

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Workshop** on April 19, 2005 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Douglas Powell, Vice-Chairman  
Bill Beckwith  
Al Gilbert  
Tim Thoms

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Aaron Wheeler, Director of Zoning/Zoning Administrator  
Chris Venice, Director of Planning/Community Development Division  
Director/Interim County Manager  
Pete Frisian, Acting Director of Planning  
Phil Mallon, Acting County Engineer  
Bill McNally, County Attorney  
Ali Cox, Assistant County Attorney  
Delores Harrison, Zoning Technician  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Graw called the meeting to order and introduced the Board Members and Staff. He welcomed the students from Fayette County High School.

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**1. Discussion of proposed amendment to the Fayette County Development Regulations regarding Article XIII. Post-Development Stormwater Management for New Development and Redevelopment as presented by the Engineering Department.**

Phil Mallon stated that he had made the changes to the proposed ordinance as discussed at the previous Workshop. He stated that the document had been renumbered and reformatted. He reviewed the following changes which has been made to the proposed ordinance.

- Page 3* Hotspot has been deleted from list of applicable activities.
- Page 3* Second bullet - the phrase “subdivision or phased development project” has been changed to “larger common plan of development”.
- Page 3* Third bullet - “Water quality and/or flooding” has been removed.
- Page 3* An effective date of 1 July, 2005 has been added.
- Page 4* Section 8-452. The definition of hotspot has been deleted and the definitions of basin and sub-basin have been added.
- Page 9* B(1) - wording for Common Address and Description of Site was changed to include metes and bounds instead of bearings and distances.
- Page 12* Operations and Maintenance Plan paragraph was moved to end of this section. A sentence was added to clarify that property owner is responsible for all O&M. A requirement for checklists was also added.
- Page 12* Inspection & Maintenance Agreement section was deleted. It was redundant with Section C on page 13.

- Page 13* Minor editorial changes to this section. Revisions made for consistency with other parts of ordinance.
- Page 14* The Business License section was deleted.
- Page 18* Section C. A reference to the Georgia Stormwater Management Manual was added.
- Page 20* Section 8-455(A). The clause “based on proposed designed” was added to last sentence of paragraph.

Chairman Graw referenced page 3 and asked for an explanation of “significant adverse impacts on downstream properties”.

Mr. Mallon replied that significant adverse impacts would be defined by the Engineering Department who would review such items as an increase in peak flow, which create flooding conditions to properties or if the land use is very intensive commercial and industrial development where there could be water quality concerns downstream. He added that it would be difficult to have a strict definition of significant.

Attorney Bill McNally stated that the State had provided a model ordinance for the County.

Doug Powell commented that this verbiage gave the Engineering Department some flexibility.

Chairman Graw referenced page 11 and asked if the Landscaping and Open Space Plan was in conflict with the existing Landscape or Tree Protection Ordinance.

Mr. Mallon replied that it did not conflict with any other ordinances, however it requires more specific detailed information on the types of plants which will be utilized.

Al Gilbert remarked that he is still not totally comfortable with requiring a home owners association.

Mr. Mallon stated that he has asked to be placed on the Board of Commissioners Agenda in early May to review the proposed ordinance and to see if they have any second thoughts or doubts. He added that it is not a great alternative but is the best alternative.

Chairman Graw referenced page 23 and asked why the appeal process had been deleted.

Mr. Mallon replied that it was discussed at the previous Workshop and was deleted. He said that the appeal process was deleted in order to be consistent with the Notice of Violations for all other aspects of the Development Regulations. He explained that traditionally the Engineering Department will talk to someone in the field or on the phone first and if the issue is not resolved they will receive a written Notice of Violation which is followed up by a Stop Work Order and then a citation and the appeal process is handled through the courts.

Attorney McNally explained that the Engineering Department is following the normal process and the procedure does not need to be indicated in the ordinance.

Tim Thoms referenced page 9 and asked if the Stormwater Management Plan could be sealed/signed by a Landscape Architect instead of a Professional Engineer.

Mr. Mallon replied that a Landscape Architect could provide certain plans, however the Stormwater Management Plan must signed/sealed by a Professional Engineer because it is quiet complicated.

Chairman Graw advised Robyn Wilson to advertise the proposed ordinance for the May Public Hearing.

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2. **Discussion of proposed amendments to the Fayette County Development Regulations regarding Article VII. Watershed Protection Ordinance, Section 8-201. Watershed Protection Areas, 12. State Water; Section 8-202. Applicability and 8-202. F. State Waters; Section 8-203. Restrictions, F., 1., 2., 3. and amend lettering of remaining sections by changing existing F. to G. and G. to H. as presented by the Engineering Department.**

Phil Mallon stated that these revisions are necessary as part of the seven (7) mandated ordinances which the County is required to adopt. He commented that after attending some seminars and conversations with the Atlanta Regional Commission Staff decided to revise the ordinance to ensure that it met the intent of the model ordinance. He reviewed the following changes which has been made to the proposed ordinance.

