD SURVEY AT THE REVISION DATES SHOWN. THIS PLAT IS INTENDED FOR USE BY THE PLANNING AND ZONING DEPARTMENT OF FAYETTE COUNTY FOR THE SOLE PURPOSE OF COMBINING TRACT I AND TRACT II.
 - (2) THE INTENT OF THIS PLAT IS TO COMBINE TRACT II (PID 1308 006) WITH TRACT I (PID 1308 021)

OWNER'S CERTIFICATE
I, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE ABOVE DESCRIBED PROPERTY, I HEREBY AUTHORIZE THE SURVEYOR TO REVISION THIS PLAT FOR MY PROPERTY.

OWNER: CG & PH, LLC DATE
BY: JOHN K. PELL, REGISTERED AGENT



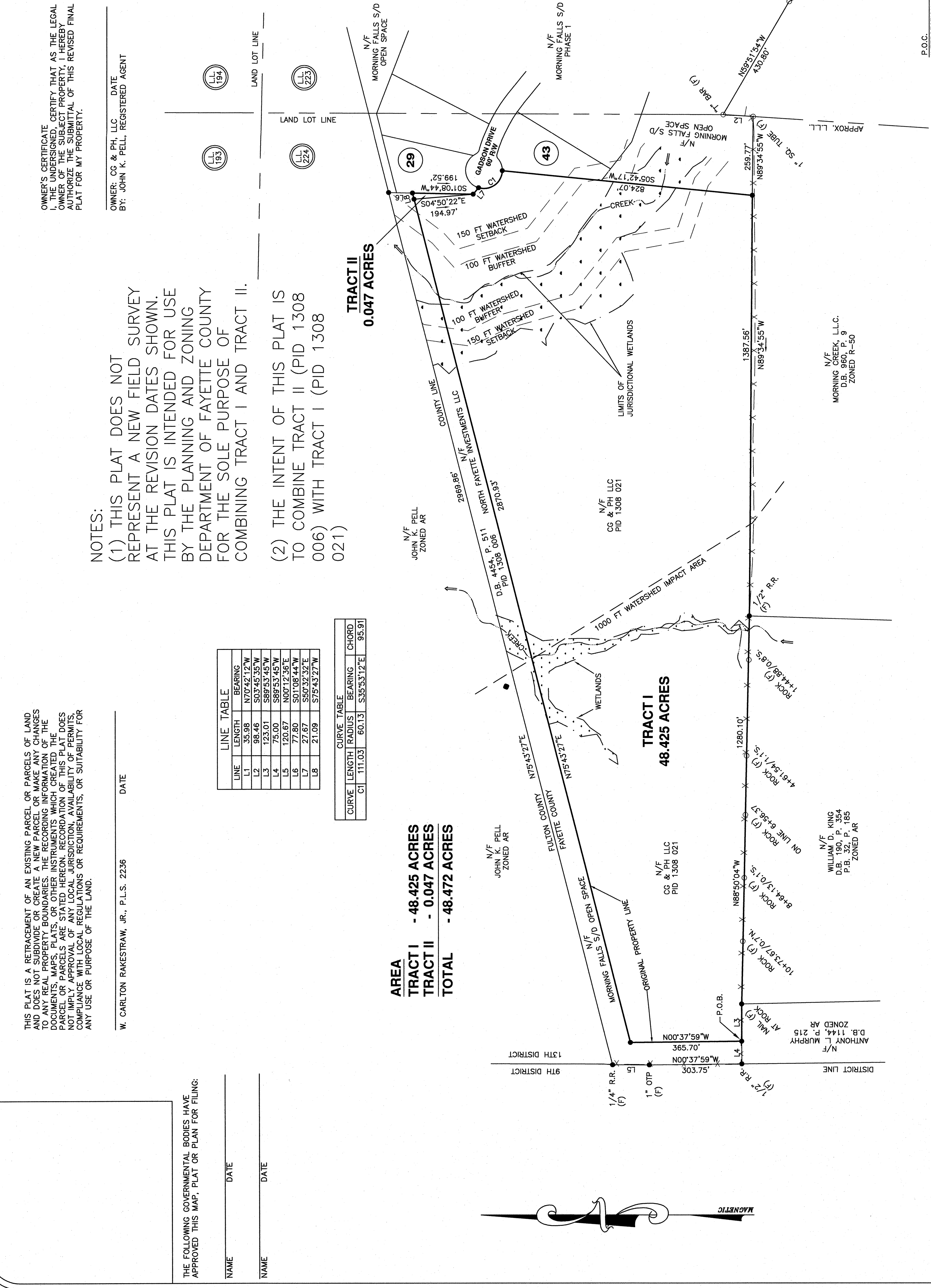
OWNER:
NAME: CG & PH, LLC
ADDRESS: 373 WESTBRIDGE ROAD
FAYETTEVILLE, GA. 30214
770-864-7935

GRA, INC., CERTIFICATE OF AUTHORIZATION LAND SURVEYOR FIRM LICENSE NO. LSF000458

CARLTON RAKESTRAW & ASSOCIATES
REGISTERED LAND SURVEYORS
2203 CHARLES HARDY PARKWAY
DALLAS, GEORGIA 30157
770 - 443 - 2200
FAX - 770-443-2300

MINOR REVISION TO THE MINOR FINAL PLAT OF
MORNING FALLS
LAND LOT 224, 13TH DISTRICT,
FAYETTE COUNTY, GEORGIA
LOCATED IN

SUBJECT PROPERTY IS ZONED C-5
PROJECT NO.
04-073
PLOT FILE - 04-073CC54



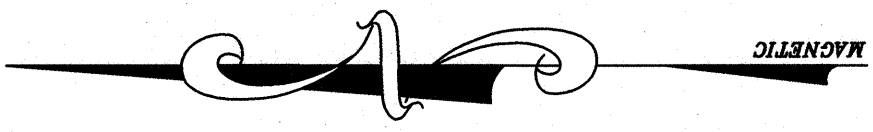
P.O.C. INTERSECTION OF NORTHERLY R/W OF WAGON WHEEL TRAIL AND THE WESTERLY R/W OF SALINA DRIVE.

TECHNICAL DATA
TRAVERSE PRECISION - 1/156,164'
ANGLE ADJUSTMENT - 03'/ANGLE
TRAVERSE ADJUSTMENT - COMPASS
PLAT PRECISION - 1/1,499,003'
REVISION DATE OF FIELD WORK - SEPTEMBER 2004
ORIGINAL DATE OF FIELD WORK - APRIL 2008

LEGEND
IPS - 1/2" RE ROD SET
R.R. - REINFORCING ROD
OTIP - OPEN TOP PIPE
(F) - FOUND
ENCE - FENCE
DRAINAGE FLOW -

DISCLAIMERS
1) ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH. ADDITIONAL EASEMENTS AND RIGHTS-OF-WAY MAY EXIST THAT ARE NOT SHOWN.
2) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN.
3) LOCATIONS OF UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS SHOULD BE MADE WITHOUT THE ADDRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
4) NO ADDITIONAL FIELD WORK WAS COMPLETED BY GRA FOR THE PREPARATION OF THIS PLAT.

REFERENCES
1) ALTA/ACSM SURVEY FOR CHARLETTE DEVELOPMENT GROUP PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 9/29/04.
2) FINAL PLAT FOR MORNING FALLS PHASE 1 PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 5/7/08.
3) COUNTY LINE LOCATION IS BASED ON BOUNDARY SURVEY FOR AUTUMN LAKES DEVELOPMENT, LLC, ET AL, PREPARED BY JAMES P. GARRETT, L.S. 2466, DATED AUG. 12, 2003.
4) PLAT OF SURVEY FOR JOHN K. PELL PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 10/27/10.





RDP 016-23 – Gadson Drive



RDP 016-23 – Gadson Drive

REVISED DEVELOPMENT PLAN APPLICATION

1. NAME OF DEVELOPMENT PLAN: CG & PH, LLC

2. APPLICANT'S NAME: JOHN K. PELL
 Ms. Mr. Mrs. Mr. & Mrs.

3. APPLICANT'S ADDRESS: JKP 373 WESTBRIDGE ROAD

4. APPLICANT'S ADDRESS: FAYETTEVILLE, GA 30214

5. APPLICANT'S E-MAIL: jkandbeckypell@gmail.com

6. APPLICANT'S PHONE: 770-964-7935

7. LAND LOT(S): 224

8. DISTRICT(S): 13th

9. FRONTS ON: GADSON DRIVE

10. ZONING: CS to AR

11. PLANNING COMMISSION HEARING DATE: JUNE 1, 2023

12. BOARD OF COMMISSIONERS HEARING DATE: JUNE 22, 2023

13. AGENT'S NAME: JOHN K. PELL
 Ms. Mr. Mrs. Mr. & Mrs.

14. AGENT'S ADDRESS: 373 WESTBRIDGE ROAD

15. AGENT'S ADDRESS: FAYETTEVILLE, GA 30214

16. AGENT'S E-MAIL: jkandbeckypell@gmail.com

17. AGENT'S PHONE: 770-964-7935

18. EXPLANATION OF REVISION: PLEASE REMOVE OUR
48.472 ACRES FROM MORNING FALLS SUBDIVISION.

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge.

March 10, 2023

[Signature]
APPLICANT'S SIGNATURE

March 10, 2023

Deborah M Sims
NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027



Doc ID: 008690700002 Type: WD
Recorded: 11/03/2011 at 10:35:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **3815** PG **522-523**

RETURN TO: *-JKP*
WESSELS & DEKON, P.C.
175 CORPORATE CENTER DR., STE A
STOCKBRIDGE, GA 30281

JOHN K. PELL
373 WESTBRIDGE
ROAD
FAYETTEVILLE, GA
30214

DRAW DEED ONLY-NO TITLE SEARCH

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

Note: Scrivener drafted Deed only at the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements or rights of persons in possession thereof.

THIS INDENTURE, made this 25th day of October in the year of our Lord Two Thousand Eleven between John K. Pell, of the State of GA and County of FAYETTE of the first part and CG & PH, LLC, of the State of GA and County of FAYETTE of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, sell and convey unto the said party of the second part his heirs and assigns:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 224 of the 13th District of Fayette County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part of this description.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part heirs, successors and assigns, forever, IN FEE SIMPLE,

And the said party of the first part, for his heirs, successors, executors and administrators will warrant and forever defend the right and title to the above described property subject to permitted exceptions, unto the said party of the second part, his heirs, successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the said date and year above written.

Signed, sealed and delivered in the presence of

[Signature]
Unofficial Witness
[Signature]
Notary Public
[Signature] (SEAL)
[Signature] (SEAL)
JERRY L. HARRINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
MAY 9, 2014
FAYETTE COUNTY, GEORGIA

EXHIBIT A-1

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 224, 13th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at the point of the intersection of the northerly right-of-way of Wagon Wheel Trail and the westerly right-of-way of Salma Drive; Thence running North 70 degrees 42 minutes 12 seconds West a distance of 35.98 feet to a point; Thence running North 22 degrees 08 minutes 43 seconds West a distance of 326.88 feet to a 1/2" shaft found; Thence running North 59 degrees 51 minutes 54 seconds West a distance of 430.80 feet to a "T" bar found on the easterly line of Land Lot 224; Thence running along the easterly line of Land Lot 224, South 09 degrees 46 minutes 35 seconds West a distance of 98.46 feet to a 1" square tube found; Thence running North 89 degrees 34 minutes 55 seconds West a distance of 259.77 feet to a point and the **TRUE POINT OF BEGINNING**; Thence running North 89 degrees 34 minutes 55 seconds West, a distance of 1387.56 feet to a 1/2 inch reinforcing rod found; Thence running North 88 degrees 50 minutes 04 seconds West a distance of 1280.10 feet to a nail found at rock; Thence running South 89 degrees 53 minutes 45 seconds West a distance of 123.01 feet to a point; Thence running North 00 degrees 37 minutes 59 seconds West a distance of 365.70 feet to a point; Thence running North 75 degrees 43 minutes 27 seconds East a distance of 2892.02 feet to a point on the westerly property line of Lot 29, Phase I, Morning Falls subdivision; Thence running South 01 degrees 06 minutes 44 seconds West along said property line a distance of 199.52 feet to a point; Thence running South 50 degrees 32 minutes 32 seconds East a distance of 27.67 feet to a point on the westerly right-of-way of Gadsden Drive; Thence running along a curve to the right along the right-of-way of Gadsden Drive an arc distance of 111.03 feet (said arc being subtended by a chord bearing of South 35 degrees 53 minutes 12 seconds East, a chord distance of 95.91 feet and having a radius of 60.13 feet) to a point; Thence running South 05 degrees 42 minutes 17 seconds West a distance of 824.07 feet to a point and the **TRUE POINT OF BEGINNING**;

Said tract or parcel of land containing 48.472 acres according to a Plat of Survey prepared for John K. Pail by Carlton Rakestraw & Associates, Registered Land Surveyors dated October 27, 2010.

PETITION NO: 1329-23

REQUESTED ACTION: Rezone from C-S to A-R

PARCEL NUMBER: 1308 021

PROPOSED USE: Agricultural-Residential

EXISTING USE: Undeveloped land

LOCATION: Gadson Drive

DISTRICT/LAND LOT(S): 13th District, Land Lot 224

OWNERS: CG & PH, LLC

AGENT: John K. Pell

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

APPLICANT'S INTENT

Applicant proposes to rezone 48.425 acres from C-S to A-R for the purposes of creating one 5-acre parcel for a single-family home and maintaining the balance in a conservation use for wildlife. (See Revised Development Plan RDP-16-23).

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of A-R, Agriculture-Residential District, subject to the following conditions:

1. The petitioner shall, within 60 days, record a revised minor final plat creating Tract I, the portion to be removed from the Morning Falls Development Plan, and Tract II, which will remain part of the Morning Falls Subdivision. These tracts are described in the accompanying legal descriptions and survey for the revised plat.
2. The petitioner shall, within 60 days, transfer Tract II to Fayette County so that the County may transfer this acreage to the owner of Lot 29 in exchange for right of way along the frontage of Gadson Drive, enabling Lot 29 to maintain the correct minimum lot acreage.
3. The petitioner shall dedicate to Fayette County sufficient right of way along the Tract I frontage of the cul de sac of Gadson Drive to provide a 60' right of way.
4. Article VII. Watershed Protection., shall apply to any State Waters identified on the property during the Land Disturbance permitting process.
5. Post-Development Stormwater Management Ordinance will apply if developed with more than 5,000 square feet of impervious surface.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned C-S (Conservation Subdivision) on August 25th, 2005. It is labeled Phase II of Morning Falls Subdivision in a Final Plat recorded May 16, 2008.

This property is not located in an Overlay Zone.

Rezoning History:

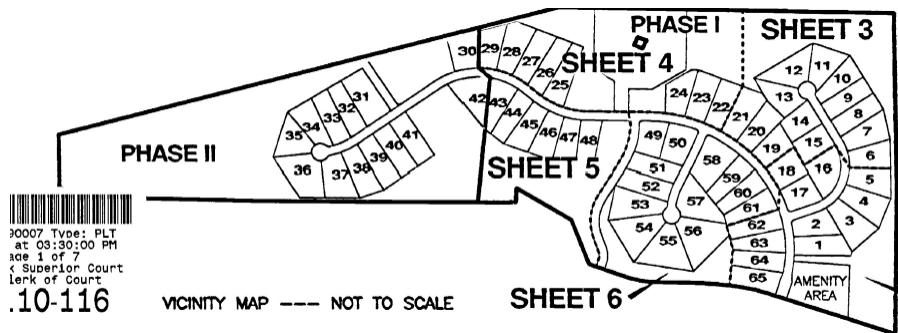
On August 25, 2005, the Board of Commissioners approved Petition No. 1149-05 to rezone 164.22 acres from A-R to C-S, for the purposes of developing a single-family subdivision.

The developer received a Land Disturbance Permit to begin construction on September 21, 2006. They proceeded to build Phase I but did not complete the project. The property was subject of a foreclosure and on May 16, 2008, First City Bank recorded the plat for Phase I as Owner/Developer.

Phase II was never developed. The original plan indicated 13 additional lots in Phase II.

John Pell purchased most of the Phase II property from First City Bank on March 17, 2011 (deed Book 3740 Page 649). A 5.725-acre parcel was retained by the developer for the purposes of providing the required conservation acreage needed for the Conservation Subdivision status of Phase I.

On November 3, 2011, Mr. Pell deeded the land to CG & PH, LLC, of which he is a part. On March 8, 2012, they placed the property into a conservation easement for the purpose of preserving it as a wildlife habitat. This CUVA was renewed in 2022.



B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.72	C-S	Conservation Area	Low Density Residential – 2-acre minimum
South	156 (2 parcels)	A-R	Agriculture , timber & 1 Single-family residence	Low Density Residential – 2-acre minimum
East	122	C-S	Single-Family Residential	Low Density Residential – 2-acre minimum
West	3.6 (3 parcels)	A-R	Single-Family Residential	Low Density Residential – 2-acre minimum

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Gadson Drive.

Site Plan: The applicant submitted a final plat for the property. It meets the requirements for the A-R Zoning District.

F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 6" PVC watermain along south side of Gadson Dr.
- Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0017E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** – There is no stormwater management facility on the Phase II parcel.
- Environmental Health Department** – This office has no objections to the proposed rezoning of the parcel #1308021. If this is going to be developed in residential properties then a level III soils report also needs to be conducted.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

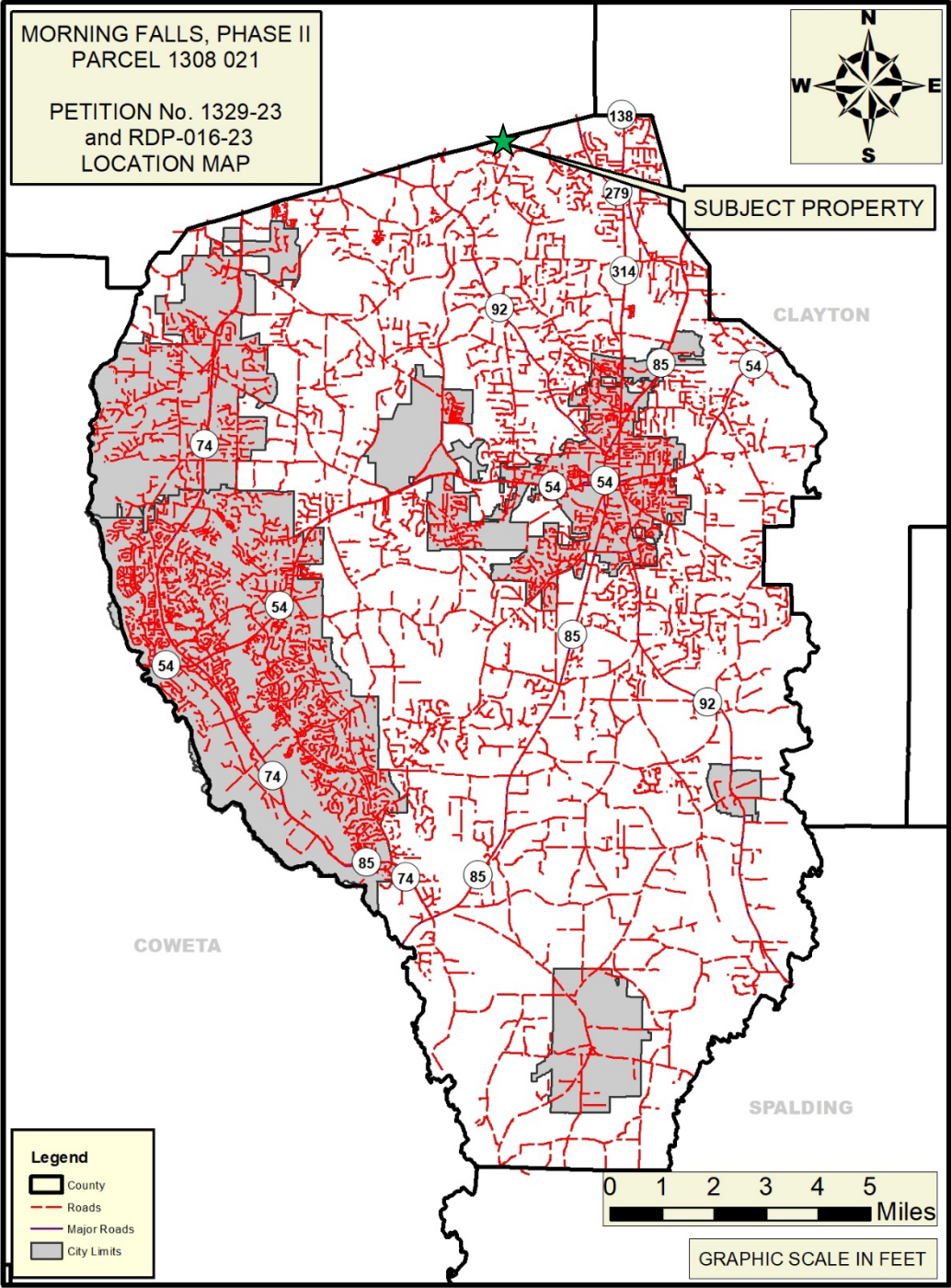
ZONING DISTRICT STANDARDS

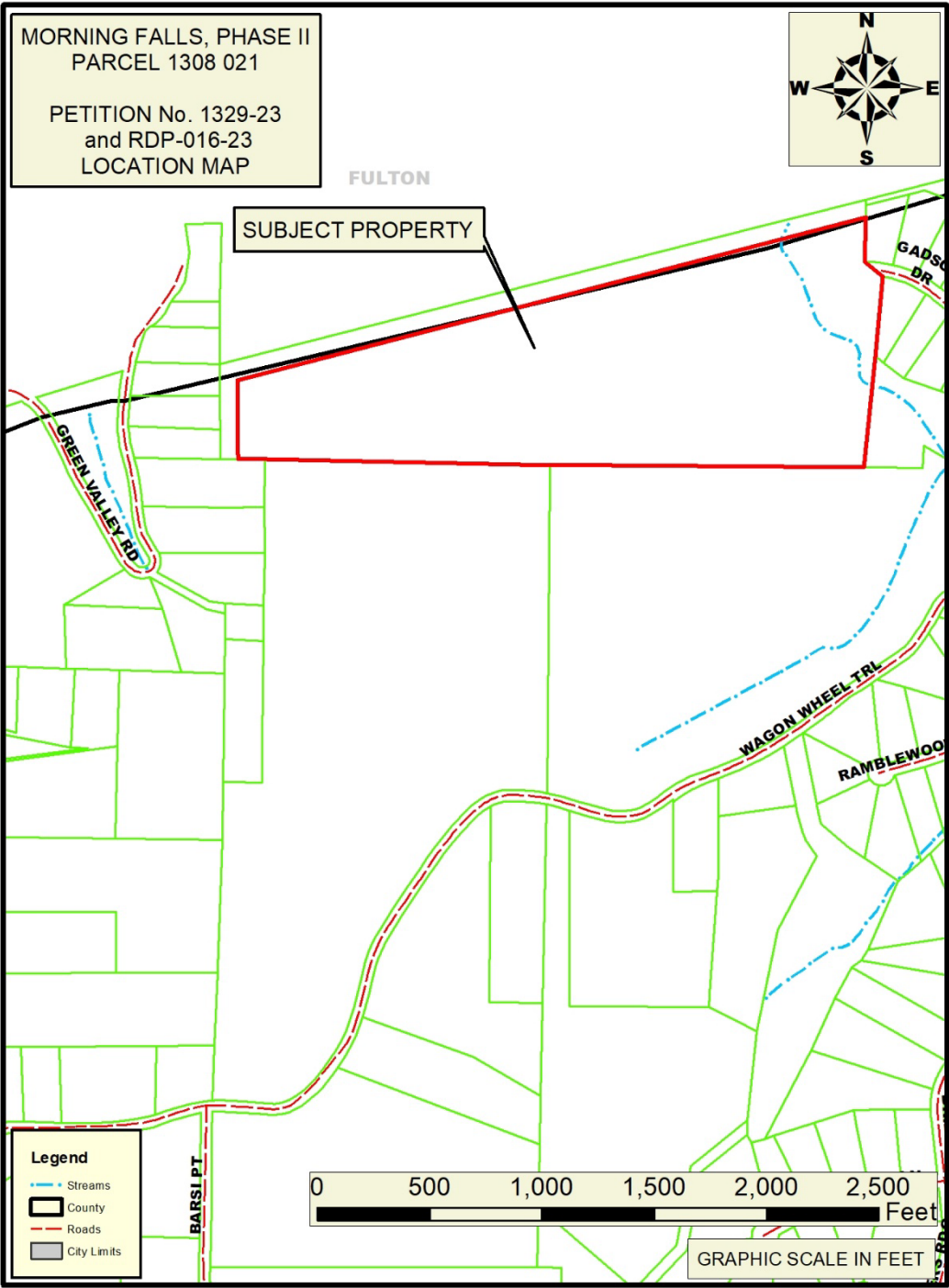
Sec. 110-125. A-R, Agricultural-Residential District.

- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
- (1) Single-family dwelling;
 - (2) Residential 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);
 - (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/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
- (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

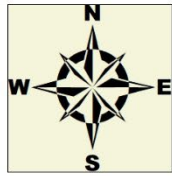
(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)





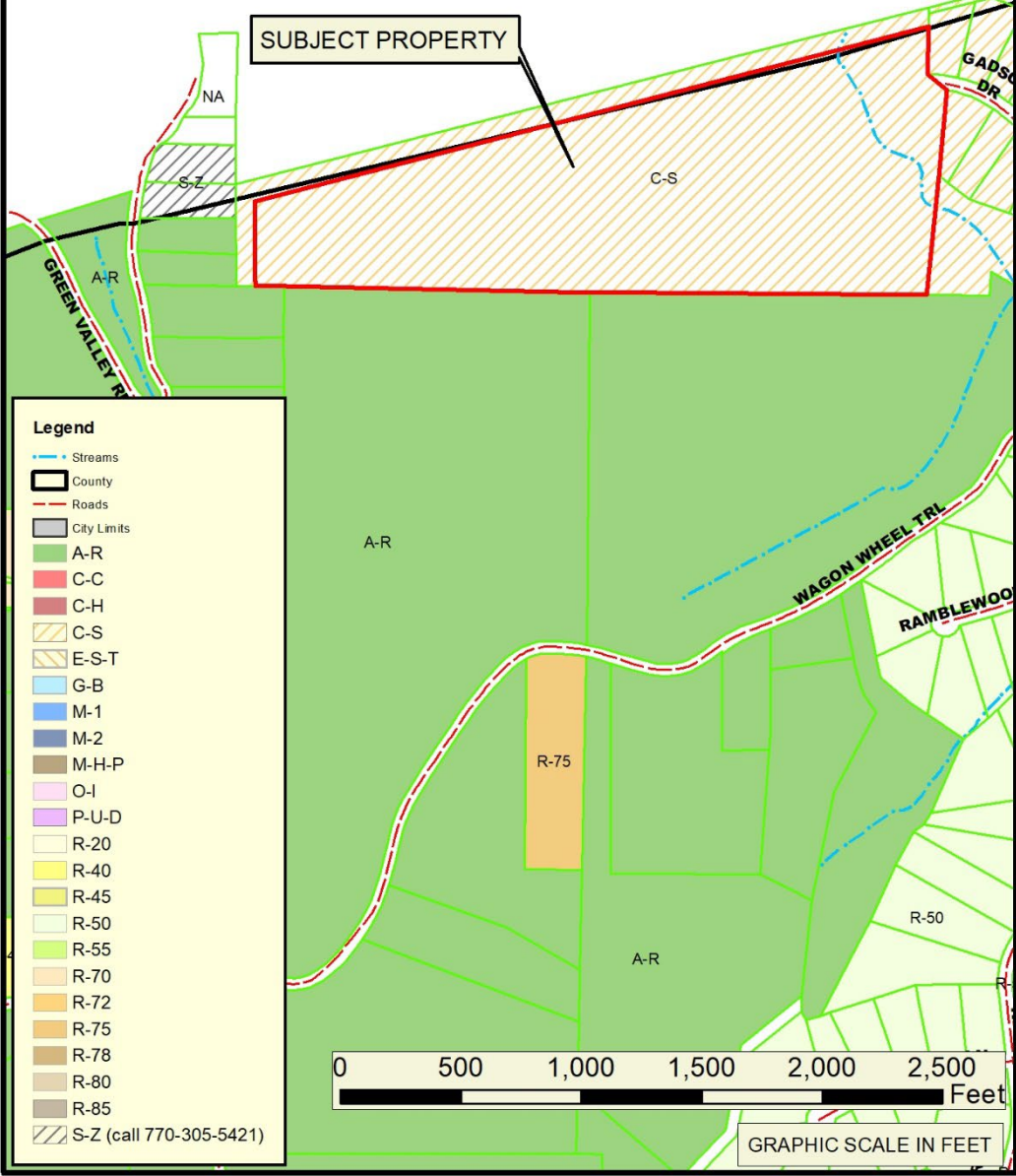
MORNING FALLS, PHASE II
 PARCEL 1308 021

PETITION No. 1329-23
 and RDP-016-23
 ZONING MAP

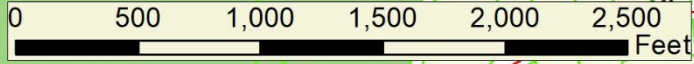


FULTON

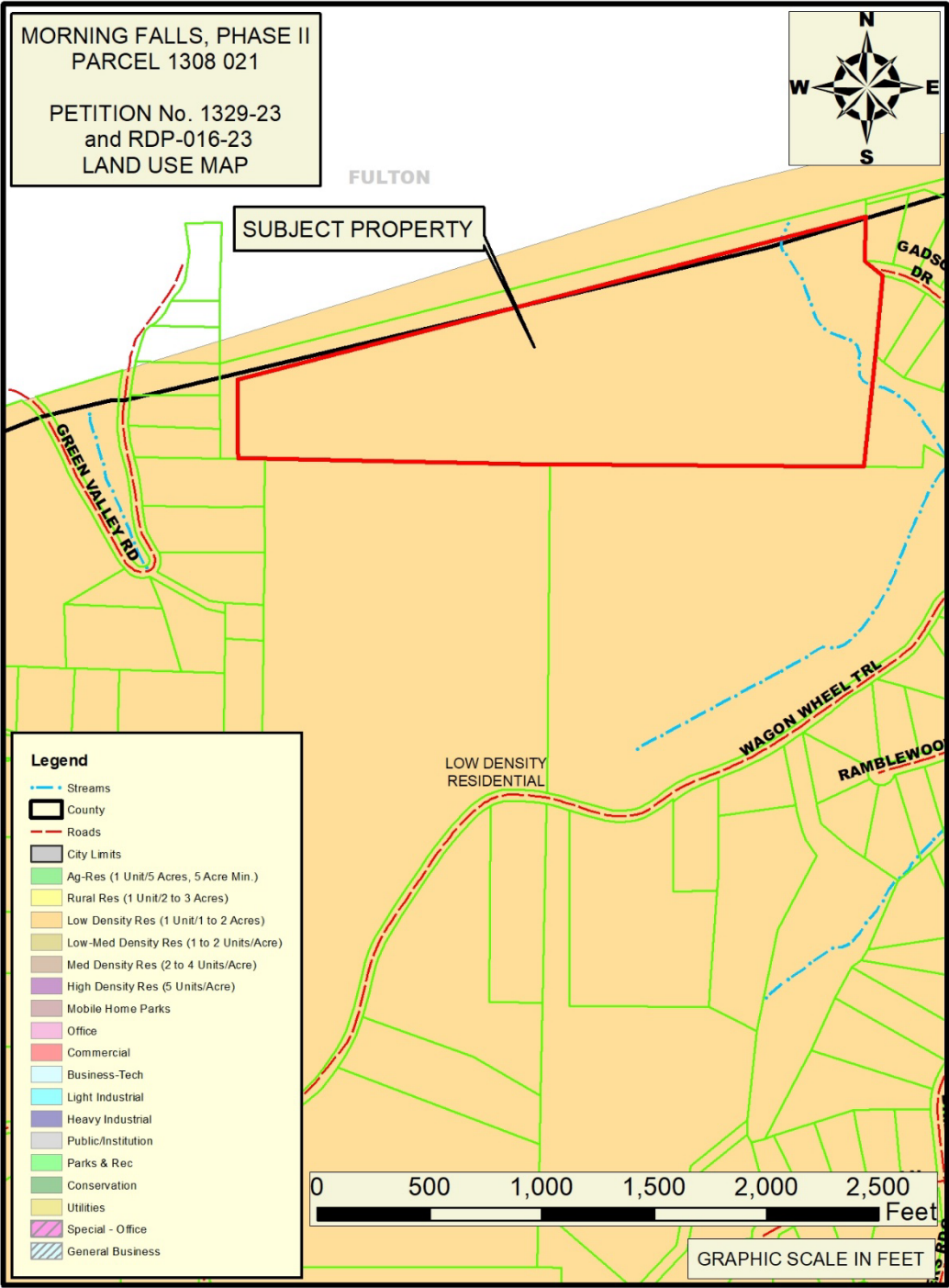
SUBJECT PROPERTY

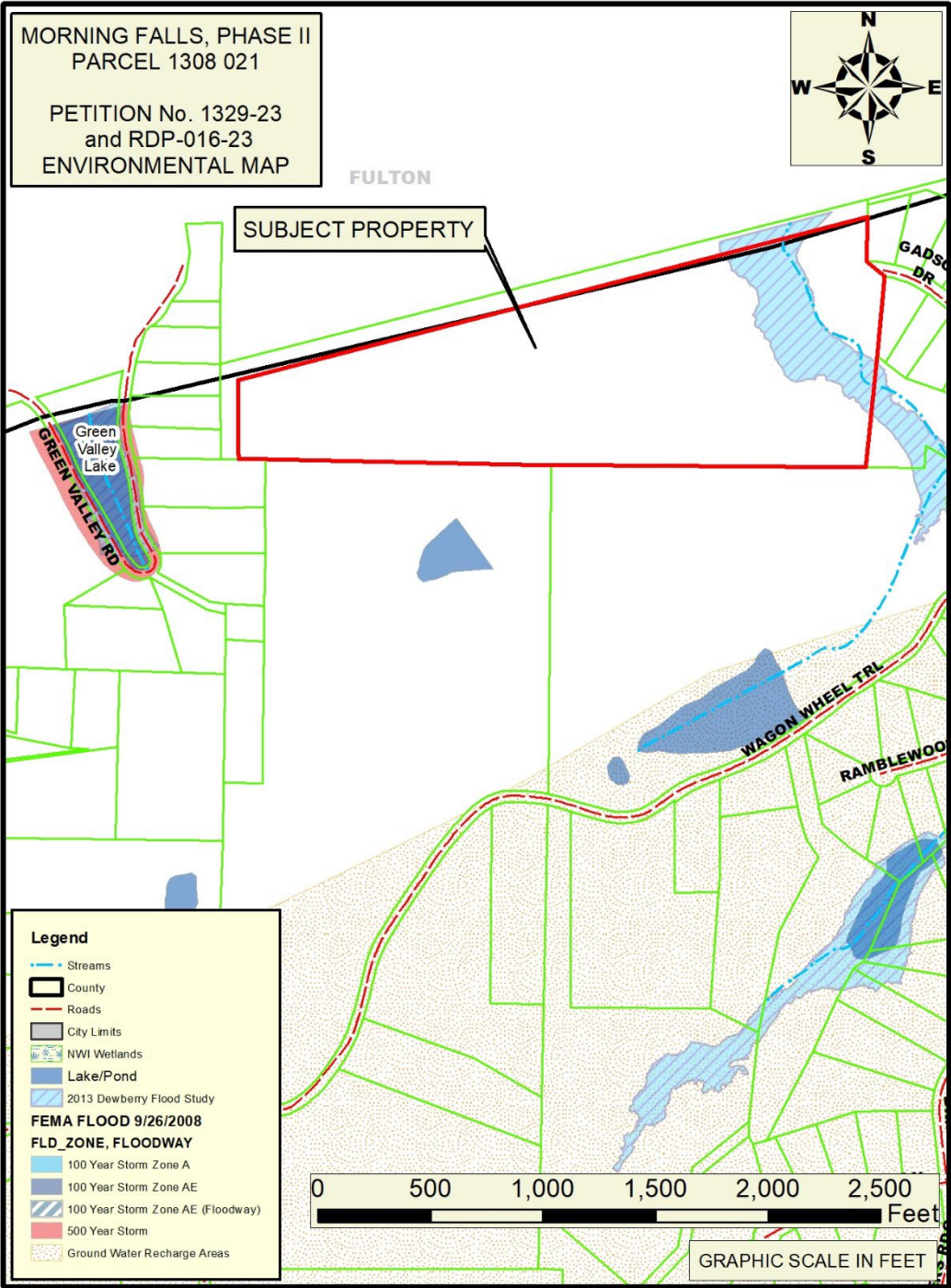


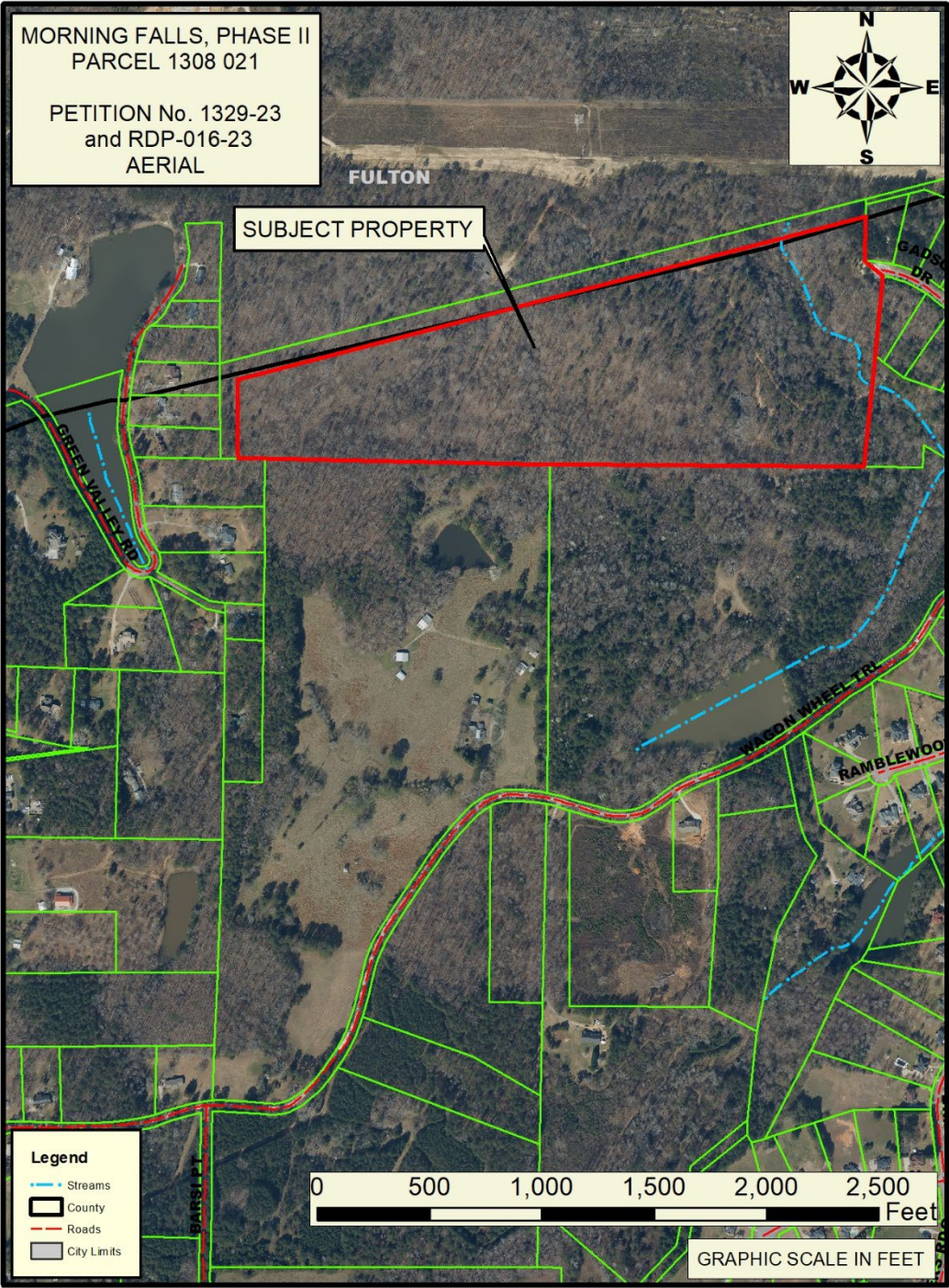
- Legend**
- Streams
 - County
 - Roads
 - City Limits
 - A-R
 - C-C
 - C-H
 - C-S
 - E-S-T
 - G-B
 - M-1
 - M-2
 - M-H-P
 - O-I
 - P-U-D
 - R-20
 - R-40
 - R-45
 - R-50
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 - R-70
 - R-72
 - R-75
 - R-78
 - R-80
 - R-85
 - S-Z (call 770-305-5421)

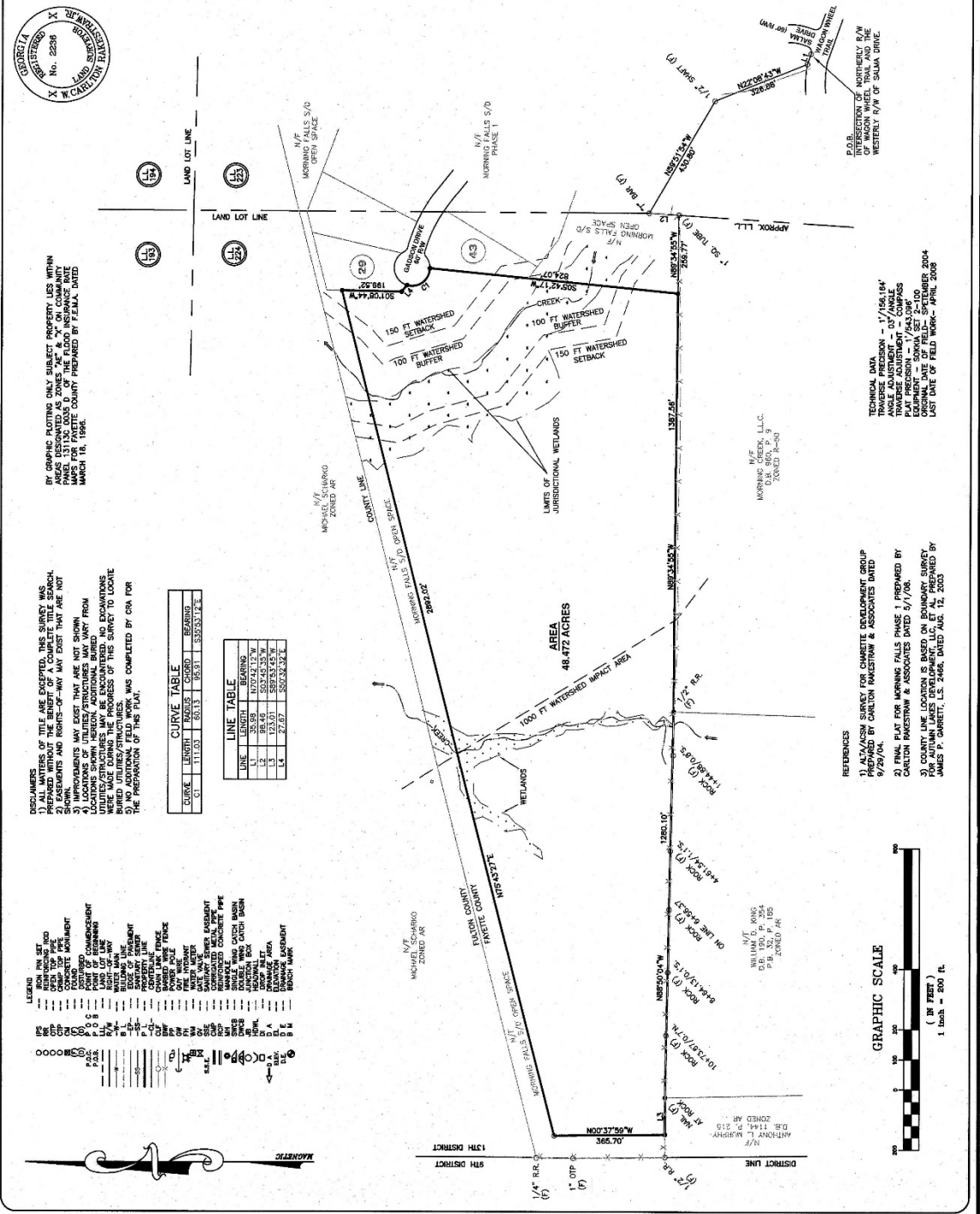


GRAPHIC SCALE IN FEET









DISCLAIMERS

- 1) ALL MATTERS OF TITLE ARE DECEPTED. THIS SURVEY WAS MADE BY THE SURVEYOR AND HIS INSTRUMENTS AND IS NOT GUARANTEED AS TO TITLE.
- 2) EASEMENTS AND RIGHTS-OF-WAY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
- 3) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
- 4) LOCATIONS OF UTILITIES STRUCTURES MAY VARY FROM THIS PLAT. UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UTILITIES/STRUCTURES.
- 5) NO ADDITIONAL FIELD WORK WAS COMPLETED BY CRK FOR THE PREPARATION OF THIS PLAT.