*Page 2* Add a definition for State Water. This definition was taken from the Soil Erosion Sedimentation Ordinance. This will be applicable to all new development projects under the Watershed Protection Ordinance.

Doug Powell asked if a homeowners association should be included in the proposed definition.

Mr. Mallon concurred.

*Page 3* Add "and state waters" under Applicability.

Mr. Powell asked if the small water supply watersheds were a reservoir and if so could this be indicated in the proposed ordinance.

Pete Frisina suggested to add "(reservoir)" after Lake McIntosh, Lake Kedron, Lake Peachtree, and Lake Horton.

Mr. Mallon concurred.

*Page 5* Add F. State Waters.

*Page 12* Add F. in its entirety. This section requires an undisturbed 50 foot buffer and an additional 25 foot setback from the 50 foot buffer for a total of 75 feet measured from both sides of the stream banks which was taken from the model ordinance.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the May Public Hearing.

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3. **Discussion of proposed amendments to the Fayette County Development Regulations regarding Section 8-223. Location and Surface of Parking Areas; Section 8-52. Residential access (a) Residential driveway cuts and (1); (3) Exceptions, b. Shared Driveways 5.(c) Circular driveways; Section 8-48. Minimum right-of-way widths and dedication requirements, (1) Minimum right-of-way and pavement widths for Minor Arterial and Collector as presented by the Engineering Department.**

Phil Mallon stated that there were several sections of the ordinance which needed to be amended which would assist in enforcement and clarification of the ordinance. He reviewed the following changes which has been made to the proposed ordinance.

*Page 1* Delete Sec. 8-223. Location and Surface of Parking Areas in its entirety. This section prohibits the parking of a car in the front yard in a residential zoning district unless it is on a hard surfaced driveway or a carport or garage which was creating enforcement difficulties.

Doug Powell asked if this would prohibit “junkers” from being parked in the front yard.

Robyn Wilson advised that if the vehicle has a current tag that it is not a “junker” based on the definition of “vehicle, abandoned” in the Zoning Ordinance.

*Page 1* Delete one (1) driveway cut and permit two (2) driveway cuts for residential properties. It has come to Staff’s attention that there are a lot of homes being constructed with more than one (1) driveway. Reviewed requirements from neighboring counties for their standards.

Tim Thoms asked if two (2) driveway cuts were required.

Al Gilbert suggested that in regards to two (2) driveway cuts to delete “shall be provided” and add “may be provided”.

Attorney McNally explained that one (1) driveway cut must be provided.

Mr. Mallon replied that he would revise the verbiage.

*Page 1* Establish criteria for residential driveway cuts in regards to the street classification.

Mr. Thoms verified that an internal local was classified lower than a County local.

Pete Frisina replied yes.

Chairman Graw asked what would be considered “special circumstances” in order for the County Engineer to make a determination.

Mr. Mallon replied safety issues, environmental concerns, or traffic flow.

Mr. Powell suggested to add “involving safety issues, environmental concerns, or traffic flow” after “special circumstances” into the ordinance.

Attorney McNally and Mr. Mallon concurred.

*Page 2* Clarification of circular driveways.

Mr. Thoms verified that under no circumstances would three (3) driveway cuts be allowed.

Mr. Mallon explained that a circular driveway shall count as one (1) driveway cut if both the entrance and exit are on the same road or connect two (2) roads with the same classification.

*Page 2* Delete “determined by Engineering Department” under Minimum Pavement Width for a Minor Arterial and Collector and add “24 feet”.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendments for the May Public Hearing.

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**4. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-12. Building Height as presented by the Zoning Department.**

Aaron Wheeler explained that there have been a couple of homes built which exceed the height limit and the current ordinance does not give the ability to apply the measuring method to the construction plans. He said that the proposed ordinance would enable the construction plans to be reviewed and either be approved or denied.

Attorney McNally added that the building inspectors were unable to determine if the house is in compliance with the building height because the last item usually performed is the final grading. He confirmed that the Building Department, Zoning Department, Engineering Department, and Fire Marshal had discussed and composed the proposed ordinance.

Doug Powell asked if the basement level could be determined from construction blueprint plans.

Mr. Wheeler replied yes.

Mr. Powell verified that if the basement level is 12 feet that the median height is 6 feet.

Mr. Wheeler concurred.

Attorney McNally stated that the contractor is arguing with the building inspector about the average grade elevation.