CURVE TABLE

CURVE	LENGTH	ANGLES	CHORD	BEARING
C1	111.03	80.13	86.81	S35°51'17.2\"

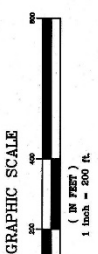
LINE TABLE

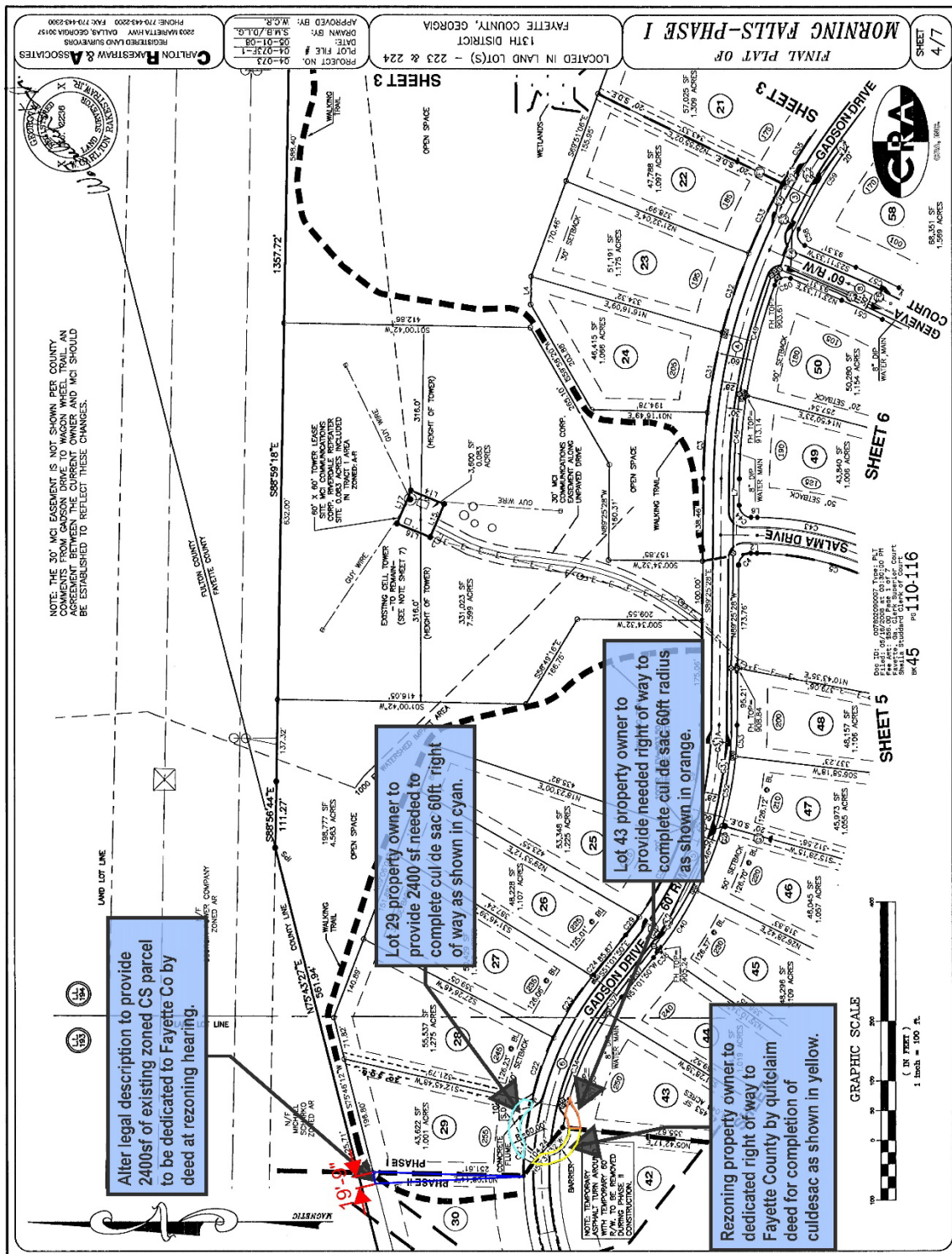
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L1	35.59	N70°42'11.2\"
L2	88.48	S02°45'35.3\"
L3	12.81	S88°52'42.3\"
L4	22.97	S55°24'42.3\"

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TECHNICAL DATA
 TRVERSE PRECISION - 1/16\"/184'
 PLAT PRECISION - 1/500.00'
 ORIGINAL DATE OF FIELD SURVEY - APRIL 2004
 LAST DATE OF FIELD WORK - APRIL 2008

- REFERENCES
- 1) ACCESS DEED FOR MARSHFIELD RESUBDIVISION PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 9/29/04.
 - 2) FINAL PLAT FOR MORNING FALLS PHASE 1 PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 5/1/04.
 - 3) COUNTY LINE LOCATION IS BASED ON BOUNDARY SURVEY BY JAMES P. GARRETT, L.S. 2444, DATED JULY 12, 2003.





RIGHT-OF-WAY REQUIREMENTS

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCELS OR PARCELS ARE STATED HEREON FOR RECORDATION PURPOSES. THIS DOES NOT CONSTITUTE A WARRANTY OF TITLE OR A GUARANTEE OF ACCURACY OR COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

W. CARLTON RAKESTRAW, JR., P.L.S. 2236 DATE

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT OR PLAN FOR FILING:

NAME DATE
NAME DATE

LINE	LENGTH	BEARING
L1	35.98	N70°42'12"W
L2	98.46	S07°45'35"W
L3	123.01	S89°53'45"W
L4	75.00	S89°53'45"W
L5	17.80	S01°08'24"W
L6	27.87	S07°32'32"E
L7	27.87	S07°32'32"E
L8	21.09	S75°43'27"W

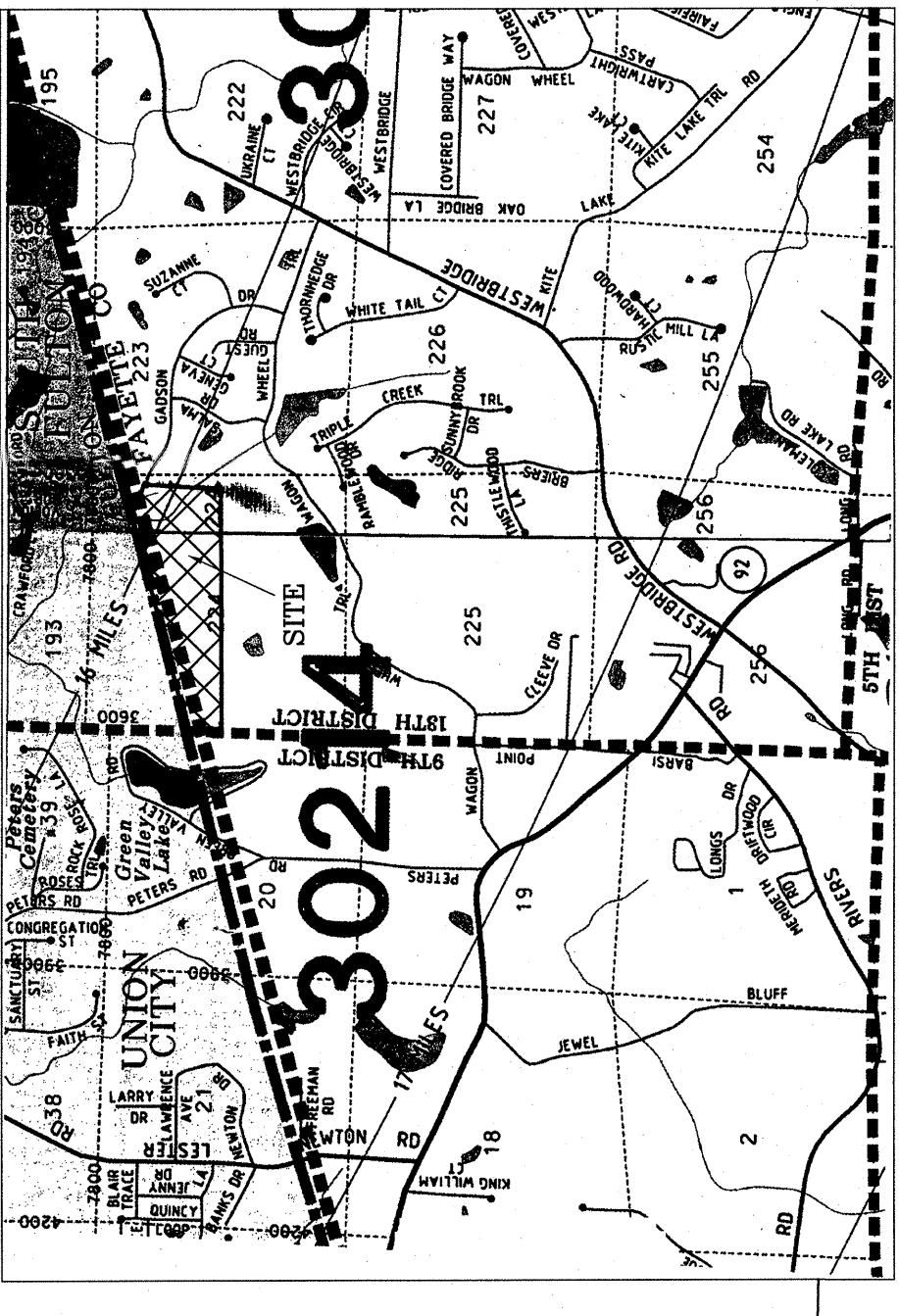
CURVE LENGTH	RADIUS	BEARING	CHORD
C1	111.03	60.13	S35°53'12"E 95.91

AREA
TRACT I - 48.425 ACRES
TRACT II - 0.047 ACRES
TOTAL - 48.472 ACRES

- NOTES:
- (1) THIS PLAT DOES NOT REPRESENT A NEW FIELD SURVEY AT THE REVISION DATES SHOWN. THIS PLAT IS INTENDED FOR USE BY THE PLANNING AND ZONING DEPARTMENT OF FAYETTE COUNTY FOR THE SOLE PURPOSE OF COMBINING TRACT I AND TRACT II.
 - (2) THE INTENT OF THIS PLAT IS TO COMBINE TRACT II (PID 1308 006) WITH TRACT I (PID 1308 021)

OWNER'S CERTIFICATE
I, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE ABOVE DESCRIBED SUBJECT PROPERTY, I HEREBY AUTHORIZE THE SURVEYOR TO REVISION THIS PLAT FOR MY PROPERTY.

OWNER: CG & PH, LLC DATE
BY: JOHN K. PELL, REGISTERED AGENT

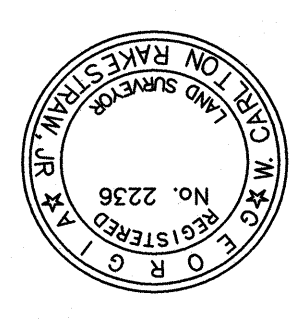


LOCATION SKETCH

OWNER:
NAME: CG & PH, LLC
ADDRESS: 373 WESTBRIDGE ROAD
FAYETTEVILLE, GA. 30214
770-864-7935

GRA, INC., CERTIFICATE OF AUTHORIZATION LAND SURVEYOR FIRM LICENSE NO. LSF000458

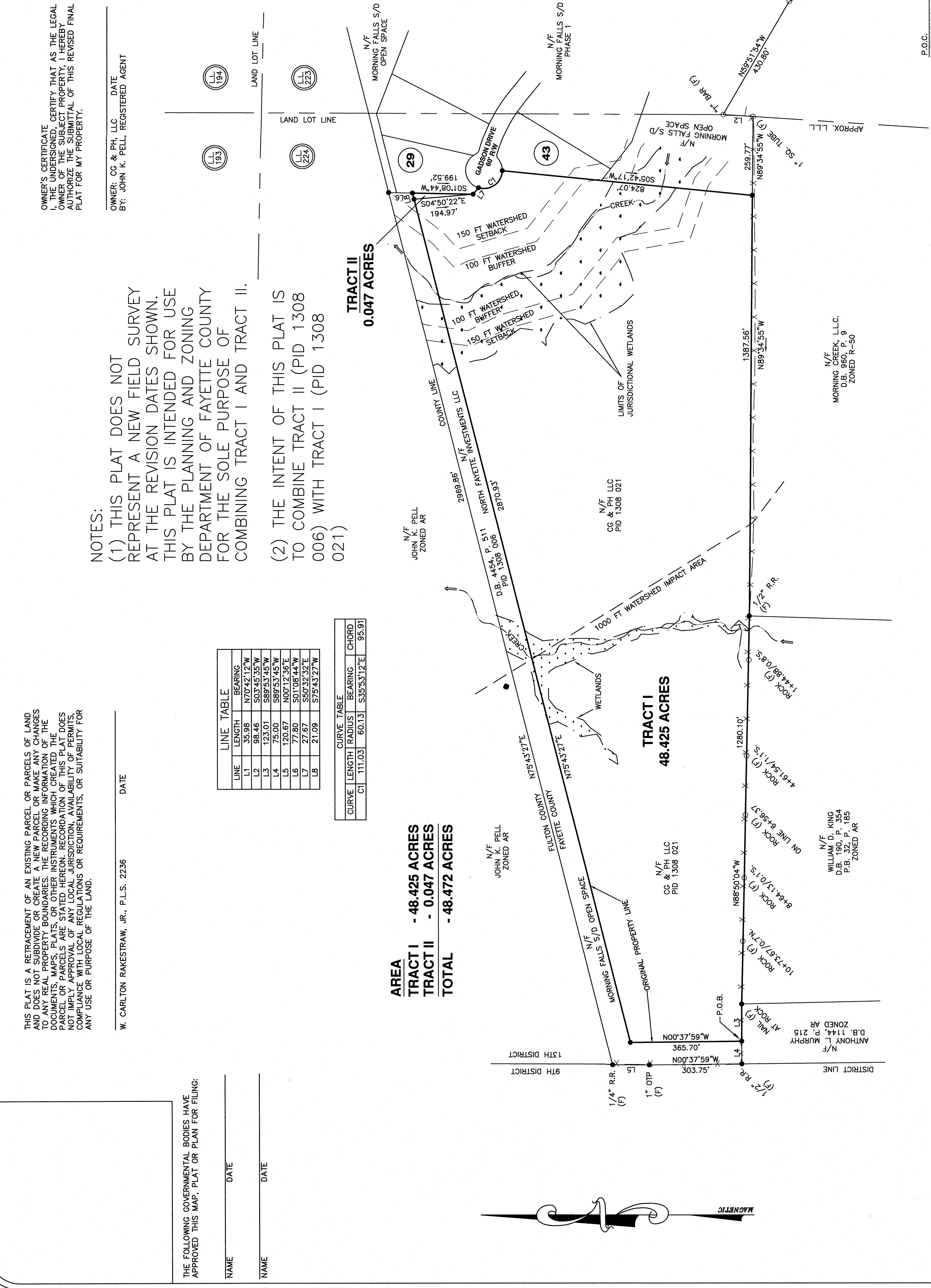
DATE	DESCRIPTION	REVISIONS	BY
05/08/11	DRAWN BY C.D.J.		
05/08/11	CHECKED BY WCR		
04/05/23	SHOW SWAP TRACTS	C.D.J.	
04/13/23	SHOW COMBINATION TRACTS	C.D.J.	
04/14/23	ADDRESS COMMENTS	C.D.J.	
04/20/23	REMOVE TRACT	C.D.J.	
06/22/23	REVISE TRACTS	C.D.J.	



CARLTON RAKESTRAW & ASSOCIATES
REGISTERED LAND SURVEYORS
2203 CHARLES HARDY PARKWAY
DALLAS, GEORGIA 30157
770 - 443 - 2200
FAX - 770-443-2300

MINOR REVISION TO THE MINOR FINAL PLAT OF
MORNING FALLS
LOCATED IN
LAND LOT 224, 13TH DISTRICT,
FAYETTE COUNTY, GEORGIA

SUBJECT PROPERTY IS ZONED C-5
PROJECT NO.
04-073
PLOT FILE - 04-073CC54



P.O.C. INTERSECTION OF NORTHERLY R/W OF WAGON WHEEL TRAIL AND THE WESTERLY R/W OF SALINA DRIVE.

TECHNICAL DATA
TRAVERSE PRECISION - 1/156,164'
ANGLE ADJUSTMENT - 03'/ANGLE
TRAVERSE ADJUSTMENT - COMPASS
PLAT PRECISION - 1/1,499,003'
REVISION DATE OF FIELD WORK - SEPTEMBER 2004
ORIGINAL DATE OF FIELD WORK - APRIL 2008

LEGEND
IPS - 1/2" RE ROD SET
R.R. - REINFORCING ROD
OTIP - OPEN TOP PIPE
(F) - FOUND
ENCE - FENCE
DRAINAGE FLOW -

DISCLAIMERS
1) ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH. ADDITIONAL EASEMENTS AND RIGHTS-OF-WAY MAY EXIST THAT ARE NOT SHOWN.
2) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN.
3) LOCATIONS OF UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS SHOULD BE MADE WITHOUT THE ADDRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
4) NO ADDITIONAL FIELD WORK WAS COMPLETED BY GRA FOR THE PREPARATION OF THIS PLAT.

REFERENCES
1) ALTA/ACSM SURVEY FOR CHARLETTE DEVELOPMENT GROUP PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 9/29/04.
2) FINAL PLAT FOR MORNING FALLS PHASE 1 PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 5/7/08.
3) COUNTY LINE LOCATION IS BASED ON BOUNDARY SURVEY FOR AUTUMN LAKES DEVELOPMENT, LLC, ET AL, PREPARED BY JAMES P. GARRETT, L.S. 2466, DATED AUG. 12, 2003.
4) PLAT OF SURVEY FOR JOHN K. PELL PREPARED BY CARLTON RAKESTRAW & ASSOCIATES DATED 10/27/10.





1329-23 Gadson Drive



1329-23 Gadson Drive



Doc ID: 008690700002 Type: WD
Recorded: 11/03/2011 at 10:35:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **3815** PG **522-523**

RETURN TO: *JKP*
WESSELS & DEKON, P.C.
175 CORPORATE CENTER DR., STE A
STOCKBRIDGE, GA 30281

JOHN K. PELL
373 WESTBRIDGE
ROAD
FAYETTEVILLE, GA
30214

DRAW DEED ONLY-NO TITLE SEARCH

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

Note: Scrivener drafted Deed only at the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements or rights of persons in possession thereof.

THIS INDENTURE, made this 25th day of October in the year of our Lord Two Thousand Eleven between John K. Pell, of the State of GA and County of FAYETTE of the first part and CG & PH, LLC, of the State of GA and County of FAYETTE of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, sell and convey unto the said party of the second part his heirs and assigns:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 224 of the 13th District of Fayette County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part of this description.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part heirs, successors and assigns, forever, IN FEE SIMPLE,

And the said party of the first part, for his heirs, successors, executors and administrators will warrant and forever defend the right and title to the above described property subject to permitted exceptions, unto the said party of the second part, his heirs, successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the said date and year above written.

Signed, sealed and delivered in the presence of

[Signature]
Unofficial Witness
[Signature]
Notary Public
[Signature] (SEAL)
[Signature] (SEAL)
JERRY L. HARRINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
MAY 9, 2014
FAYETTE COUNTY, GEORGIA

EXHIBIT A-1

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 224, 13th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at the point of the intersection of the northerly right-of-way of Wagon Wheel Trail and the westerly right-of-way of Salma Drive; Thence running North 70 degrees 42 minutes 12 seconds West a distance of 35.98 feet to a point; Thence running North 22 degrees 08 minutes 43 seconds West a distance of 326.88 feet to a 1/2" shaft found; Thence running North 59 degrees 51 minutes 54 seconds West a distance of 430.80 feet to a "T" bar found on the easterly line of Land Lot 224; Thence running along the easterly line of Land Lot 224, South 09 degrees 46 minutes 35 seconds West a distance of 98.46 feet to a 1" square tube found; Thence running North 89 degrees 34 minutes 55 seconds West a distance of 259.77 feet to a point and the **TRUE POINT OF BEGINNING**; Thence running North 89 degrees 34 minutes 55 seconds West, a distance of 1387.56 feet to a 1/2 inch reinforcing rod found; Thence running North 88 degrees 50 minutes 04 seconds West a distance of 1280.10 feet to a nail found at rock; Thence running South 89 degrees 53 minutes 45 seconds West a distance of 123.01 feet to a point; Thence running North 00 degrees 37 minutes 59 seconds West a distance of 365.70 feet to a point; Thence running North 75 degrees 43 minutes 27 seconds East a distance of 2892.02 feet to a point on the westerly property line of Lot 29, Phase I, Morning Falls subdivision; Thence running South 01 degrees 06 minutes 44 seconds West along said property line a distance of 199.52 feet to a point; Thence running South 50 degrees 32 minutes 32 seconds East a distance of 27.67 feet to a point on the westerly right-of-way of Gadsden Drive; Thence running along a curve to the right along the right-of-way of Gadsden Drive an arc distance of 111.03 feet (said arc being subtended by a chord bearing of South 35 degrees 53 minutes 12 seconds East, a chord distance of 95.91 feet and having a radius of 60.13 feet) to a point; Thence running South 05 degrees 42 minutes 17 seconds West a distance of 824.07 feet to a point and the **TRUE POINT OF BEGINNING**;

Said tract or parcel of land containing 48.472 acres according to a Plat of Survey prepared for John K. Pail by Carlton Rakestraw & Associates, Registered Land Surveyors dated October 27, 2010.

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add Sec. 110-175. Special Use of Property - to provide procedures for special use of property.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to provide procedures for certain types of uses that, in addition to meeting certain required conditions, also require specific public hearings by the Board of Commissioners prior to approval.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to provide procedures for Special Use of Property

*Rev Date
July 28, 2023
110-175 (PROCEED)*

**NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF
THE FAYETTE COUNTY CODE
OF ORDINANCES, CHAPTER
110. ZONING ORDINANCE.**

PUBLIC HEARING to be held before the Fayette County Planning Commission on July 20, 2023, at 7:00 P.M, and before the Fayette County Board of Commissioners on July 27, 2023, at 5:00 P.M, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for special use of property.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 28th day of June 2023.