Mr. Powell suggested the following: For structures without basements, the measurement will be taken at grade level.

Tim Thoms stated that the grade elevation could vary.

Mr. Wheeler replied that there should be a constant grade on a slab foundation. He added that a crawl space would be handled like a slab otherwise it will be handled like a basement if it is tall enough to walk into and there are definitions in the Building Code.

Chairman Graw asked how a crawl space would be handled.

Mr. Wheeler replied that it would be handled the same as a slab and it would be measured from where the wood touches the concrete.

Al Gilbert pointed out that if a lot had a terrace that the crawl space could be 5.5 feet in height and the house could be 40 feet in height because of the crawl space.

Mr. Powell suggested the following: The vertical distance of a building measured from the median height of the basement level or crawl space level to the midpoint of the highest roof, said midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space the measurement will be taken beginning at the ground floor level.

Mr. Wheeler concurred.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendment for the May Public Hearing.

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5. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 North Overlay Zone, 4. Architectural Standards, a. as presented by the Zoning Department.**

Aaron Wheeler advised that the proposed amendment would delete the requirement of a pitched roof for the S.R. 85 North corridor which does not meet the intent of the commercial corridor.

Doug Powell suggested the following: All structures shall have a roof. This includes gasoline canopies and all accessory structures. All shall be of a type of construction complimentary to the facade.

Mr. Wheeler concurred.

Chairman Graw instructed Robyn Wilson to advertise the proposed amendment for the May Public Hearing.

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6. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District and Section 6-2. EST Estate Residential District as presented by the Zoning Department.**

Aaron Wheeler stated that this was a item of discussion at the previous Workshop. He explained that five (5) acre minimum subdivisions should be permitted in the EST zoning district instead of the A-R zoning district. He added that the A-R zoning district allowed uses such as the raising of livestock which may not be an appropriate use for a subdivision.

Al Gilbert suggested to not amend the A-R zoning district but to amend the EST zoning district.

The other P.C. members concurred.

Pete Frisina suggested to amend the minimum house size of the EST from 4,000 square feet to 3,500 square feet.

Tim Thoms stated that people moving into the County may not understand that the raising of livestock is permitted under the A-R zoning district and the EST zoning district seems like a good idea.

Mr. Wheeler suggested to delete E. Special Regulations, b. which addresses an administrative rezoning.

Mr. Thoms stated that a developer is not going to want to rezone to EST from A-R due to the costs and time involved in a rezoning.

Mr. Gilbert added that their should be some incentives in the EST zoning district similar to incentives provided in the C-S zoning district.

Phil Mallon commented that the new Stormwater Ordinance provides design credits for the water quality criteria and large five (5) acre lots can get a credit. He said if the property is developed as a five (5) acre subdivision that either a larger portion of the credit or all of the credit is given therefore the Developer has less of an expense.

Mr. Wheeler suggested that the P.C. may want to consider reducing the EST zoning district from five (5) acres to four (4) acres.

Attorney McNally advised that no one has ever utilized the EST zoning district and there needs to be some incentives to get people to utilize the EST zoning district. He asked the P.C. to think about some incentives which could be provided and to be ready to discuss them at the May Workshop.

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**7. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding limiting the number of accessory structures allowed for a church as presented by the Zoning Department.**

Aaron Wheeler stated that a site plan for a church had been submitted with a number of accessory structures and the question was raised at the Technical Review Committee (TRC) meeting if the number of accessory structures should be limited for a church. He added that Fayetteville, Tyrone, Newnan, and Coweta County had been polled to see how they address the number of accessory structures for a church. He reminded the P.C. that a church is a conditional use and requires a minimum of five (5) acres.

Al Gilbert asked if the same regulations would be placed on a private school and added that they should be handled in the same manner.

Mr. Wheeler replied that a private school is also a conditional use, requires a minimum of five (5) acres, and outdoor recreation must be a minimum of 150 feet from abutting A-R or residentially zoned property and may not extend past 10:00 P.M. He added that a private school may have a pavilion with the same requirements as a church.

Pete Frisina stated that a church with an amphitheater is a pretty intensive use in a residential zoning district.

Attorney McNally stated that storm water runoff and quality is also a consideration.

Chris Venice stated that the conditional use requirements may need to be amended to address such uses as outside speakers or outside activity.

Chairman Graw suggested to base the number of accessory structures on the size of the property.

Doug Powell and Bill Beckwith were in opposition to Chairman Graw's suggestion.

Mr. Wheeler asked the P.C. to think about any amendments and to be ready to discuss them at the May Workshop.

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Chairman Graw asked if there was any further business. Hearing none, Al Gilbert made a motion to adjourn the workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The workshop adjourned at 8:45 P.M.

**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**P.C. SECRETARY**