Deborah Bell, Director
Planning and Zoning

06/28

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

Sec. 110-169. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - a. *Adult day care facility.* Allowed in the C-C, C-H, and O-I zoning districts and church or other place of worship (see article V of this chapter).
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.
 - b. *Aircraft landing area.* Allowed in the A-R, M-1, and M-2 zoning districts. The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.
 1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 2. For any newly developed landing area for fixed wing aircraft, a 1,000-foot clear zone as defined by the FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of a runway be closer than 200 feet from the property line.
 3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.
 4. Any on-site roofed structure shall be set back at least 200 feet from the nearest point on the centerline of the runway.
 5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.
 - (i) FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - (ii) A site plan, prepared by a registered surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

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- (iii) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
 - 6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.
 - (i) An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.
 - (ii) Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.
 - (iii) In the A-R zoning district, on lots of less than ten acres in size, there shall be a maximum of one detached hangar allowed.
 - 7. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.
 - 8. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - (i) A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - (ii) A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - (iii) A detached hangar shall be located to the side or rear of the principal dwelling.
 - (iv) A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
 - c. *Amphitheater*. Allowed C-H and M-1 zoning districts.
 - 1. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends.
 - 2. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.
 - 3. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 - d. *Animal hospital, kennel, and/or veterinary clinic*. Allowed in A-R, C-C, C-H, and M-1 zoning districts. All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.
 - e. *Animal hospital and/or veterinary clinic*. Excludes commercial and noncommercial kennel. Allowed in O-I zoning district. All structures shall not be located closer than 55 feet (30-foot buffer and 25-foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed except during the convalescent period.
 - 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.

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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.
 - g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.
 1. Minimum lot size: fifteen acres.
 2. 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.
 3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
 4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
 5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
 7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
 8. Sanitation facilities shall be approved by the environmental health department.
 9. Food service shall meet all state and local requirements.
 10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section 110-169 and Article VI, pertaining to "Tourist Accommodations," of Chapter 8 of the County Code.
 11. Tents shall require county fire marshal approval, as applicable.
 12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.
- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 3. A dynamometer shall not be utilized in conjunction with outside emission testing.
- i. *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.

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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.
- j. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-I zoning districts.
1. Minimum lot size: three acres.
 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. The facility shall comply with all licensing requirements of the state.

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6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.
 7. Twenty-four-hour staff shall be required.
 8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).
- k. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum/columbaria shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Allowed uses and/or structures incidental to a cemetery shall include a funeral establishment building/office (where funeral services may be provided), maintenance/storage building, pavilion, chapel, restroom facility and statues/monuments.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)k.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery.*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
 - (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary

where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(viii) Landscape areas shall be required and planted in accordance with chapter 104.

- i. *Charter motor coach service.* Allowed in C-H zoning district.
1. All motor coaches shall be parked to the rear of the principal structure.
 2. All motor coaches shall be screened in accordance with article III of this chapter.
 3. Overhead bay doors shall not be open to the street.
 4. The following uses shall be allowed: administrative office, passenger pickup, and storage of motor coaches.
 5. On-site maintenance/repairs are prohibited.
- m. *Child care facility.* Allowed in C-C, C-H, O-I, A-R, and MHP zoning districts, and church and/or other place of worship.
1. The facility shall comply with all applicable licensing requirements of the state.
 2. Outdoor play areas shall be located to the side or rear of the principal building.
 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 4. A fence measuring at least four feet in height shall enclose the entire play area.
 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 8. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
- n. *Church and/or other place of worship.* Allowed in O-I, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

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1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses 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.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
 6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
 7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
 8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
 9. Landscape areas shall be required in accordance with chapter 104.
 10. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
 12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

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- (i) The pavilion shall be constructed following the construction of the main sanctuary building;
 - (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
 - (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

- 13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
- o. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 - 1. The lot area shall be at least ten acres.
 - 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 - 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 - 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.
 - 6. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.

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7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- p. *Commercial driving range and related accessories.* Related accessories limited to: putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. Allowed in C-C, C-H, and A-R zoning districts.
1. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 2. All greens, fairways, and driving areas shall be set back at least 50 feet from any nonresidential zoning district.
 3. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multifamily residence, provided that lighting is not directly visible from said residence.
 4. No outside loudspeaker system shall be utilized.
- q. *Convenience commercial establishment.* Allowed in the L-C-2 zoning district.
1. Maximum floor area: 3,500 square feet.
 2. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.
 3. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 4. Underground storage tanks shall be set back at least 20 feet from all property lines.
 5. The number of gasoline pumps shall be limited to no more than six with a total of 12 pumping stations.
- r. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.
1. Minimum lot size: five acres;
 2. 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. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the department of natural resources' "Hunters for the Hungry" program;
 3. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see sec. 110-169(u));
 4. The deer processing facility shall have a current Wildlife Storage Permit from the state department of natural resources, wildlife resources division;

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5. The deer processing facility shall have a NPDES permit, as applicable, from the environmental protection division of the state department of natural resources and said permit shall be filed with the department of environmental management;
 6. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the guidance document Disposal of Deer Processing Waste from the state department of natural resources, environmental protection division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in municipal solid waste landfills (MSWL). The burial of any deer processing waste is prohibited;
 7. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with article VIII. Off-street parking and service requirements of the development regulations. Graveled parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the nonresidential development landscape requirements of the county development regulations.

8. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (sec. 110-173) with the exception of the architectural standards.
- s. *Developed residential recreation/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic areas.* 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, PUD-PRD 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.

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5. Paved parking area is required per chapter 104.
 6. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- t. *Dry cleaning plant.* Allowed in the C-C and C-H zoning districts.
1. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc., standard of classification known as Class I systems shall be prohibited;
 2. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc., standard classification, known as Class II and Class III systems, shall meet all requirements of the National Fire Safety Association Code;
 3. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
 4. Fuel for operation of the equipment shall be smokeless fuel; and
 5. Central water and central sanitary sewage systems are required. This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.
- u. *Experimental labs.* Allowed in the C-H, M-1, and M-2 zoning districts.
1. Minimum lot area: three acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 2. Said use shall comply with all applicable state and/or federal licensing requirements.
- v. *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.

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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. Lot size two to less than five acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.
 8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity. 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 section 110-79). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.
- x. *Feed lot and/or commercial barn.* Barns and feed lots shall be located at least 100 feet from all property lines. Allowed in the M-1 zoning district.
- x. *Golf course (minimum 18-hole regulation) and related accessories.* Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. Allowed in the C-C, C-H, and A-R zoning districts.
1. Said facilities shall be for daytime use only.
 2. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 3. No outside loudspeaker systems shall be utilized.
- y. *Heavy manufacturing, packaging, processing or handling of materials.* (Allowed in the M-2 zoning district) Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.
- z. *Home occupation.* Allowed in A-R, 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, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
 2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
 3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
 4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day

and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
 6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
 7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
 9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
 10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
 11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
 12. *In-home beauty salon or barbershop.* An in-home beauty salon or barbershop shall be limited to one chair and shall be subject to the department of environmental health's approval. It shall also comply with 4 above, in regards to the number of customers.
 13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.
- aa. *Horse quarters in residential zoning districts.* Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts.
1. Minimum lot size: ten acres.
 2. Minimum side yard setback: 50 feet.
 3. Minimum rear yard setback: 75 feet.
 4. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.

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5. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.
 6. Only one horse quarter structure shall be permitted and shall not be counted as an accessory structure.
 7. Riding lessons and boarding are prohibited.
 8. Number of horses (see article III of this chapter).
- bb. *Horse show, rodeo, carnival, and/or community fair.* Allowed in the A-R and C-H zoning districts.
1. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year.
 2. Tents shall require the approval of the county fire marshal.
 3. Off-street parking shall be required.
 4. Outdoor lighting for activities shall not be permitted after 10:00 p.m.
- cc. *Hospital.* Allowed in the C-C, C-H, O-I, and A-R zoning districts.
1. Minimum lot size: ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- dd. *Junkyard and/or auto graveyard.* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Maximum site area: 25 acres.
 3. A minimum 100-foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

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4. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R zoning districts.
- ee. *Kennel*. See animal hospital, kennel (commercial or noncommercial) and/or veterinary clinic.
- ff. *Landfill*. Allowed in the M-2 zoning district.
1. Minimum lot size: 20 acres.
 2. A minimum 100-foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 3. Landfill operations shall be set back at least 200 feet from a major thoroughfare as designated by the county thoroughfare plan.
 4. The landfill shall comply with all of the state and federal requirements.
 5. Such uses 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.
- gg. *Laundromat, self-service or otherwise*. Allowed in the C-C and C-H zoning districts. Central water and central sanitary sewage systems are required.
- hh. *Mining and/or quarrying*. Allowed in the M-2 zoning district.
1. Ingress and egress to and from the facility shall be limited to an arterial as designated by the county thoroughfare plan.
 2. A minimum 100-foot buffer shall be required adjacent to residential or A-R zoning districts.
 3. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R zoning district.
 4. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 5. The operation shall comply fully with all of the state and federal requirements.
- ii. *Non-emergency medical transport service*. Allowed in the O-I zoning district.
1. The service shall comply with all licensing requirements of the state.
 2. Parking of all medical transport vehicles is allowed in the side and/or rear yard only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight feet.
 3. No on-site vehicle maintenance or fueling facilities are allowed.
- jj. *Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping*. Allowed in the C-H and M-1 zoning districts.
1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.

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2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
 4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.
 5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
- kk. *Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.
1. Minimum lot size: five acres.
 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in section 110-169: Cemetery, human or pet, child care facility, church and/or other place of worship, college and/or university, hospital, private school, or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.
 5. Student drop-off and vehicular turn-around facilities shall be provided on the site.
 6. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 8. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main school building;
 - (ii) The floor area cannot exceed 40 percent of the square footage of the main school building; and

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- (iii) The pavilion may not be lighted or used after 10:00 p.m. If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main school building square footage.
- II. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e., fruits and vegetables).* Allowed in the A-R zoning district.
1. Minimum lot area: five acres.
 2. All structures shall be set back at least 100 feet from any property line.
 3. No structure shall exceed 5,000 square feet of floor area (interior measurements).
 4. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
- mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses 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.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
- nn. *Religious tent meeting.* Allowed in A-R, C-C, C-H, and O-I zoning districts.
1. Said meetings shall not exceed 14 days per year at the same site.
 2. Tents shall require the approval of the county fire marshal.

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3. Off-street parking areas shall be required.
 4. All activities shall cease by 10:00 p.m.
- oo. *Recycling facility.* Allowed in the M-1 zoning district.
1. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.
 2. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.
 3. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 4. All outside storage areas shall be totally screened according to chapter 104. Storage bins cannot be a greater height than the screening.
- pp. *Seasonal sales, outdoor.* Allowed in C-C and C-H zoning districts and church and/or other place of worship (see this article).
1. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R zoning district, which has a bona fide farming operation, is exempt from seasonal sales requirements;
 2. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from article III of this chapter, except as provided herein;
 3. Location of seasonal sales as outdoor displays, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;
 4. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;
 5. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 6. Off-street parking shall be required;
 7. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by chapter 108 shall be submitted to the planning and zoning department; and
 8. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the conditional use permit.
- qq. *Self-storage facility (external and/or internal access).* Allowed in G-B, M-1 and C-H zoning districts.
1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access shall not directly face a street.

Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area

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- utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.
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, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.
 3. The maximum size of an individual storage unit shall be 600 square feet.
 4. The facility may contain one on-site single-family dwelling unit.
 5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
 6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed 25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.
 7. All outdoor lighting shall be shielded away from adjacent residential areas.
 8. No exterior loudspeakers or paging equipment shall be permitted on the site.
- rr. *Shooting range, outdoor.* Allowed in A-R and M-1 zoning districts.
1. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.
 2. The outdoor shooting range shall meet all applicable state and federal regulations including, but not limited to: the state department of natural resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 3. The outdoor shooting range shall meet the requirements of section 16-4 and chapter 16, article II.
- ss. *Single-family residence and residential accessory structures and/or uses.* Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.
1. Said residence shall be a single-family detached residence.
 2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
 3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".
- tt. *Stadium, athletic.* Allowed in the C-H and M-1 zoning districts. The athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

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- uu. *Temporary tent sales.* Allowed in the C-C and C-H zoning districts.
 - 1. Said tent sales shall not be operated longer than 28 calendar days per year;
 - 2. Tents shall require the approval of the county fire marshal;
 - 3. Off-street parking shall be required;
 - 4. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 - 5. Location of outdoor sales, as well as a temporary tent:
 - (i) Shall comply with zoning requirements for setbacks.
 - (ii) Shall be exempt from screening (see article III of this chapter), except where provided herein.
 - (iii) Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.
 - vv. *Transfer station for household/commercial garbage and/or recyclable materials (including processing and handling).* Allowed in the M-2 zoning district.
 - 1. Minimum lot size: ten acres.
 - 2. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the county thoroughfare plan.
 - 3. The transfer station shall comply with all licensing requirements of the state.
 - 4. Such uses 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.
 - ww. *Wind farm.* Allowed in the M-1 and M-2 zoning districts. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.
 - xx. *Vehicle/boat sales.* Allowed in C-C and C-H zoning district.
 - 1. All vehicle/boat sales facilities must comply with the following conditions:
 - (i) All activities except sales shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) No external loudspeakers allowed.
 - 2. A full range of repairs shall be allowed incidental to a sales use and shall comply with the following:
 - (i) All repair activities shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) All overhead doors shall face the side and/or rear yard or be screened from view from the street per article III of this chapter or utilizing vegetative materials.
 - (iv) All wrecked vehicles stored for repair shall be screened in accordance with article III of this chapter.

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- (v) Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
 - (vi) No external loudspeakers allowed.

(Code 1992, § 20-7-1; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-13, § 5, 12-13-2012; Ord. No. 2012-14, § 6, 12-13-2012; Ord. No. 2013-02, § 4, 4-25-2013; Ord. No. 2013-08, § 1, 7-25-2013; Ord. No. 2014-19, § 8, 12-11-2014; Ord. No. 2015-05, § 3, 3-26-2015; Ord. No. 2015-12, § 1, 10-22-2015; Ord. No. 2015-13, §§ 1—7, 12-10-2015; Ord. No. 2016-12, §§ 4, 5, 7-28-2015; Ord. No. 2016-15, § 4, 7-28-2016; Ord. No. 2017-04, § 7, 3-23-2017; Ord. No. 2018-03, §§ 16—19, 9-22-2018; Ord. No. 2018-11, §§ 7—9, 10-25-2018; Ord. No. 2020-02, §§ 14—19, 5-28-2020; Ord. No. 2021-05, § 4, 3-25-2021; Ord. No. 2021-06, § 2, 3-25-2021; Ord. No. 2021-09, § 7, 5-27-2021)

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (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, 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 pocket park shall not exceed 10,890 square feet (¼ acre) in size and may contain playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, benches, and picnic facilities, including one covered picnic pavilion not to exceed 400 square feet. A minimum 15-foot setback shall be maintained 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.
- (d) *Creation of a legal nonconforming lot for a legal nonconforming cemetery or burial ground.* The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision plat, and/or site plan, as applicable. A minimum 20-foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

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- (e) *Minimum requirements.* Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the board of commissioners of the county, shall meet the minimum lot size, lot width, and road frontage requirements of this chapter, except as otherwise provided herein. Combination or division of lots to achieve compliance with said requirements shall be accomplished as a condition of rezoning approval.
- (f) *Consideration for the rezoning of legal nonconforming lots.* Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in article IX of this chapter, would include the following:
- (1) The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
 - (2) The current zoning and land use designations of adjoining lots as indicated on the land use plan. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the zoning board of appeals shall be required.
- (g) *Nonconforming uses; nonconforming open uses of land.* Any legally existing open uses of land which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses consist of storage yards, vehicle and trailer sales lots, auto wrecking, junkyards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.
- (1) When a legal nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Legal nonconforming open uses of land shall not be changed to any use but conforming uses.
 - (3) A legal nonconforming open use of land shall not be enlarged to cover more land.
 - (4) When any legal nonconforming open use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (h) *Nonconforming use of a structure.* Any legally existing use of a structure which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure. Said uses shall be governed by the following restrictions:
- (1) A legal nonconforming use of a structure may be changed to another nonconforming use upon a finding by the zoning board of appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
 - (2) A legal nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
 - (3) A legal nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.

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- (4) When any legal nonconforming use of a structure is discontinued for a period in excess of six months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (i) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (j) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that:
- (1) The use is a legal nonconforming use as defined in these regulations;
 - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
 - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (k) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
 - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
 - (3) Adjacent property would not be unduly damaged by such continuance; and
 - (4) The use is to be identical to the prior legal nonconforming use.
- (l) *Nonconforming structures; nonconforming structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.
- (m) *Restoration and re-use of nonconforming historic structures.* Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:
- (1) The structure and previous use shall be identified in the architectural survey of the county. The re-use of the historic structure will be subject to the regulations of the nonconforming use of a structure (article V of this chapter).
 - (2) The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this chapter is subject to approval of the zoning board of appeals.

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- (3) Areas of consideration for approval of such a request include, but are not limited to:
- a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.
- (n) *Use of historic residential structures and agricultural structures in residential subdivisions.* The preservation of historic residential structures listed in the architectural survey of the county and agricultural structures are allowed in residential subdivisions to preserve the character of the county as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The use of these structures will be subject to the approval of the zoning board of appeals in terms of any nonconformance with the applicable zoning district.
- (o) *Reconstruction of legal nonconforming structures.* When a legal nonconforming structure is damaged by fire, flood, wind or act of God, such structure may be reconstructed as a legal nonconforming structure only if the cost of reconstruction totals less than 75 percent of the current fair market value of the structure for tax purposes. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code). The "value of the structure" shall not include the value of any accessory building, well, septic tank, or utility in determining the extent of the damage.
- (p) *Maintenance or repair of legal nonconforming structures.* The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes, the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code).
- (q) *Legally existing structures and rezoning.*
- (1) A property that is improved with a legally existing structure, which would become nonconforming in terms of the architectural requirements within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a transportation corridor overlay zone regarding enlargement of an existing nonconforming structure.
 - (2) A property that is improved with a legally existing structure, which would become nonconforming in terms of the maximum height limits within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.
 - (3) A property that is improved with a legally existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.
 - (4) A property that is improved with legally existing accessory structures, which would become nonconforming in terms of the accessory structure requirements within this chapter, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

(5) A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals (see article VII of this chapter) shall be necessary for the structure to remain within the setback, except as otherwise provided in the zoning ordinance. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Any new structure shall comply with the dimensional minimum requirements herein.

(r) *Illegal nonconforming uses.* Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of the ordinance from which this chapter is derived, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-2; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-02, § 5, 4-25-2013; Ord. No. 2020-02, § 20, 5-28-2020)

Sec. 110-171. Changes in zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the county or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of article V of this chapter.

(Code 1992, § 20-7-3; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-172. Illegal nonconforming uses.

Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the date of November 13, 1980, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-4; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-173. Transportation corridor overlay zone.

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

(1) *General state route overlay zone.* All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North

Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.

- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
 2. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements:
 - (i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 3. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-

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- stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which established a horizontal pattern.
4. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two-foot-high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco).
 5. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 6. When an existing structure, that is nonconforming to the aforementioned architectural standards, is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.
- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet in depth along state route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - i. *Special locational and spatial requirements.*
 - 1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 - 2. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a state route.
 - j. *SR 74 South Corridor Sidewalk Requirements.* In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.
- (2) *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 - 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - 2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 - 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 - 2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.

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4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
- d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.
 5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a

development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage.* Landscape area: 50 feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. *Special locational and spatial requirements.*
1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 2. No outside storage allowed.
 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 54.
- (3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.
- a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

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1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
 2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 3. To protect the aesthetics for existing and future development in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Setbacks will be as follows:
 - (i) Front yard setback on State Route 85 North: 100 feet.
 - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.*
1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
 2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - h. *Special locational and spatial requirements.*
 - 1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- (4) *SR 74 North Overlay Zone.* All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton county line to achieve the goals of the SR 74 North Overlay District contained in the county comprehensive plan.
- a. *Purpose.* The purpose of the SR 74 North Overlay Zone is to achieve the following:
 - 1. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - 2. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - 3. To protect existing and future residential areas in the SR 74 North corridor.
 - b. *Access.*
 - 1. *West Side of SR 74 North access and internal roadways.* An internal collector road connecting all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated county will be limited to one right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road. The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the county engineer.
 - 2. *East Side of SR 74 North access and internal roadways.* To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive shall be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the county line. Within the county this service drive will extend from the Fulton county line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially-zoned properties along SR 74 shall be accessed via a public road built to county standards and dedicated to the county. Those affected properties are identified and addressed in the county comprehensive plan.

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3. *West Side of SR 74 North multi-use path system.* In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district, and will be constructed in conjunction with the roads. Said multi-use path system shall connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line. On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a ten-foot-wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in the right-of-way will be made by the division of public works.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 74 North: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.*
 1. *West Side of SR 74 North architectural standards.*
 - (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern.
 - (ii) The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - (iii) No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 - (iv) No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
 2. *East Side of SR 74 North architectural standards.*
 - (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta:

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- (ii) All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iii) Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the principal structure on the property including the roof pitch.
 - e. Landscape requirements: In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *Street frontage SR 74 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
 - f. *Lighting.*
 - 1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 - 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
 - g. *Additional requirements.*
 - 1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 - 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 3. Bay doors shall not be allowed to directly face SR 74 North.

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4. All utilities shall be underground.
 - h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (5) *SR 138 and North SR 314 overlay zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North SR 314 overlay zone. The intent of the overlay is to set standards specific to SR 138 and North SR 314 as described above.
- a. *Purpose.* The purpose of the SR 138 and North SR 314 overlay zone is to achieve the following:
 1. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
 2. To enhance and maintain the aesthetic qualities of the corridor; and
 3. To protect existing and future residential areas.
 - b. *Access standards.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points and interparcel access shall be required to comply with chapter 104, development regulations. A concept plan, submitted with a rezoning application, and/or a site plan shall illustrate compliance with these requirements.
 - c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 138: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.

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5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 138 and SR 314 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth alongside property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and

property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

3. Bay doors shall not be allowed to directly face SR 138 or SR314.
 4. All utilities shall be underground.
 - h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (6) *Flat Creek Trail Overlay Zone.* All property with a nonresidential zoning which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay zone is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 1. To maintain the residential and institutional character of the area; and
 2. To control the architectural character and aesthetic quality of the development property with a nonresidential zoning.
 - b. *Architectural standards.* Structures shall maintain a residential character and these standards shall apply to new structures built on property with a nonresidential zoning. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
 2. All buildings shall be constructed in a residential character 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 finished/baked enamel metal siding which establishes a horizontal pattern; and
 3. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting 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 finished/baked enamel metal siding which establishes a horizontal pattern.
 - c. *Additional requirements.*

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1. All roof-top heating, ventilation, and air conditioning equipment and shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 2. No outside storage shall be allowed.

(Code 1992, § 20-7-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-14, § 7, 12-13-2012; Ord. No. 2014-10, § 1, 6-26-2014; Ord. No. 2019-04, § 2, 6-27-2019; Ord. No. 2020-02, § 21, 5-28-2020; Ord. No. 2020-05, § 1, 8-27-2020; Ord. No. 2021-01, § 1, 1-28-2021; Ord. No. 2021-05, § 5, 3-25-2021)

Sec. 110-174. Historic district overlay zone.

Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. All property and/or development located at this intersection with nonresidential use or zoning as depicted on the Future Land Use Map shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations as applicable. The General State Route Overlay Zone shall not apply to this area.

- (1) The purpose of the Starr's Mill Historic Overlay Zone at the SR 74, SR 85, and Padgett Road Intersection is to achieve the following:
 - a. To maintain the historic character of the area;
 - b. To control the intensity and aesthetic quality of development at the intersection as it is the southern gateway into Fayette County;
 - c. To promote and maintain orderly development for an efficient traffic flow in highway corridors; and
 - d. To protect existing and future residential areas outside of the intersection.
- (2) *Access.* Access to each nonresidential property and/or development shall be from SR 74, SR 85, or Padgett Road. All access points shall be required to comply with Georgia Department of Transportation regulations and/or Fayette County Development Regulations, as applicable.
- (3) *Dimensional Requirements.*
 - a. All parking areas shall be located at least 50 feet from SR 74, SR 85, or Padgett Road right-of-way.
 - b. Front yard setbacks on SR 74, SR 85, and Padgett Road for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
 - d. If the side yard abuts a nonresidential zoning district, all non-structural improvements, other than approved access, shall be located a minimum of 10 feet from the side property line.
- (4) *Architectural Forms and Standards.* All new structures shall maintain the historical and aesthetic character of the area. Starr's Mill was built in the late 1800s and is a significant historic resource in Fayette County. Starr's Mill is indicative of turn of the century architectural character common in rural areas and is a building of influence in this area. Other architectural styles such as One-Part Commercial Block and Two-Part Commercial Block associated with this period are acceptable for this overlay zone. Architectural examples are on file in the Planning and Zoning Department.

Architectural Review. An owner/developer may obtain an administrative staff approval for structures by submitting elevation drawings denoting compliance with these architectural forms and standards. Staff review and approval will take place as part of the site plan approval process. An owner/developer may exercise an architectural review option for structures within the overlay zone.

The purpose of this option is to allow the owner/developer to present a creative interpretation of the architectural intent of the overlay zone. Elevation drawings, submitted as part of the site plan approval process, shall be reviewed and considered by the Board of Commissioners in a public meeting with a recommendation from the Planning Commission and Staff.

- a. **Starr's Mill:** Starr's Mill is a two-story structure with a gable roof. The roof is corrugated metal. The façade is wood clapboard siding and runs in a horizontal pattern. The structure sits on a stacked stone foundation and stacked stone pillars. Windows are wood-framed with a grid muntin pattern. Doors are also wood-framed. The structure has a covered porch with stairs and a wood picket rail banister. The building is red, the stairs, porch framing and banisters are white, the stair landings and porch decking are grey and the roof and porch covering is a grey corrugated metal.
 1. **Roof:** Gable roof with a minimum pitch of 4 ½)inches in one foot. Roofing material shall be grey corrugated metal.
 2. **Façade Material:** Clapboard siding running in a horizontal pattern on all walls. Acceptable sidings include wood and fiber-cement siding (e.g., Hardiplank). The foundation shall have the appearance of stacked stone. Façade colors shall match with the color palette on file in the Planning and Zoning Department.
 3. **Doors and Windows:** Doors and windows shall have a frame and grid muntin pattern as established by Starr's Mill. Door and window frames shall be white with a minimum width of four inches. Large display windows and glass doors shall give the appearance of grid pattern muntins and framing consistent with Starr's Mill. Grid pattern muntins shall be white. Large display or storefront windows shall have a minimum two-foot high bulkhead consistent with the Façade Materials above.
 4. **Covered Entrance:** Covered entrances shall be in character with the Starr's Mill porch consisting of a grey corrugated metal matching the roof of the main structure. A white wood picket rail banister with a minimum height of three feet shall extend the full length of the covered entrance with a maximum entrance space of three feet. All support structures shall be white.
- b. **One-Part Commercial Block:** A popular commercial design from the mid-19th to the early 20th century. The one-part commercial block is a simple, one-story box with a flat or shed roof. Common façade materials consist of brick with decorative block, stone, and concrete accents. The focal point of the front façade is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Architectural features include a cornice, belt course and parapet wall.
 1. **Façade Material:** Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. **Entrance Doors and Windows:** The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of

two feet high and shall be separated from the windows and door by a mullion width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.

3. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A parapet wall is required along the front and side walls of the structure and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- c. Two-Part Commercial Block: A popular commercial design from the mid-19th to the early 20th century. These buildings have two primary components — first floor storefronts (similar in design to a One-Part Commercial Block) and upper floors which historically were used for residential or office space. The focal point of the first floor is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Upper floors have one or more floors of smaller symmetrically-positioned windows. Architectural features include a cornice, belt course and parapet wall. Common façade materials consist of brick with decorative block, stone, and concrete accents.
1. Façade Materials: Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. Entrance Doors and Windows (first floor storefronts): The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of two feet high and shall be separated from the windows and door by a mullion with a minimum width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
 3. Upper Floor Windows: Upper floor windows shall be symmetrically positioned. All window frames shall match with the color palette on file in the Planning and Zoning Department.
 4. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A belt course with a minimum projection of one inch from the main façade shall be required between the first floor and the second floor. A parapet wall is required and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- d. Lighting:
1. All wall lighting shall consist of period lantern or goose neck pendant lighting. These restrictions shall not apply to wall lighting required by the Fire Marshal.
 2. All pole lighting shall consist of period post top globe, lantern, or pendant luminaries with rapid-ship posts.

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- e. Within the 50-foot front landscape area, a wall or fence is required to run along a minimum of forty (40%) percent of the frontage. If a wall, the wall shall be a minimum of three (3) feet in height with the appearance of stacked stone. If a fence, the fence shall be a minimum of four (4) feet in height with the appearance of wrought iron, picket, split rail or horse rail fence. Fence materials are limited to metal, vinyl/plastic, pre-cast concrete and masonry for columns.
 - f. Color Palette: Only those colors indicated on the color palette on file in the Planning and Zoning Department shall be allowed for structures. Any changes to the color of structures in this overlay must be submitted to Staff for approval.
 - g. The design of ancillary buildings and sign structures shall be consistent with the architectural style and color inherent in the principal structure on the property.
- (5) *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. Street Frontage: Landscape area: Fifty (50) feet along the right-of-way of SR 74, SR 85, and Padgett Road. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels, Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the Environmental Management Department. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - b. Side Yard Landscape Area: Ten feet in depth along the side property lines unless adjacent to a residential district where buffer requirements will apply.
- (6) *Use of existing structure.* When property containing legal conforming or legal nonconforming structures, under the current zoning, is rezoned to a nonresidential zoning district the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (7) *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- (8) *Special locational and spatial requirements.*
- a. No more than 50 percent of the required parking can be located in the front yard along a State Route as established by the front building line of any structure located on the site. Sites with existing parking are exempt.
 - b. No outside storage allowed.
 - c. All rooftop heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

(Code 1992, § 20-7-6; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2016-15, § 5, 7-28-2016)

~~Secs. 110-175—110-201. Reserved.~~

Sec. 110-175 – Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

- (1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.
- (2) Special uses of property allowed.
 - a. **Reserved.**

~~Secs. 110-176—110-201. Reserved.~~

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add provisions to Sec. 110-175. Special Use of Property - to provide procedures for application for Drug Abuse Treatment Facility.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to provide procedures for a Drug Abuse Treatment Facility as a Special Use of Property. In addition to meeting certain required conditions, this use must also require specific public hearings by the Board of Commissioners prior to approval.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to provide procedures for a Drug Abuse Treatment Facility as a Special Use of Property.

**NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF
THE FAYETTE COUNTY CODE
OF ORDINANCES, CHAPTER
110. ZONING ORDINANCE.**

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on

July 20, 2023, at 7:00 P.M. and
before the Fayette County Board of
Commissioners on

July 27, 2023, at 5:00 P.M. in the
Fayette County Administrative
Complex, 140

Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

Consideration of amendments to
Chapter 110. Zoning Ordinance,
adding provisions to Sec.

110-175, Special Use of Property, to
provide procedures for application
for Drug Abuse
Treatment Facility.

A copy of the above is available
in the office of the Fayette County
Planning and Zoning
Department, 140 Stonewall Ave-
nue West, Suite 202, Fayetteville,
Georgia.

This 28 th day of June 2023.

Deborah Bell, Director
Planning and Zoning

06/28

*Rev Date
JUNE 28, 2023
110-175 (ADDING)*

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

Sec. 110-169. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - a. *Adult day care facility.* Allowed in the C-C, C-H, and O-I zoning districts and church or other place of worship (see article V of this chapter).
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.
 - b. *Aircraft landing area.* Allowed in the A-R, M-1, and M-2 zoning districts. The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.
 1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 2. For any newly developed landing area for fixed wing aircraft, a 1,000-foot clear zone as defined by the FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of a runway be closer than 200 feet from the property line.
 3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.
 4. Any on-site roofed structure shall be set back at least 200 feet from the nearest point on the centerline of the runway.
 5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.
 - (i) FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - (ii) A site plan, prepared by a registered surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

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- (iii) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
 - 6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.
 - (i) An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.
 - (ii) Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.
 - (iii) In the A-R zoning district, on lots of less than ten acres in size, there shall be a maximum of one detached hangar allowed.
 - 7. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.
 - 8. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - (i) A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - (ii) A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - (iii) A detached hangar shall be located to the side or rear of the principal dwelling.
 - (iv) A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
 - c. *Amphitheater*. Allowed C-H and M-1 zoning districts.
 - 1. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends.
 - 2. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.
 - 3. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 - d. *Animal hospital, kennel, and/or veterinary clinic*. Allowed in A-R, C-C, C-H, and M-1 zoning districts. All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.
 - e. *Animal hospital and/or veterinary clinic*. Excludes commercial and noncommercial kennel. Allowed in O-I zoning district. All structures shall not be located closer than 55 feet (30-foot buffer and 25-foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed except during the convalescent period.
 - 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.

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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.
 - g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.
 1. Minimum lot size: fifteen acres.
 2. 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.
 3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
 4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
 5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
 7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
 8. Sanitation facilities shall be approved by the environmental health department.
 9. Food service shall meet all state and local requirements.
 10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section 110-169 and Article VI, pertaining to "Tourist Accommodations," of Chapter 8 of the County Code.
 11. Tents shall require county fire marshal approval, as applicable.
 12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.
- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 3. A dynamometer shall not be utilized in conjunction with outside emission testing.
- i. *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.

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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.
- j. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-I zoning districts.
1. Minimum lot size: three acres.
 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. The facility shall comply with all licensing requirements of the state.

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6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.
 7. Twenty-four-hour staff shall be required.
 8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).
- k. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum/columbaria shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Allowed uses and/or structures incidental to a cemetery shall include a funeral establishment building/office (where funeral services may be provided), maintenance/storage building, pavilion, chapel, restroom facility and statues/monuments.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)k.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery.*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
 - (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary

where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(viii) Landscape areas shall be required and planted in accordance with chapter 104.

- I. *Charter motor coach service.* Allowed in C-H zoning district.
 - 1. All motor coaches shall be parked to the rear of the principal structure.
 - 2. All motor coaches shall be screened in accordance with article III of this chapter.
 - 3. Overhead bay doors shall not be open to the street.
 - 4. The following uses shall be allowed: administrative office, passenger pickup, and storage of motor coaches.
 - 5. On-site maintenance/repairs are prohibited.
- m. *Child care facility.* Allowed in C-C, C-H, O-I, A-R, and MHP zoning districts, and church and/or other place of worship.
 - 1. The facility shall comply with all applicable licensing requirements of the state.
 - 2. Outdoor play areas shall be located to the side or rear of the principal building.
 - 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 - 4. A fence measuring at least four feet in height shall enclose the entire play area.
 - 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 - 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 - 8. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
- n. *Church and/or other place of worship.* Allowed in O-I, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

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1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses 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.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
 6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
 7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
 8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
 9. Landscape areas shall be required in accordance with chapter 104.
 10. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
 12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

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- (i) The pavilion shall be constructed following the construction of the main sanctuary building;
 - (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
 - (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

- 13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
- o. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 - 1. The lot area shall be at least ten acres.
 - 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 - 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 - 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.
 - 6. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.

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7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- p. *Commercial driving range and related accessories.* Related accessories limited to: putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. Allowed in C-C, C-H, and A-R zoning districts.
1. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 2. All greens, fairways, and driving areas shall be set back at least 50 feet from any nonresidential zoning district.
 3. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multifamily residence, provided that lighting is not directly visible from said residence.
 4. No outside loudspeaker system shall be utilized.
- q. *Convenience commercial establishment.* Allowed in the L-C-2 zoning district.
1. Maximum floor area: 3,500 square feet.
 2. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.
 3. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 4. Underground storage tanks shall be set back at least 20 feet from all property lines.
 5. The number of gasoline pumps shall be limited to no more than six with a total of 12 pumping stations.
- r. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.
1. Minimum lot size: five acres;
 2. 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. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the department of natural resources' "Hunters for the Hungry" program;
 3. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see sec. 110-169(u));
 4. The deer processing facility shall have a current Wildlife Storage Permit from the state department of natural resources, wildlife resources division;

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5. The deer processing facility shall have a NPDES permit, as applicable, from the environmental protection division of the state department of natural resources and said permit shall be filed with the department of environmental management;
 6. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the guidance document Disposal of Deer Processing Waste from the state department of natural resources, environmental protection division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in municipal solid waste landfills (MSWL). The burial of any deer processing waste is prohibited;
 7. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with article VIII. Off-street parking and service requirements of the development regulations. Graveled parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the nonresidential development landscape requirements of the county development regulations.

8. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (sec. 110-173) with the exception of the architectural standards.
- s. *Developed residential recreation/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic areas.* 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, PUD-PRD 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.

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5. Paved parking area is required per chapter 104.
 6. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- t. *Dry cleaning plant.* Allowed in the C-C and C-H zoning districts.
1. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc., standard of classification known as Class I systems shall be prohibited;
 2. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc., standard classification, known as Class II and Class III systems, shall meet all requirements of the National Fire Safety Association Code;
 3. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
 4. Fuel for operation of the equipment shall be smokeless fuel; and
 5. Central water and central sanitary sewage systems are required. This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.
- u. *Experimental labs.* Allowed in the C-H, M-1, and M-2 zoning districts.
1. Minimum lot area: three acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 2. Said use shall comply with all applicable state and/or federal licensing requirements.
- v. *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.

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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. Lot size two to less than five acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.
 8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity. 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 section 110-79). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.
- x. *Feed lot and/or commercial barn.* Barns and feed lots shall be located at least 100 feet from all property lines. Allowed in the M-1 zoning district.
- x. *Golf course (minimum 18-hole regulation) and related accessories.* Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. Allowed in the C-C, C-H, and A-R zoning districts.
1. Said facilities shall be for daytime use only.
 2. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 3. No outside loudspeaker systems shall be utilized.
- y. *Heavy manufacturing, packaging, processing or handling of materials.* (Allowed in the M-2 zoning district) Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.
- z. *Home occupation.* Allowed in A-R, 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, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
 2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
 3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
 4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day

and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
 6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
 7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
 9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
 10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
 11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
 12. *In-home beauty salon or barbershop.* An in-home beauty salon or barbershop shall be limited to one chair and shall be subject to the department of environmental health's approval. It shall also comply with 4 above, in regards to the number of customers.
 13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.
- aa. *Horse quarters in residential zoning districts.* Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts.
1. Minimum lot size: ten acres.
 2. Minimum side yard setback: 50 feet.
 3. Minimum rear yard setback: 75 feet.
 4. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.

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5. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.
 6. Only one horse quarter structure shall be permitted and shall not be counted as an accessory structure.
 7. Riding lessons and boarding are prohibited.
 8. Number of horses (see article III of this chapter).
- bb. *Horse show, rodeo, carnival, and/or community fair.* Allowed in the A-R and C-H zoning districts.
1. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year.
 2. Tents shall require the approval of the county fire marshal.
 3. Off-street parking shall be required.
 4. Outdoor lighting for activities shall not be permitted after 10:00 p.m.
- cc. *Hospital.* Allowed in the C-C, C-H, O-I, and A-R zoning districts.
1. Minimum lot size: ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- dd. *Junkyard and/or auto graveyard.* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Maximum site area: 25 acres.
 3. A minimum 100-foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

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4. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R zoning districts.
- ee. *Kennel*. See animal hospital, kennel (commercial or noncommercial) and/or veterinary clinic.
- ff. *Landfill*. Allowed in the M-2 zoning district.
1. Minimum lot size: 20 acres.
 2. A minimum 100-foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 3. Landfill operations shall be set back at least 200 feet from a major thoroughfare as designated by the county thoroughfare plan.
 4. The landfill shall comply with all of the state and federal requirements.
 5. Such uses 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.
- gg. *Laundromat, self-service or otherwise*. Allowed in the C-C and C-H zoning districts. Central water and central sanitary sewage systems are required.
- hh. *Mining and/or quarrying*. Allowed in the M-2 zoning district.
1. Ingress and egress to and from the facility shall be limited to an arterial as designated by the county thoroughfare plan.
 2. A minimum 100-foot buffer shall be required adjacent to residential or A-R zoning districts.
 3. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R zoning district.
 4. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 5. The operation shall comply fully with all of the state and federal requirements.
- ii. *Non-emergency medical transport service*. Allowed in the O-I zoning district.
1. The service shall comply with all licensing requirements of the state.
 2. Parking of all medical transport vehicles is allowed in the side and/or rear yard only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight feet.
 3. No on-site vehicle maintenance or fueling facilities are allowed.
- jj. *Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping*. Allowed in the C-H and M-1 zoning districts.
1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.

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2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
 4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.
 5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
- kk. *Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.
1. Minimum lot size: five acres.
 2. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in section 110-169: Cemetery, human or pet, child care facility, church and/or other place of worship, college and/or university, hospital, private school, or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.
 5. Student drop-off and vehicular turn-around facilities shall be provided on the site.
 6. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 8. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main school building;
 - (ii) The floor area cannot exceed 40 percent of the square footage of the main school building; and

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- (iii) The pavilion may not be lighted or used after 10:00 p.m. If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main school building square footage.
- II. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e., fruits and vegetables).* Allowed in the A-R zoning district.
1. Minimum lot area: five acres.
 2. All structures shall be set back at least 100 feet from any property line.
 3. No structure shall exceed 5,000 square feet of floor area (interior measurements).
 4. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
- mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses 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.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. All buildings, other than storage 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 brick, stone, stucco, wood, or similar building materials compatible with the area.
 6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
- nn. *Religious tent meeting.* Allowed in A-R, C-C, C-H, and O-I zoning districts.
1. Said meetings shall not exceed 14 days per year at the same site.
 2. Tents shall require the approval of the county fire marshal.

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3. Off-street parking areas shall be required.
 4. All activities shall cease by 10:00 p.m.
- oo. *Recycling facility.* Allowed in the M-1 zoning district.
1. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.
 2. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.
 3. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 4. All outside storage areas shall be totally screened according to chapter 104. Storage bins cannot be a greater height than the screening.
- pp. *Seasonal sales, outdoor.* Allowed in C-C and C-H zoning districts and church and/or other place of worship (see this article).
1. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R zoning district, which has a bona fide farming operation, is exempt from seasonal sales requirements;
 2. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from article III of this chapter, except as provided herein;
 3. Location of seasonal sales as outdoor displays, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;
 4. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;
 5. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 6. Off-street parking shall be required;
 7. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by chapter 108 shall be submitted to the planning and zoning department; and
 8. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the conditional use permit.
- qq. *Self-storage facility (external and/or internal access).* Allowed in G-B, M-1 and C-H zoning districts.
1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access shall not directly face a street.

Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area

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- utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.
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, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.
 3. The maximum size of an individual storage unit shall be 600 square feet.
 4. The facility may contain one on-site single-family dwelling unit.
 5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
 6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed 25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.
 7. All outdoor lighting shall be shielded away from adjacent residential areas.
 8. No exterior loudspeakers or paging equipment shall be permitted on the site.
- rr. *Shooting range, outdoor.* Allowed in A-R and M-1 zoning districts.
1. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.
 2. The outdoor shooting range shall meet all applicable state and federal regulations including, but not limited to: the state department of natural resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 3. The outdoor shooting range shall meet the requirements of section 16-4 and chapter 16, article II.
- ss. *Single-family residence and residential accessory structures and/or uses.* Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.
1. Said residence shall be a single-family detached residence.
 2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
 3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".
- tt. *Stadium, athletic.* Allowed in the C-H and M-1 zoning districts. The athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

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- uu. *Temporary tent sales.* Allowed in the C-C and C-H zoning districts.
 - 1. Said tent sales shall not be operated longer than 28 calendar days per year;
 - 2. Tents shall require the approval of the county fire marshal;
 - 3. Off-street parking shall be required;
 - 4. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 - 5. Location of outdoor sales, as well as a temporary tent:
 - (i) Shall comply with zoning requirements for setbacks.
 - (ii) Shall be exempt from screening (see article III of this chapter), except where provided herein.
 - (iii) Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.

 - vv. *Transfer station for household/commercial garbage and/or recyclable materials (including processing and handling).* Allowed in the M-2 zoning district.
 - 1. Minimum lot size: ten acres.
 - 2. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the county thoroughfare plan.
 - 3. The transfer station shall comply with all licensing requirements of the state.
 - 4. Such uses 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.

 - ww. *Wind farm.* Allowed in the M-1 and M-2 zoning districts. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.

 - xx. *Vehicle/boat sales.* Allowed in C-C and C-H zoning district.
 - 1. All vehicle/boat sales facilities must comply with the following conditions:
 - (i) All activities except sales shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) No external loudspeakers allowed.
 - 2. A full range of repairs shall be allowed incidental to a sales use and shall comply with the following:
 - (i) All repair activities shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) All overhead doors shall face the side and/or rear yard or be screened from view from the street per article III of this chapter or utilizing vegetative materials.
 - (iv) All wrecked vehicles stored for repair shall be screened in accordance with article III of this chapter.

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- (v) Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
 - (vi) No external loudspeakers allowed.

(Code 1992, § 20-7-1; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-13, § 5, 12-13-2012; Ord. No. 2012-14, § 6, 12-13-2012; Ord. No. 2013-02, § 4, 4-25-2013; Ord. No. 2013-08, § 1, 7-25-2013; Ord. No. 2014-19, § 8, 12-11-2014; Ord. No. 2015-05, § 3, 3-26-2015; Ord. No. 2015-12, § 1, 10-22-2015; Ord. No. 2015-13, §§ 1—7, 12-10-2015; Ord. No. 2016-12, §§ 4, 5, 7-28-2015; Ord. No. 2016-15, § 4, 7-28-2016; Ord. No. 2017-04, § 7, 3-23-2017; Ord. No. 2018-03, §§ 16—19, 9-22-2018; Ord. No. 2018-11, §§ 7—9, 10-25-2018; Ord. No. 2020-02, §§ 14—19, 5-28-2020; Ord. No. 2021-05, § 4, 3-25-2021; Ord. No. 2021-06, § 2, 3-25-2021; Ord. No. 2021-09, § 7, 5-27-2021)

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (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, 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 pocket park shall not exceed 10,890 square feet (¼ acre) in size and may contain playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, benches, and picnic facilities, including one covered picnic pavilion not to exceed 400 square feet. A minimum 15-foot setback shall be maintained 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.
- (d) *Creation of a legal nonconforming lot for a legal nonconforming cemetery or burial ground.* The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision plat, and/or site plan, as applicable. A minimum 20-foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

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- (e) *Minimum requirements.* Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the board of commissioners of the county, shall meet the minimum lot size, lot width, and road frontage requirements of this chapter, except as otherwise provided herein. Combination or division of lots to achieve compliance with said requirements shall be accomplished as a condition of rezoning approval.
- (f) *Consideration for the rezoning of legal nonconforming lots.* Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in article IX of this chapter, would include the following:
- (1) The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
 - (2) The current zoning and land use designations of adjoining lots as indicated on the land use plan. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the zoning board of appeals shall be required.
- (g) *Nonconforming uses; nonconforming open uses of land.* Any legally existing open uses of land which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses consist of storage yards, vehicle and trailer sales lots, auto wrecking, junkyards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.
- (1) When a legal nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Legal nonconforming open uses of land shall not be changed to any use but conforming uses.
 - (3) A legal nonconforming open use of land shall not be enlarged to cover more land.
 - (4) When any legal nonconforming open use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (h) *Nonconforming use of a structure.* Any legally existing use of a structure which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure. Said uses shall be governed by the following restrictions:
- (1) A legal nonconforming use of a structure may be changed to another nonconforming use upon a finding by the zoning board of appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
 - (2) A legal nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
 - (3) A legal nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.

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- (4) When any legal nonconforming use of a structure is discontinued for a period in excess of six months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (i) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (j) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that:
- (1) The use is a legal nonconforming use as defined in these regulations;
 - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
 - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (k) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
 - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
 - (3) Adjacent property would not be unduly damaged by such continuance; and
 - (4) The use is to be identical to the prior legal nonconforming use.
- (l) *Nonconforming structures; nonconforming structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.
- (m) *Restoration and re-use of nonconforming historic structures.* Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:
- (1) The structure and previous use shall be identified in the architectural survey of the county. The re-use of the historic structure will be subject to the regulations of the nonconforming use of a structure (article V of this chapter).
 - (2) The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this chapter is subject to approval of the zoning board of appeals.

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- (3) Areas of consideration for approval of such a request include, but are not limited to:
- a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.
- (n) *Use of historic residential structures and agricultural structures in residential subdivisions.* The preservation of historic residential structures listed in the architectural survey of the county and agricultural structures are allowed in residential subdivisions to preserve the character of the county as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The use of these structures will be subject to the approval of the zoning board of appeals in terms of any nonconformance with the applicable zoning district.
- (o) *Reconstruction of legal nonconforming structures.* When a legal nonconforming structure is damaged by fire, flood, wind or act of God, such structure may be reconstructed as a legal nonconforming structure only if the cost of reconstruction totals less than 75 percent of the current fair market value of the structure for tax purposes. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code). The "value of the structure" shall not include the value of any accessory building, well, septic tank, or utility in determining the extent of the damage.
- (p) *Maintenance or repair of legal nonconforming structures.* The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes, the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code).
- (q) *Legally existing structures and rezoning.*
- (1) A property that is improved with a legally existing structure, which would become nonconforming in terms of the architectural requirements within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a transportation corridor overlay zone regarding enlargement of an existing nonconforming structure.
 - (2) A property that is improved with a legally existing structure, which would become nonconforming in terms of the maximum height limits within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.
 - (3) A property that is improved with a legally existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.
 - (4) A property that is improved with legally existing accessory structures, which would become nonconforming in terms of the accessory structure requirements within this chapter, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

(5) A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals (see article VII of this chapter) shall be necessary for the structure to remain within the setback, except as otherwise provided in the zoning ordinance. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Any new structure shall comply with the dimensional minimum requirements herein.

(r) *Illegal nonconforming uses.* Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of the ordinance from which this chapter is derived, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-2; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-02, § 5, 4-25-2013; Ord. No. 2020-02, § 20, 5-28-2020)

Sec. 110-171. Changes in zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the county or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of article V of this chapter.

(Code 1992, § 20-7-3; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-172. Illegal nonconforming uses.

Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the date of November 13, 1980, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-4; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-173. Transportation corridor overlay zone.

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

(1) *General state route overlay zone.* All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North

Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.

- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
 2. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements:
 - (i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 3. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-

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- stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which established a horizontal pattern.
4. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two-foot-high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco).
 5. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 6. When an existing structure, that is nonconforming to the aforementioned architectural standards, is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.
- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet in depth along state route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - i. *Special locational and spatial requirements.*
 - 1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 - 2. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a state route.
 - j. *SR 74 South Corridor Sidewalk Requirements.* In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.
- (2) *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 - 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - 2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 - 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 - 2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.

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4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
- d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.
 5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a

development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *Street frontage.* Landscape area: 50 feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. *Special locational and spatial requirements.*
 - 1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 - 2. No outside storage allowed.
 - 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 54.
- (3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.
 - a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

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1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
 2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 3. To protect the aesthetics for existing and future development in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Setbacks will be as follows:
 - (i) Front yard setback on State Route 85 North: 100 feet.
 - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.*
1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
 2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - h. *Special locational and spatial requirements.*
 - 1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- (4) *SR 74 North Overlay Zone.* All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton county line to achieve the goals of the SR 74 North Overlay District contained in the county comprehensive plan.
- a. *Purpose.* The purpose of the SR 74 North Overlay Zone is to achieve the following:
 - 1. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - 2. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - 3. To protect existing and future residential areas in the SR 74 North corridor.
 - b. *Access.*
 - 1. *West Side of SR 74 North access and internal roadways.* An internal collector road connecting all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated county will be limited to one right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road. The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the county engineer.
 - 2. *East Side of SR 74 North access and internal roadways.* To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive shall be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the county line. Within the county this service drive will extend from the Fulton county line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially-zoned properties along SR 74 shall be accessed via a public road built to county standards and dedicated to the county. Those affected properties are identified and addressed in the county comprehensive plan.

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3. *West Side of SR 74 North multi-use path system.* In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district, and will be constructed in conjunction with the roads. Said multi-use path system shall connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line. On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a ten-foot-wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in the right-of-way will be made by the division of public works.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 74 North: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.*
 1. *West Side of SR 74 North architectural standards.*
 - (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern.
 - (ii) The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - (iii) No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 - (iv) No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
 2. *East Side of SR 74 North architectural standards.*
 - (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta:

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- (ii) All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iii) Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the principal structure on the property including the roof pitch.
 - e. Landscape requirements: In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
 - 1. *Street frontage SR 74 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - 2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
 - f. *Lighting.*
 - 1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 - 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
 - g. *Additional requirements.*
 - 1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 - 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 3. Bay doors shall not be allowed to directly face SR 74 North.

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4. All utilities shall be underground.
 - h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (5) *SR 138 and North SR 314 overlay zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North SR 314 overlay zone. The intent of the overlay is to set standards specific to SR 138 and North SR 314 as described above.
- a. *Purpose.* The purpose of the SR 138 and North SR 314 overlay zone is to achieve the following:
 1. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
 2. To enhance and maintain the aesthetic qualities of the corridor; and
 3. To protect existing and future residential areas.
 - b. *Access standards.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points and interparcel access shall be required to comply with chapter 104, development regulations. A concept plan, submitted with a rezoning application, and/or a site plan shall illustrate compliance with these requirements.
 - c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 138: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.

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5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 138 and SR 314 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth alongside property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and

property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

3. Bay doors shall not be allowed to directly face SR 138 or SR314.
 4. All utilities shall be underground.
 - h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (6) *Flat Creek Trail Overlay Zone.* All property with a nonresidential zoning which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay zone is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 1. To maintain the residential and institutional character of the area; and
 2. To control the architectural character and aesthetic quality of the development property with a nonresidential zoning.
 - b. *Architectural standards.* Structures shall maintain a residential character and these standards shall apply to new structures built on property with a nonresidential zoning. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
 2. All buildings shall be constructed in a residential character 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 finished/baked enamel metal siding which establishes a horizontal pattern; and
 3. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting 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 finished/baked enamel metal siding which establishes a horizontal pattern.
 - c. *Additional requirements.*

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1. All roof-top heating, ventilation, and air conditioning equipment and shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 2. No outside storage shall be allowed.

(Code 1992, § 20-7-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-14, § 7, 12-13-2012; Ord. No. 2014-10, § 1, 6-26-2014; Ord. No. 2019-04, § 2, 6-27-2019; Ord. No. 2020-02, § 21, 5-28-2020; Ord. No. 2020-05, § 1, 8-27-2020; Ord. No. 2021-01, § 1, 1-28-2021; Ord. No. 2021-05, § 5, 3-25-2021)

Sec. 110-174. Historic district overlay zone.

Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. All property and/or development located at this intersection with nonresidential use or zoning as depicted on the Future Land Use Map shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations as applicable. The General State Route Overlay Zone shall not apply to this area.

- (1) The purpose of the Starr's Mill Historic Overlay Zone at the SR 74, SR 85, and Padgett Road Intersection is to achieve the following:
 - a. To maintain the historic character of the area;
 - b. To control the intensity and aesthetic quality of development at the intersection as it is the southern gateway into Fayette County;
 - c. To promote and maintain orderly development for an efficient traffic flow in highway corridors; and
 - d. To protect existing and future residential areas outside of the intersection.
- (2) *Access.* Access to each nonresidential property and/or development shall be from SR 74, SR 85, or Padgett Road. All access points shall be required to comply with Georgia Department of Transportation regulations and/or Fayette County Development Regulations, as applicable.
- (3) *Dimensional Requirements.*
 - a. All parking areas shall be located at least 50 feet from SR 74, SR 85, or Padgett Road right-of-way.
 - b. Front yard setbacks on SR 74, SR 85, and Padgett Road for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
 - d. If the side yard abuts a nonresidential zoning district, all non-structural improvements, other than approved access, shall be located a minimum of 10 feet from the side property line.
- (4) *Architectural Forms and Standards.* All new structures shall maintain the historical and aesthetic character of the area. Starr's Mill was built in the late 1800s and is a significant historic resource in Fayette County. Starr's Mill is indicative of turn of the century architectural character common in rural areas and is a building of influence in this area. Other architectural styles such as One-Part Commercial Block and Two-Part Commercial Block associated with this period are acceptable for this overlay zone. Architectural examples are on file in the Planning and Zoning Department.

Architectural Review. An owner/developer may obtain an administrative staff approval for structures by submitting elevation drawings denoting compliance with these architectural forms and standards. Staff review and approval will take place as part of the site plan approval process. An owner/developer may exercise an architectural review option for structures within the overlay zone.

The purpose of this option is to allow the owner/developer to present a creative interpretation of the architectural intent of the overlay zone. Elevation drawings, submitted as part of the site plan approval process, shall be reviewed and considered by the Board of Commissioners in a public meeting with a recommendation from the Planning Commission and Staff.

- a. **Starr's Mill:** Starr's Mill is a two-story structure with a gable roof. The roof is corrugated metal. The façade is wood clapboard siding and runs in a horizontal pattern. The structure sits on a stacked stone foundation and stacked stone pillars. Windows are wood-framed with a grid muntin pattern. Doors are also wood-framed. The structure has a covered porch with stairs and a wood picket rail banister. The building is red, the stairs, porch framing and banisters are white, the stair landings and porch decking are grey and the roof and porch covering is a grey corrugated metal.
 1. **Roof:** Gable roof with a minimum pitch of 4 ½)inches in one foot. Roofing material shall be grey corrugated metal.
 2. **Façade Material:** Clapboard siding running in a horizontal pattern on all walls. Acceptable sidings include wood and fiber-cement siding (e.g., Hardiplank). The foundation shall have the appearance of stacked stone. Façade colors shall match with the color palette on file in the Planning and Zoning Department.
 3. **Doors and Windows:** Doors and windows shall have a frame and grid muntin pattern as established by Starr's Mill. Door and window frames shall be white with a minimum width of four inches. Large display windows and glass doors shall give the appearance of grid pattern muntins and framing consistent with Starr's Mill. Grid pattern muntins shall be white. Large display or storefront windows shall have a minimum two-foot high bulkhead consistent with the Façade Materials above.
 4. **Covered Entrance:** Covered entrances shall be in character with the Starr's Mill porch consisting of a grey corrugated metal matching the roof of the main structure. A white wood picket rail banister with a minimum height of three feet shall extend the full length of the covered entrance with a maximum entrance space of three feet. All support structures shall be white.
- b. **One-Part Commercial Block:** A popular commercial design from the mid-19th to the early 20th century. The one-part commercial block is a simple, one-story box with a flat or shed roof. Common façade materials consist of brick with decorative block, stone, and concrete accents. The focal point of the front façade is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Architectural features include a cornice, belt course and parapet wall.
 1. **Façade Material:** Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. **Entrance Doors and Windows:** The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of

two feet high and shall be separated from the windows and door by a mullion width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.

3. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A parapet wall is required along the front and side walls of the structure and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- c. Two-Part Commercial Block: A popular commercial design from the mid-19th to the early 20th century. These buildings have two primary components — first floor storefronts (similar in design to a One-Part Commercial Block) and upper floors which historically were used for residential or office space. The focal point of the first floor is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Upper floors have one or more floors of smaller symmetrically-positioned windows. Architectural features include a cornice, belt course and parapet wall. Common façade materials consist of brick with decorative block, stone, and concrete accents.
1. Façade Materials: Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. Entrance Doors and Windows (first floor storefronts): The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of two feet high and shall be separated from the windows and door by a mullion with a minimum width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
 3. Upper Floor Windows: Upper floor windows shall be symmetrically positioned. All window frames shall match with the color palette on file in the Planning and Zoning Department.
 4. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A belt course with a minimum projection of one inch from the main façade shall be required between the first floor and the second floor. A parapet wall is required and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- d. Lighting:
1. All wall lighting shall consist of period lantern or goose neck pendant lighting. These restrictions shall not apply to wall lighting required by the Fire Marshal.
 2. All pole lighting shall consist of period post top globe, lantern, or pendant luminaries with rapid-ship posts.

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- e. Within the 50-foot front landscape area, a wall or fence is required to run along a minimum of forty (40%) percent of the frontage. If a wall, the wall shall be a minimum of three (3) feet in height with the appearance of stacked stone. If a fence, the fence shall be a minimum of four (4) feet in height with the appearance of wrought iron, picket, split rail or horse rail fence. Fence materials are limited to metal, vinyl/plastic, pre-cast concrete and masonry for columns.
 - f. Color Palette: Only those colors indicated on the color palette on file in the Planning and Zoning Department shall be allowed for structures. Any changes to the color of structures in this overlay must be submitted to Staff for approval.
 - g. The design of ancillary buildings and sign structures shall be consistent with the architectural style and color inherent in the principal structure on the property.
- (5) *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. Street Frontage: Landscape area: Fifty (50) feet along the right-of-way of SR 74, SR 85, and Padgett Road. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels, Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the Environmental Management Department. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - b. Side Yard Landscape Area: Ten feet in depth along the side property lines unless adjacent to a residential district where buffer requirements will apply.
- (6) *Use of existing structure.* When property containing legal conforming or legal nonconforming structures, under the current zoning, is rezoned to a nonresidential zoning district the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (7) *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- (8) *Special locational and spatial requirements.*
- a. No more than 50 percent of the required parking can be located in the front yard along a State Route as established by the front building line of any structure located on the site. Sites with existing parking are exempt.
 - b. No outside storage allowed.
 - c. All rooftop heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

(Code 1992, § 20-7-6; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2016-15, § 5, 7-28-2016)

Sec. 110-175 – Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

(1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.

(2) Special uses of property allowed.

~~a. Reserved.~~

a. *Drug abuse treatment facility.* Allowed in the O-I zoning district.

i. Minimum lot size: three acres.

ii. Such use shall only be permitted 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 unless such use is within a nonresidential development which has access to a major thoroughfare.

iii. A minimum 50-foot vegetated buffer with an 8-foot privacy fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.

iv. All building setbacks shall be measured from the required buffers.

v. Minimum setbacks:

a. Front yard: 100 feet

b. Side yard: 50 feet

c. Rear yard: 50 feet

vi. The facility shall also be approved and licensed by the Georgia Department of Community Health.

vii. The use shall meet the public notice and public hearing requirements as set forth in OCGA § 36-66-4(f). -

Secs. 110-176—110-201. Reserved.

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add provisions to Sec. 110-142. O-I. Office-Institutional - to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I District.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I, Office-Institutional District. In addition to meeting certain required conditions, this use must also require specific public hearings by the Board of Commissioners prior to approval, as per Sec. 110-175.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I District.

*Row Date
June 28, 2023
110-142*

**NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF
THE FAYETTE COUNTY CODE
OF ORDINANCES, CHAPTER
110. ZONING ORDINANCE.**

PUBLIC HEARING to be held before the Fayette County Planning Commission on

July 20, 2023, at 7:00 P.M. and before the Fayette County Board of Commissioners on

July 27, 2023, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a special use in the Office-Institutional Zoning District.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 28 th day of June 2023.

Deborah Bell, Director
Planning and Zoning

06/28

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:
- (1) Office;
 - (2) Art gallery;
 - (3) Bank and/or financial institution;
 - (4) Banquet hall/event facility;
 - (5) College and/or university, including classrooms and/or administration only;
 - (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
 - (7) Health club and/or fitness center;
 - (8) Hotel;
 - (9) Insurance carrier, agent, and/or broker;
 - (10) Laboratory, medical, and/or dental;
 - (11) Legal services;
 - (12) Massage therapy (see chapter 8);
 - (13) Medical/dental office (human treatment);
 - (14) Military recruiting office;
 - (15) Museum;
 - (16) Performing arts theater;
 - (17) Private school, including classrooms and/or administration only;
 - (18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
 - (19) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:
- (1) Beauty shop and/or barbershop;
 - (2) Blueprinting;
 - (3) Cafeteria;

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- (4) Commercial art and/or drafting service;
 - (5) Day care facility;
 - (6) Delivery and/or messenger service;
 - (7) Drug store;
 - (8) Florist;
 - (9) Gift shop;
 - (10) Photocopying and/or reproduction;
 - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
 - (12) Stenographic and/or typing service;
 - (13) Teleconferencing center; and
 - (14) Travel agency and/or ticket office.
- (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:
- (1) Adult day care facility;
 - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
 - (3) Care home, convalescent center, and/or nursing home;
 - (4) Church and/or other place of worship;
 - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
 - (6) Child care facility;
 - (7) Home occupation;
 - (8) Hospital;
 - (9) Non-emergency medical transport service;
 - (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (11) Religious tent meeting; and
 - (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (e) *Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.* The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.
- (1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:
 - a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
 - b. Pharmaceutical sales (for the purpose of filling prescriptions only);

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- c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
 - d. Optical care center to include prescription eyeglass/contact lens sales;
 - e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and
 - f. Floral sales.
- (2) *Auxiliary conditional use limitations.*
- a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
 - b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.
- (3) *Architectural requirements.*
- a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.
 - b. Elevation drawings shall be submitted as part of site plan approval.
- (f) *Dimensional requirements.* The minimum dimensional requirements in the O-I 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 (0.50 acre).
 - (2) Lot width: 125 feet.
 - (3) Outside storage shall not be permitted.
 - (4) Setbacks, yards adjoining rights-of-way:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 55 feet.
 - (5) Setbacks, yards not adjoining rights-of-way:
 - a. Side yard: 15 feet.
 - b. Rear yard: 15 feet.
 - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
 - (7) Height limit:
 - a. 40 feet as defined in article I of this chapter.

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- b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.
- (8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (g) *SR 74 North-East Side Special Development District.*
- (1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:
 - a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.
 - (2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.
 - a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 - 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
 - 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - 3. Convenience store (no gasoline sales);
 - 4. Blueprinting, graphic, and/or copying service;
 - 5. Office and/or computer sales and/or service; and
 - 6. Cellular phone/communication device sales and/or service.
- (h) *State Route 54 West Special Development District.*
- (1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.
 - (2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:
 - a. Businesses that supply services, equipment and/or resources to the film industry;

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- b. Call center;
 - c. Cellular phone/communication device sales and/or service;
 - d. Computer technology service, sales and/or repair;
 - e. Medical equipment sales, rental and/or repair;
 - f. Restaurant (no drive-through or drive-in);
 - g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
 - h. Server farm/data center; and
 - i. Internal access self-storage facility.
 - 1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.
 - 2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.
 - 3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.
 - 4. No outside storage of materials or equipment shall be allowed.
 - 5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.
- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
- (4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; Ord. No. 2019-04, § 1, 6-27-2019; Ord. No. 2020-02, § 9, 5-28-2020; Ord. No. 2020-08, § 1, 10-22-2020)

(i) *Special uses of property.* The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:

(1) Drug abuse treatment facility.

PETITION No.: SUP-001-23

REQUEST: A request to operate a Drug Abuse Treatment Facility as a special use of property in the O-I (Office-Institutional) zoning district has been filed on April 23, 2023, by M. Adam Kaye, Jr., Attorney, on behalf of Peachtree Detox, LLC.

PROPERTY OWNER(S): NWE18 LLC

LOCATION: 1008 Highway 54 W – Parcel 0522 007

DISTRICT/LAND LOT(S): 5th District, Land Lot 126

ZONING: O-I, Office-Institutional

EXISTING USE: Vacant Building

BOARD OF COMMISSIONERS 1ST PUBLIC HEARING: July 27, 2023
2ND PUBLIC HEARING TENTATIVE DATE IS JANUARY 25, 2024.

SUMMARY

This request is to operate a Substance Abuse Treatment Facility as a Special Use of Property in the O-I (Office-Institutional) Zoning District. This hearing is the first of two hearings before the Board of Commissioners.

The use is defined in Sec. 110-3, Definitions, and is listed as a Special Use of Property in Sec. 110-142, O-I. Sec. 110-175 provides for this use as a Special Use of Property in accordance with State Law.

HISTORY

On March 21, 2023, Mr. Kaye submitted a request for a zoning verification letter to the Planning & Zoning Department. He advised that his client was ‘looking to possibly use the property for a substance-abuse detox facility, subject to the applicable licenses and approvals from the Georgia Department of Community Health.’ At the time of his initial request, a Substance Abuse Treatment Facility was not a listed use in the County’s Zoning Ordinance. Staff took immediate action to present amendments to the Planning Commission and Board of Commissioners to establish a definition and add the use in the Zoning Ordinance.

A substance abuse detox facility is subject to State Zoning Procedure Law as outlined in OCGA 36-66, specifically in OCGA 36-66-4(f). Title 36 in OCGA pertains to Local Governments and prescribes how Local Governments must conduct certain activities, including Zoning Procedure. A copy of this section of State Code follows.

Current through the 2022 Regular Session of the General Assembly.

- **Official Code of Georgia Annotated**
- **TITLE 36 Local Government**
- **Provisions Applicable to Counties and Municipal Corporations (Chs. 60 — 77)**

CHAPTER 66 Zoning Procedures (§§ 36-66-1 — 36-66-6)O.C.G.A. § 36-66-3

36-66-3. Definitions.

As used in this chapter, the term:

(1) “Local government” means any county or municipality which exercises zoning power within its territorial boundaries.

(1.1) “Quasi-judicial officers, boards, or agencies” means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

(2) “Territorial boundaries” means, in the case of counties, the unincorporated areas thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case of municipalities, the area lying within the corporate limits thereof except any area defined in paragraph (5.1) of Code Section 36-70-2.

(3) “Zoning” means the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

(4) “Zoning decision” means final legislative action by a local government which results in:

(A) The adoption or repeal of a zoning ordinance;

(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

(C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;

(D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;

(E) The grant or denial of a permit relating to a special use of property; or

(F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

(5) “Zoning ordinance” means an ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.

36-66-4. Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning.

(a) A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of Code Section 36-66-3 for the same property, only one hearing shall be required under this Code Section. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

(b) If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then:

(1) The notice, in addition to the requirements of subsection (a) of this Code section, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by local ordinance or resolution shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

(c) If the zoning decision of a local government is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the local government.

(d) If the zoning is for property to be annexed into a municipality, then:

(1) Such municipal local government shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(e) A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A qualified county which includes property which has been deannexed by a municipality may provide, by the adoption of a zoning ordinance, that all deannexed property shall be zoned by the county, without further action, for the same use for which that property was zoned

immediately prior to such deannexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications. A county shall be a qualified county only if that county and the municipality in which was located the property deannexed have a common zoning ordinance with respect to zoning classifications. A zoning ordinance authorized by this subsection shall be adopted in compliance with the other provisions of this chapter. The operation of such ordinance to zone property which is annexed or deannexed shall not require any further action by the adopting municipality, adopting county, or owner of the property annexed or deannexed. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this chapter.

(f) When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(1) Posting notice on the affected premises in the manner prescribed by subsection (b) of this Code section; and

(2) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

(g) A local government delegating decision-making power to a quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action described in paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

(h)

(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Zoning Ordinance of Fayette County, Georgia

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

[Staff note: This ordinance text was prepared prior to concurrent amendments establishing the use as a special use of property, so those amendments are not shown in the text below. Please refer to the other amendments presented on July 27, 2023.]

- (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:
- (1) Office;
 - (2) Art gallery;
 - (3) Bank and/or financial institution;
 - (4) Banquet hall/event facility;
 - (5) College and/or university, including classrooms and/or administration only;
 - (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
 - (7) Health club and/or fitness center;
 - (8) Hotel;
 - (9) Insurance carrier, agent, and/or broker;
 - (10) Laboratory, medical, and/or dental;
 - (11) Legal services;
 - (12) Massage therapy (see chapter 8);
 - (13) Medical/dental office (human treatment);
 - (14) Military recruiting office;
 - (15) Museum;
 - (16) Performing arts theater;
 - (17) Private school, including classrooms and/or administration only;
 - (18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
 - (19) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:
- (1) Beauty shop and/or barbershop;
 - (2) Blueprinting;
 - (3) Cafeteria;

- (4) Commercial art and/or drafting service;
 - (5) Day care facility;
 - (6) Delivery and/or messenger service;
 - (7) Drug store;
 - (8) Florist;
 - (9) Gift shop;
 - (10) Photocopying and/or reproduction;
 - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
 - (12) Stenographic and/or typing service;
 - (13) Teleconferencing center; and
 - (14) Travel agency and/or ticket office.
- (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:
- (1) Adult day care facility;
 - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
 - (3) Care home, convalescent center, and/or nursing home;
 - (4) Church and/or other place of worship;
 - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
 - (6) Child care facility;
 - (7) Home occupation;
 - (8) Hospital;
 - (9) Non-emergency medical transport service;
 - (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (11) Religious tent meeting; and
 - (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (e) *Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.* The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.
- (1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:
 - a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
 - b. Pharmaceutical sales (for the purpose of filling prescriptions only);
 - c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
 - d. Optical care center to include prescription eyeglass/contact lens sales;
 - e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and

- f. Floral sales.
- (2) *Auxiliary conditional use limitations.*
 - a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
 - b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.
- (3) *Architectural requirements.*
 - a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.
 - b. Elevation drawings shall be submitted as part of site plan approval.
- (f) *Dimensional requirements.* The minimum dimensional requirements in the O-I 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 (0.50 acre).
 - (2) Lot width: 125 feet.
 - (3) Outside storage shall not be permitted.
 - (4) Setbacks, yards adjoining rights-of-way:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 55 feet.
 - (5) Setbacks, yards not adjoining rights-of-way:
 - a. Side yard: 15 feet.
 - b. Rear yard: 15 feet.
 - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
 - (7) Height limit:
 - a. 40 feet as defined in article I of this chapter.
 - b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.
 - (8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (g) *SR 74 North-East Side Special Development District.*
 - (1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned

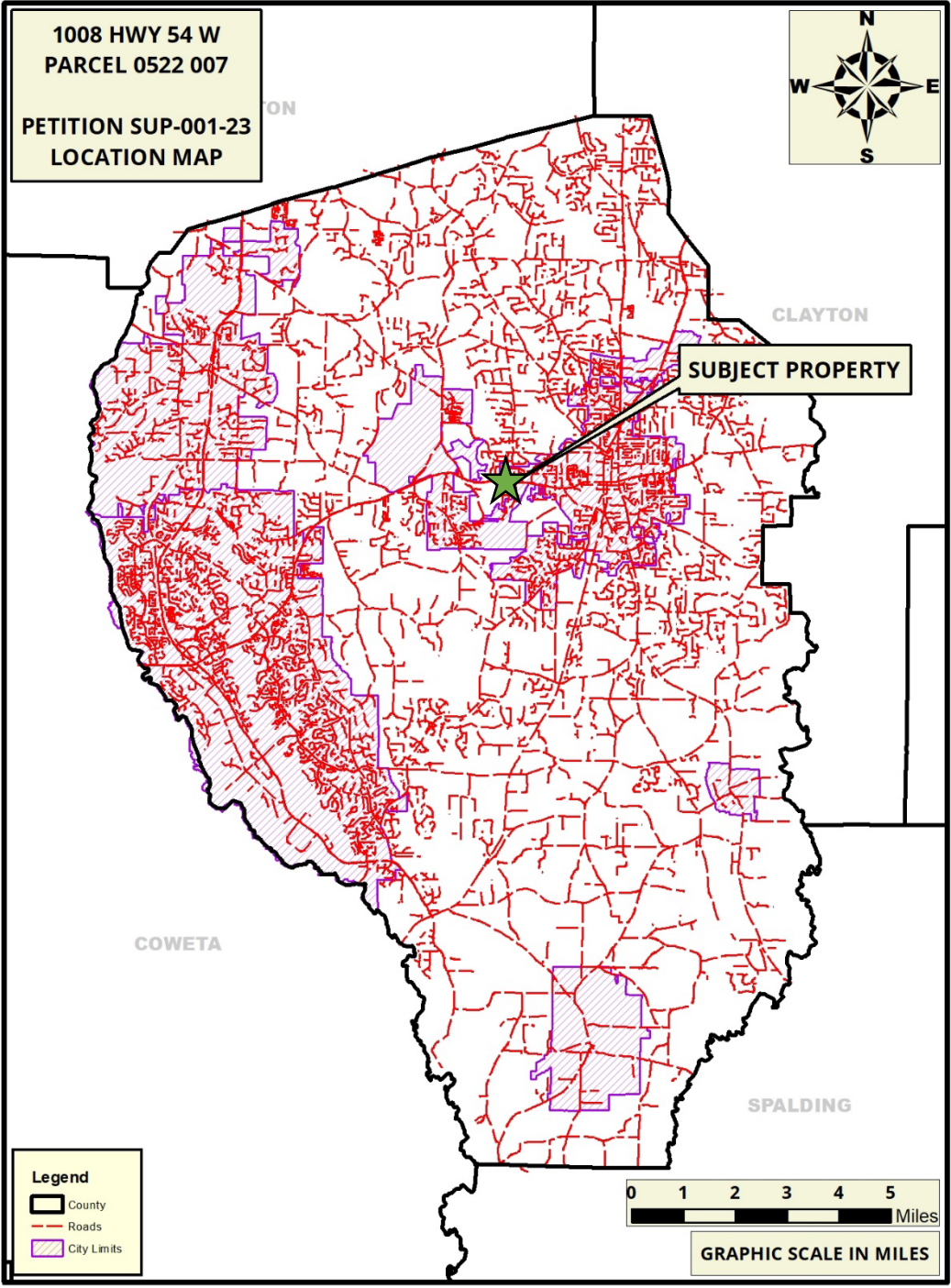
office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:

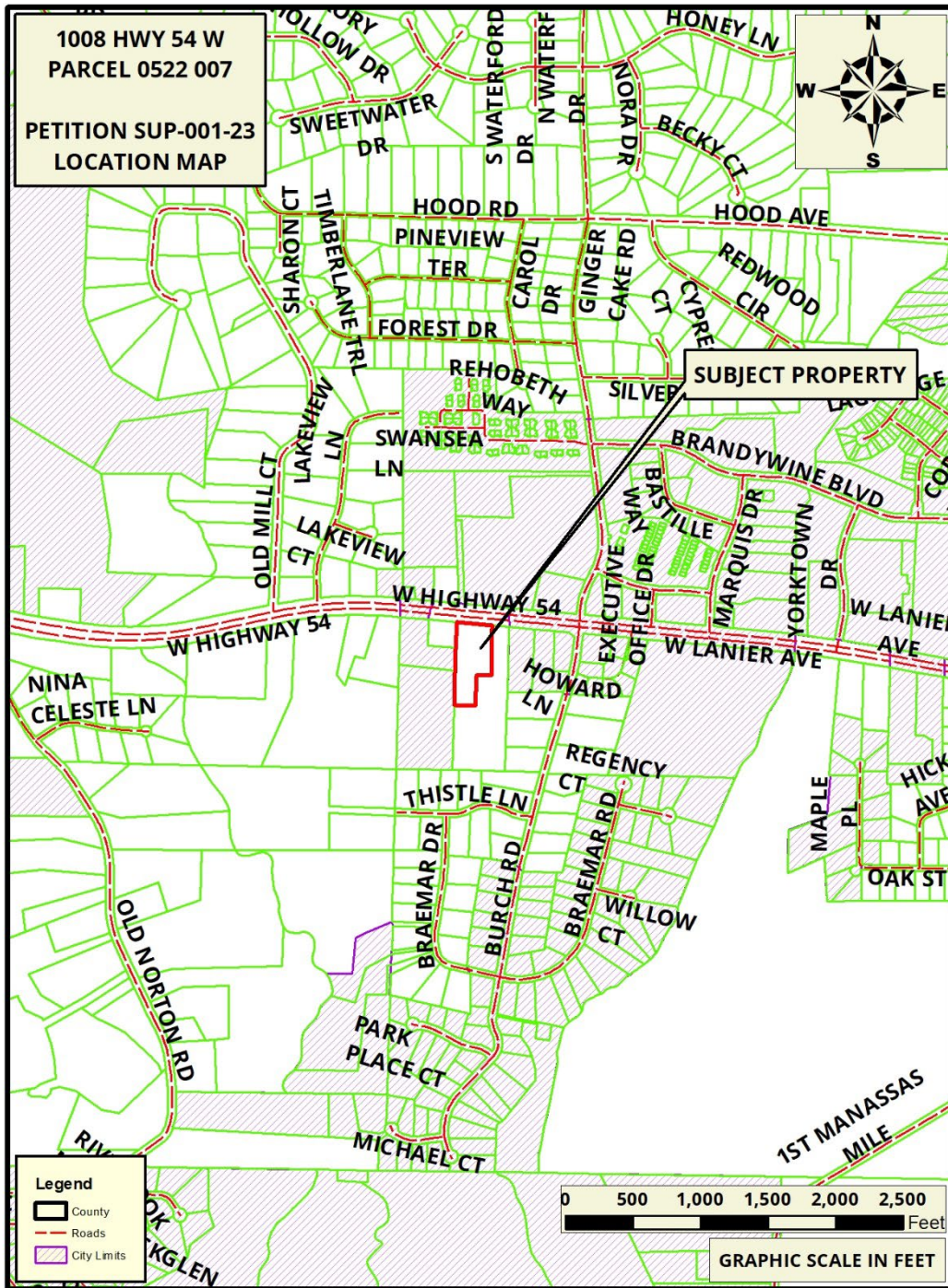
- a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.
- (2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.
- a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 3. Convenience store (no gasoline sales);
 4. Blueprinting, graphic, and/or copying service;
 5. Office and/or computer sales and/or service; and
 6. Cellular phone/communication device sales and/or service.
- (h) *State Route 54 West Special Development District.*
- (1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.
 - (2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:
 - a. Businesses that supply services, equipment and/or resources to the film industry;
 - b. Call center;
 - c. Cellular phone/communication device sales and/or service;
 - d. Computer technology service, sales and/or repair;
 - e. Medical equipment sales, rental and/or repair;
 - f. Restaurant (no drive-through or drive-in);
 - g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
 - h. Server farm/data center; and
 - i. Internal access self-storage facility.
 1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.
 2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or

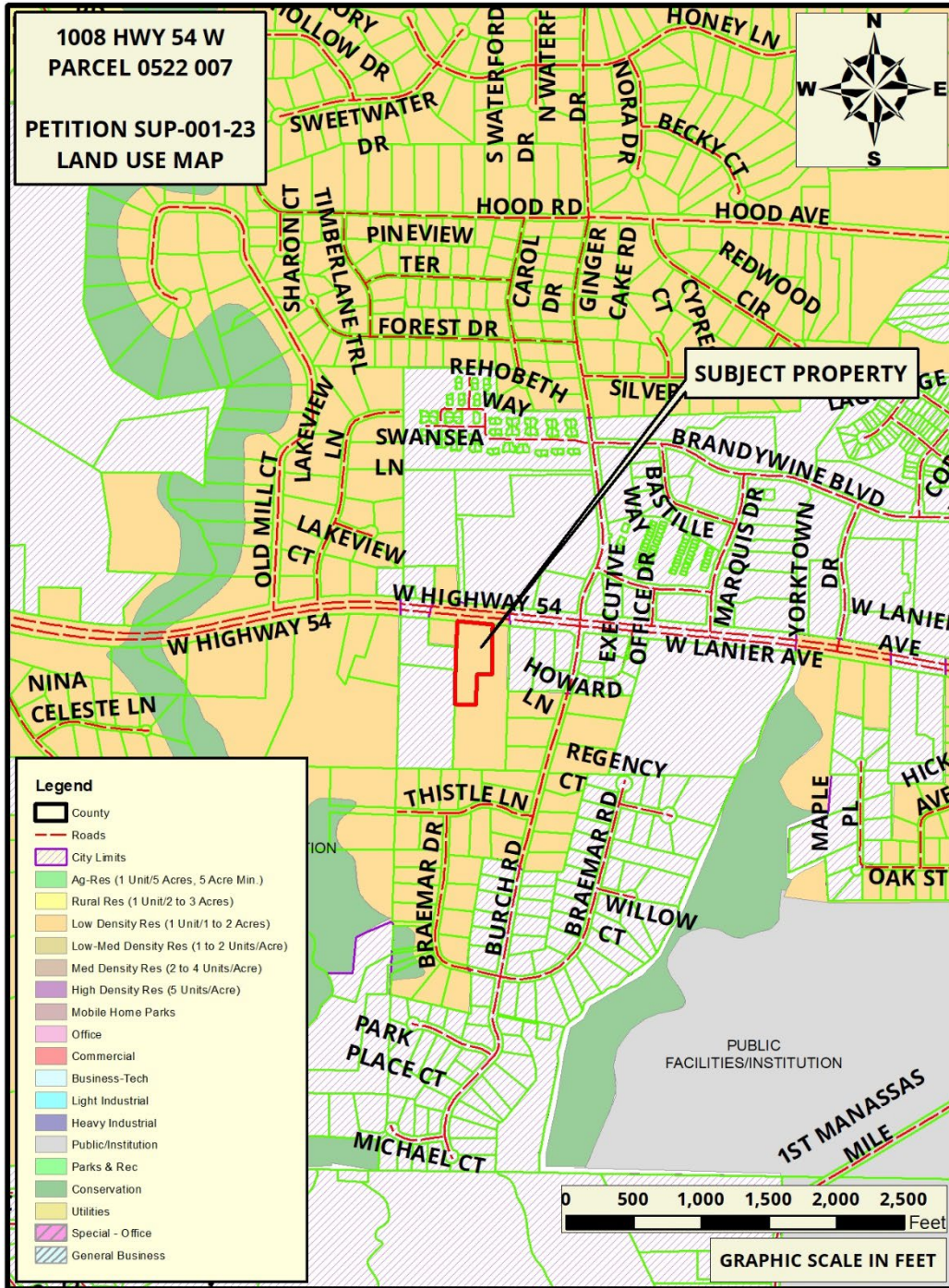
between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.

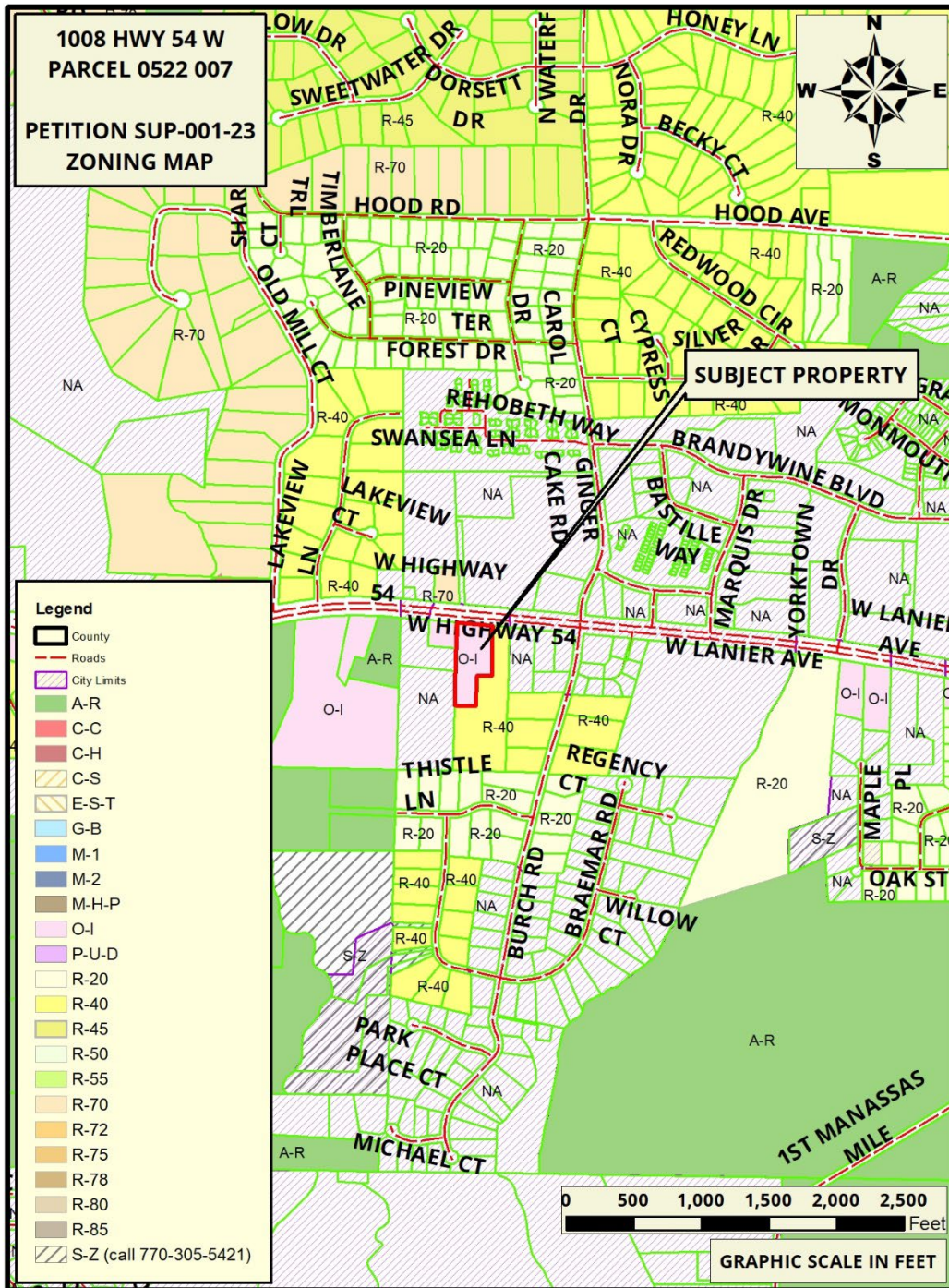
3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.
 4. No outside storage of materials or equipment shall be allowed.
 5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.
- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
- (4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; Ord. No. 2019-04, § 1, 6-27-2019; Ord. No. 2020-02, § 9, 5-28-2020; Ord. No. 2020-08, § 1, 10-22-2020)

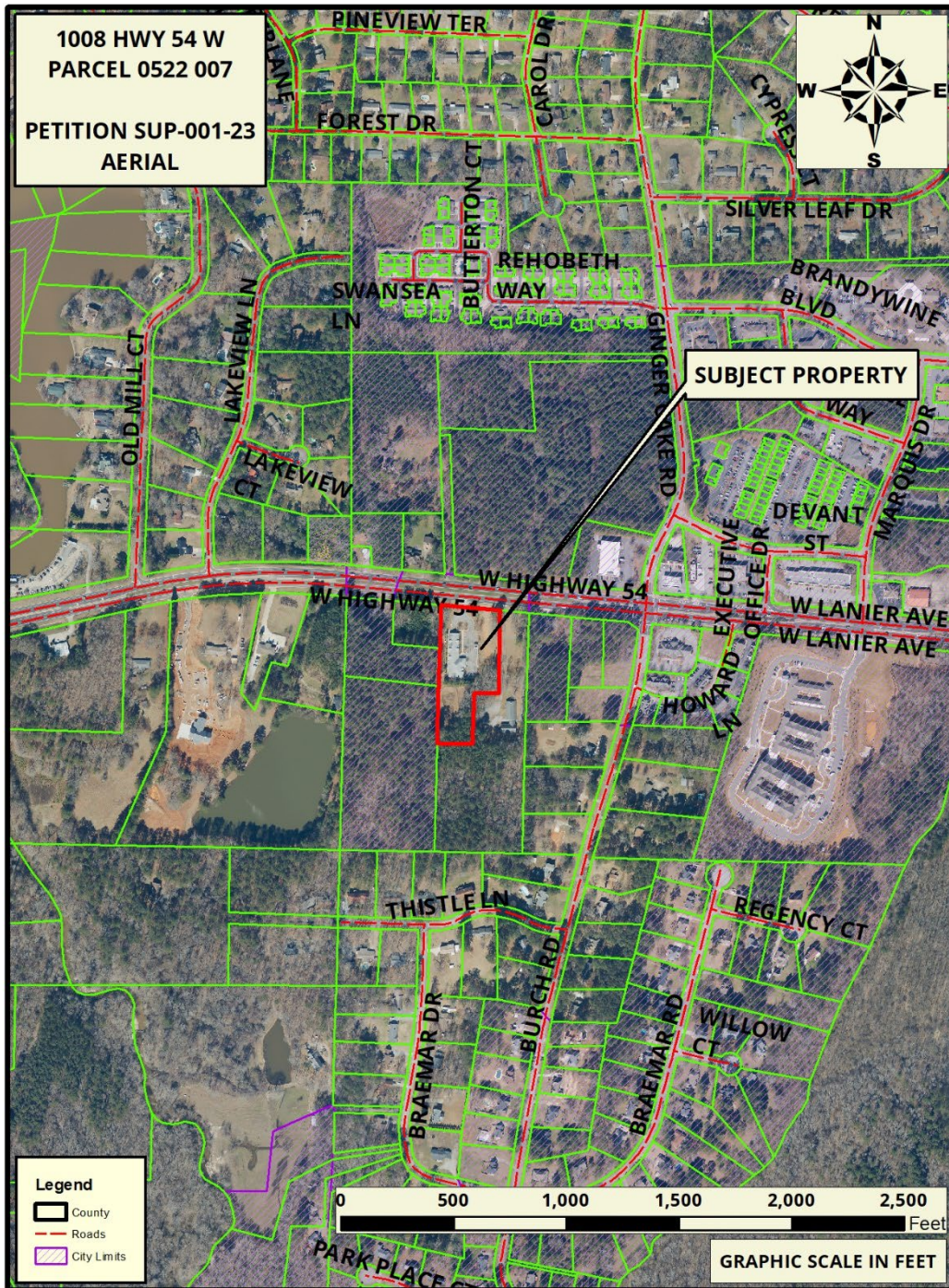














1008 GA HWY 54 W



1008 GA HWY 54 W



1008 Hwy 54 W



1008 Hwy 54 W

POSTING OF PROPERTY

Special Use Permit: SUP-001-23

APPLICANT: NWE18, LLC
1008 Georgia Highway 54 W.
Fayetteville, Georgia 30214

LOCATION OF PROPERTY: Land Lot 126 of the 5th District and fronts on
Highway 54 W.

I hereby certify that signage was posted for the above-referenced application in
conformance with the Fayette County Zoning Ordinance.



OFFICIAL

June 27, 2023

DATE

Sworn to and subscribed before me this

27th day of June, 2023.

Deborah M Sims

NOTARY

Number of signs posted 1.

Date sign(s) posted June 27, 2023

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027



APPLICATION NUMBER: SUP-001-023

(STAFF USE ONLY)

PROPERTY INFORMATION:

Parcel No.: 0522 007 Acreage: 3.09

Land Lot: 126 Land District: 5

Address: 1008 HIGHWAY 54 W, FAYETTEVILLE, GA 30214

Existing Zoning: O-I Zoning of Surrounding Properties: R-40; O-I

Existing Use: HOSPICE (VACANT) Proposed Use: DRUG ABUSE TREATMENT FACILITY

PROPERTY OWNER INFORMATION

Name: NWE18, LLC

Email: BBARNETT@REDHILLSHOLDINGS.COM

Address: 8375 SW BEAVERTON HILLSDALE HWY, STE 200

City: PORTLAND

State: OR Zip: 97225

Phone: 503-288-7187

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: M. ADAM KAYE JR.

Email: AKAYE@BAKERLAW.COM

Address: 1170 PEACHTREE ST, STE 2400

City: ATLANTA

State: GA Zip: 30309

Phone: 678-632-8853



PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:
NWE18, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0522 007

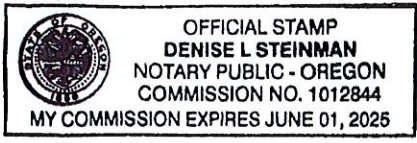
(I am) (We are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 126 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 3.09 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to M. ADAM KAYE JR. to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]
Signature of Property Owner 1
8375 SW BEAVERTON HILLSADLE HWY, STE 200
PORTLAND, OR 97225
Address

[Signature]
Signature of Notary Public
7/6/2023
Date

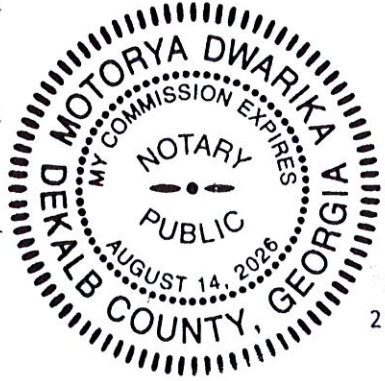


Signature of Property Owner 2
Address

[Signature]
Signature of Authorized Agent
1170 PEACHTREE ST, STE 2400
ATLANTA, GA 30309
Address

Signature of Notary Public
Date

[Signature]
Signature of Notary Public
7/7/23
Date



A COMPLETE APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT ACCORDING TO THE SUBMITTAL DEADLINE ON THE CURRENT YEAR PLANNING COMMISSION CALENDAR.

Fayette County Planning and Zoning Department

140 Stonewall Avenue West, Suite 202

Fayetteville, GA 30214

Phone: 770- 305-5421

E-mail: zoning@fayettecountyga.gov

FEES

Application Filing Fee: not yet determined.

Sign Deposit Fee: A \$50.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. *The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.* Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date.

Please refer to the checklist on page 4 for a list of required documents.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR SUP REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted.)

- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Application filing fee.
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - o Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - o Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - o Location of exits/entrances to the subject property.
 - o Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets, street classification.
 - o Location of all utilities, including well or water lines.
 - o Location of septic tank, drain field, and drain field replacement area.
 - o Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - o Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - o Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - o Location of landscaped areas, buffers, or tree save areas (if applicable).
- A pdf copy of the site plan submitted via email. This will be uploaded by staff in the electronic review application for staff review.

Received by: _____

Date: _____

Project/Case #

FCOTC-04-23-083978

Address:

1008 W HIGHWAY 54, Fayetteville, GA 30214



**FAYETTE COUNTY
OCCUPATIONAL TAX CERTIFICATE**

Does this business currently have a Occupational Tax Certificate for this location registered with Fayette County? Yes No

No

BUSINESS INFORMATION

IS THIS A HOME BASED BUSINESS? Yes No

BUSINESS NAME

Peachtree Detox LLC

BUSINESS MAILING ADDRESS

14225 Birmingham Hwy Milton GA 3004

OWNER INFORMATION

BUSINESS OWNER - FIRST NAME

Benjamin

BUSINESS OWNER - LAST NAME

Thurston

BUSINESS OWNER - PHONE #

404-450-8716

BUSINESS OWNER - EMAIL

benpthurston@gmail.com

BUILDING OWNER INFORMATION

BUILDING OWNER - FIRST NAME

NWE18, LLC

BUILDING OWNER - LAST NAME

BUILDING OWNER - PHONE #

404-946-9772

BUILDING OWNER - EMAIL

akaye@bakerlaw.com

ADDITIONAL INFORMATION

TYPE OF SERVICES PROVIDED / TYPE OF BUSINESS

Detoxification hospital for the treatment of various forms of mental illness

FAYETTE COUNTY USE ONLY:

OCCUPATIONAL TAX FEE: [REDACTED] ACCOUNT NO: [REDACTED]

Rev Date
Jul 28, 2023
SUP-001-23

6B Fayette County News

Legals continued from 5B

PUBLIC HEARING

NOTICE OF PUBLIC HEARING FOR THE CONSIDERATION OF AN APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE A DRUG ABUSE TREATMENT FACILITY AS A SPECIAL USE OF PROPERTY. THE PROPOSED ZONING DECISION RELATES TO OR WILL ALLOW THE LOCATION OR RELOCATION OF A HALFWAY HOUSE, DRUG REHABILITATION CENTER, OR OTHER FACILITY FOR TREATMENT OF DRUG DEPENDENCY.

PUBLIC HEARING to be held before the Fayette County Planning Commission on July 20, 2023, at 7:00 P.M. and the first of two PUBLIC HEARINGS before the Fayette County Board of Commissioners on July 27, 2023, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

1. Petition No.: SUP-001-23

Applicant NWE18, LLC

Zoning District: O-I

Address: 1008 GA Hwy 54 W, Fayetteville, GA 30214

Parcel Number: 0522 007

Area of Property: 3.09 acres

Land Lot(s)/District: Land Lot 126 of the 5th District

Fronts on: GA Highway 54 W

Proposed Use: Per Sec. 110-175, Special Use of Property. Request approval of a Special Use Permit to operate a Drug Abuse Treatment Facility.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

Legal Description:

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 126 of the 5th District, Fayette County, Georgia; and being depicted as 3.09 acres, more or less, on a plat of survey prepared for Thomas B. Chandler by Seabolt & Company, Inc., dated December 15, 2006, and filed and recorded in Plat Book 44, Page 13, Fayette County, Georgia records; said plat being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

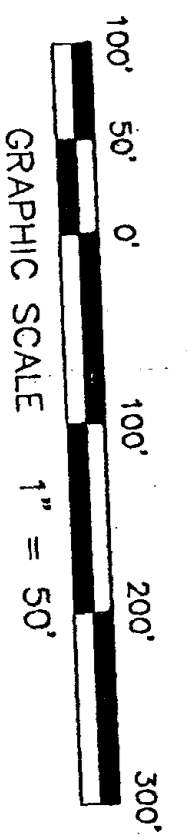
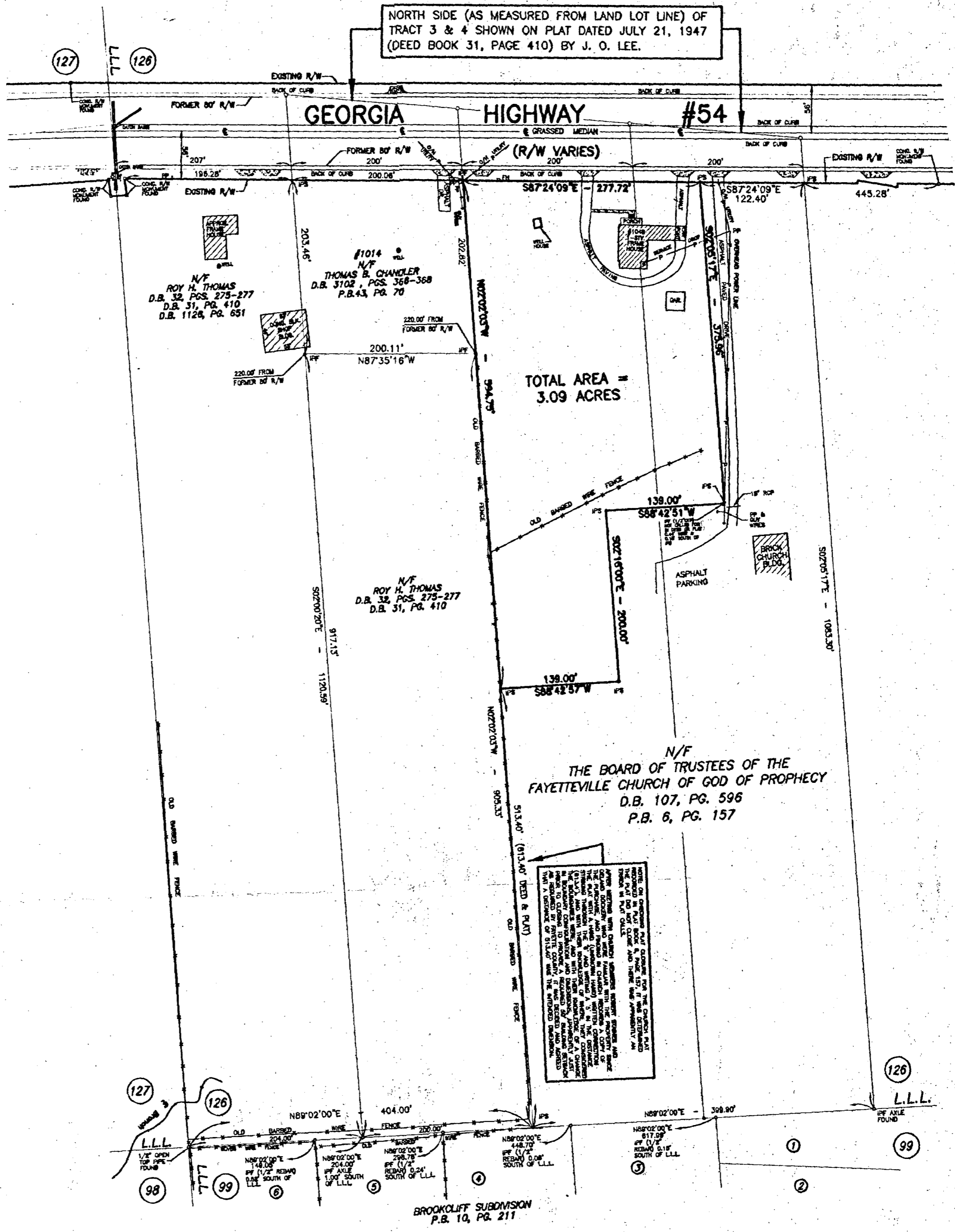
1. Outstanding and unpaid taxes, street improvements, Easements, Exceptions of Record Restrictive Covenants, and all superior encumbrances appearing of record.

2. All those matters as shown on that certain plat recorded in Plat Book 44, Page 13, Fayette County, Georgia Records.

3. Boundary Line Agreement between Georgia H. Huddleston, Jr. and the Board of Trustees of the Fayette Church of God of Prophecy, dated April 19, 2007, recorded in Deed Book 3218, Page 337, Fayette County, Georgia Records.

4. Declaration of Taking by the Department of Transportation, dated June 22, 1990, filed and recorded in Deed Book 642, Page 596, Fayette County, Georgia records.

06/28



NO.	DATE	REVISION

Doc ID: 007470340001 Type: PLT
 Filed: 04/23/2007 at 01:20:00 PM
 Fee Amt: \$8.00 Page 1 of 1
 Fayette, Ga. Clerk Superior Court
 Shella Studdard Clerk of Court
 BK 44 Pg 13



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ANGLE AND ONE FOOT IN 25,000 FEET ANGLE POINT, AND ERROR OF 0.3 SECONDS OF ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

FIELD INFORMATION WAS OBTAINED WITH A NIKON DTM-521 AND A STEEL TAPE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

DATE OF LAST FIELD WORK: 12/15/06
 LARRY J. SEABOLT
 GEORGIA REGISTERED LAND SURVEYOR #2135

PLAT OF SURVEY PREPARED FOR THOMAS B. CHANDLER

LOCATED IN
 LAND LOT 126 - 5th DISTRICT
 FAYETTE COUNTY, GEORGIA

SEABOLT & COMPANY, INC.
 101 DEWANT STREET, UNIT 908-A
 FAYETTEVILLE, GEORGIA 30214
 PHONE (770) 460-9006

DATE: 12/15/06
 SCALE: 1"=100'
 LD-PROJECT FILE
 1014 NHT, 04
 1014NHTSALDNG
 SURVEY
 PROJECT NO. 2008-8
 SHEET NO. 1 OF 1

LEGEND

PF	IRON PIN FOUND (LABELLED)
PS	IRON PIN SET - 1/2" REBAR (REAR)
BP	BREAK POINT (NO LABEL)
REAR	REAR
OPR	OPEN TOP PIPE
CRP	CRIMP TOP PIPE
PL	PROPERTY LINE
RO	RIGHT-OF-WAY
N/F	GENERAL
PP	POWER POLE
PH	OVER HEAD UTILITY
OW	OLD WIRE
RCR	REINFORCED CONCRETE PIPE
PH	FENCE (TYPE AS NOTED)
X	SINGLE WIND CATCH SIGN
X	DOUBLE WIND CATCH SIGN

- REFERENCE MATERIALS:**
- SURVEYED PARCEL:
 D.B. 31, PG. 410
 D.B. 65, PGS. 69-71
 - R/W DEEDS:
 D.B. 2, PGS. 84-86 (SAP 340-A)
 D.B. 39, PGS. 1 & 2 (P.R. PR 2148 (1))
 D.B. 565, PGS. 480-482 (FR-164-1 (12))
 D.B. 567, PG. 557 (FR-164-1 (12))
 - GENERAL:
 P.B. 21, PG. 61
 P.B. 6, PG. 157
 D.B. 532, PG. 6



Doc ID: 010338960004 Type: FCD
Recorded: 03/09/2018 at 09:55:00 AM
Fee Amt: \$30.00 Page 1 of 4
Transfer Tax: \$0.00
Fayette, Ga, Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4716 PG 326-329

RETURN TO:
COLEMAN TALLEY LLP
ATTN: WILLIAM STEINBERG
910 N. PATTERSON STREET
VALDOSTA, GA 31603-5437

STATE OF GEORGIA
COUNTY OF FAYETTE

Cross-Reference: ✓
Deed Book 3418, Pages 220-243
Deed Book 4231, Page 276
Deed Book 4270, Page 433
Deed Book 4360, Page 149
Deed Book 4490, Page 475
Deed Book 4658, Page 490
Deed Book 4702, Pages 657-663

FORECLOSURE DEED

THIS INDENTURE made and entered into this **6th day of March, 2018**, between **DOCTOR'S HOSPICE OF HENRY, LLC**, a Georgia limited liability company, acting by and through their attorney-in-fact, **NWE18, LLC**, an Oregon limited liability company, of the first part herein, and **NWE18, LLC**, an Oregon limited liability company, of the second part herein;

W I T N E S S E T H:

WHEREAS, the said **DOCTOR'S HOSPICE OF HENRY, LLC** made and executed that certain Deed to Secure Debt and Security Agreement ("Security Deed") executed by Doctor's Hospice of Henry, LLC to Bank of North Georgia, a division of Synovus Bank, dated June 6, 2008 and recorded in Deed Book 3418, Pages 220-243, as amended and modified by Modification and Extension Agreement recorded in Book 4231, Page 276; Modification Agreement recorded in Book 4270, Page 433; Modification and Extension Agreement recorded in Book 4360, Page 149; Modification and Extension Agreement recorded in Book 4490, Page 475; Modification and Extension Agreement recorded in Book 4658, Page 490, as last transferred to or acquired by **NWE18, LLC** via Assignment as recorded in Book 4702, Pages 657-663, all of the Fayette County, Georgia, Deed Records; and

WHEREAS, the said Security Deed contained a power of sale authorizing a sale or sales of the property described therein in the event of default in the payment of the indebtedness secured by said Deed, and constitutes and appoints **NWE18, LLC** as the agent and attorney-in-fact for **DOCTOR'S HOSPICE OF HENRY, LLC**, to make such sale or sales and, in the name of **DOCTOR'S HOSPICE OF HENRY, LLC** and on behalf of **DOCTOR'S HOSPICE OF HENRY,**

LLC, to execute and deliver a sufficient conveyance or sufficient conveyances of the property thus sold to the purchaser or purchasers thereof; and

WHEREAS, the indebtedness secured by the Security Deed became in default and the undersigned NWE18, LLC, pursuant to the provisions of the said Security Deed, did, on the first Tuesday in March, 2018, within the legal hours of sale, expose the said property for sale at public outcry before the courthouse door of Fayette County, Georgia, after having advertised such sale pursuant to the provisions of said Security Deed and in the manner required by law in such cases; and

WHEREAS, when so exposed for sale, the real property described in Exhibit "A" attached hereto was knocked off to NWE18, LLC, who was the highest and best bidder, at and for the sum of \$1,650,000.00.

NOW, the premises considered and in consideration of said sum of \$1,650,000.00 to the undersigned in hand paid, the receipt whereof is hereby acknowledged, the said DOCTOR'S HOSPICE OF HENRY, LLC, acting by and through NWE18, LLC as their agent and attorney-in-fact, does hereby sell and convey the property described in Exhibit "A" attached hereto unto the said party of the second part, its successors and assigns.

All notices required pursuant to Official Code of Georgia § 44-14-162 et seq. have been given as required by law.

TO HAVE AND TO HOLD the said described real property in fee simple.

IN WITNESS WHEREOF the said DOCTOR'S HOSPICE OF HENRY, LLC, acting by and through their said agent and attorney-in-fact, has executed, sealed, and delivered this indenture on the day and year first above written.

DOCTOR'S HOSPICE OF HENRY, LLC, a Georgia limited liability company
By: NWE18, LLC, an Oregon limited liability company, as Attorney-in-Fact.

Signed, sealed and delivered this 7th day of March, 2018 in the presence of:

By: _____
Title: Manager

Attest: [Signature]
Title: Manager

[Signature]
Common Witness

[Signature]
Notary Public
My Commission Expires: 10-29-21

(SEAL)

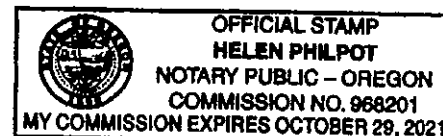


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 126 of the 5th District, Fayette County, Georgia; and being depicted as 3.09 acres, more or less, on a plat of survey prepared for Thomas B. Chandler by Seabolt & Company, Inc., dated December 15, 2006, and filed and recorded in Plat Book 44, Page 13, Fayette County, Georgia records; said plat being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Outstanding and unpaid taxes, street improvements, Easements, Exceptions of Record, Restrictive Covenants, and all superior encumbrances appearing of record.
2. All those matters as shown on that certain plat recorded in Plat Book 44, Page 13, Fayette County, Georgia Records.
3. Boundary Line Agreement between Georgia H. Huddleston, Jr. and the Board of Trustees of the Fayette Church of God of Prophecy, dated April 19, 2007, recorded in Deed Book 3218, Page 337, Fayette County, Georgia Records.
4. Declaration of Taking by the Department of Transportation, dated June 22, 1990, filed and recorded in Deed Book 642, Page 596, Fayette County, Georgia records.