

City Council of Peachtree City
REVISED Agenda
September 18, 2008
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Donation from Union City Nissan & Kia of Union City (Nissan/Kia South) to Police Department for Taser Program
 - Recognize Employee of the Month – Brad Owens
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
 - September 2, 2008, Workshop Minutes
- VII. Consent Agenda
 - 1, Alcohol License – Change in Ownership, Licensee & License Representative – Brandon's Package Store
 - 2. Consider Police Department Taser Program Donation
 - 3. Consider Donation/Lease Agreement with Bulldog Supply
 - 4. Consider Purchase of Rhino 450 Multi-Purpose Vehicle for Police Department
 - 5. Consider Cancellation of the October 2, 2008, City Council Meeting
- VIII. Old Agenda Items
 - 08-08-20 Consider Sewer Easement – New Meade Field Pump Station and Force Main & Sewer Connection for Southern Pines Plantation Property
- IX. New Agenda Items
 - 09-08-03 Alcohol License – NEW – Maxwell's on 54
 - 09-08-04 Consider Clarification of Conditions of Approval for SANY Variances
- X. Council/Staff Topics
- XI. Executive Session

This agenda is subject to change at any time up to 24 hours prior to the scheduled meeting.

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City Council of Peachtree City
WORKSHOP MINUTES
September 2, 2008
6:30 p.m.

The City Council of Peachtree City met in workshop session on Tuesday, September 2, 2008, at 6:32 p.m. Council Members in attendance were: Mayor Harold Logsdon, Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Logsdon said the purpose of the workshop was to discuss the recreation programming at the Tennis Center and Amphitheater.

Bill Bexley, chairman of the Peachtree City Tourism Association (PCTA), addressed Council and thanked them for the opportunity to participate in the workshop. He also thanked the citizens in attendance for coming and said their input would be important in the coming weeks. Bexley gave an overview of the PCTA, noting it was created in January 2004 as a 501(c)(6) to contract with the City to spend the portion of the hotel/motel tax allowed by law to promote tourism, conventions, and trade shows in the City. Under contract with the City, the PCTA also managed the Tennis Center and Amphitheater. Over time, as resources and staffing had been reduced, the management of the two venues had consumed the energies of the board to the detriment of tourism, convention, and trade show development. These factors were important because the business it attracted to area hotels and restaurants impacted other revenue sources for the City.

Bexley continued that the PCTA board of directors had discussed the future direction of the organization, and it was the consensus of the board that the business model should be retooled to more resemble a standard convention and visitors bureau and to focus on tourism. The Board's request was that, under a schedule approved by the City, they relinquish operation of the two venues. The decision in no way meant the PCTA was abandoning the venues or did not support their success, but would allow the association to support the venues through marketing rather than management. Whatever decision was reached, the PCTA board and staff would be glad to assist in any way in making an orderly transition. The board was recommending focusing first on the amphitheater, with a proposed date of October 1, in order to accommodate the booking season for the 2009 series.

Logsdon thanked Bexley and asked for staff comment, to be followed by public comment. City Manager Bernard McMullen said that staff had a presentation for Council covering various options available to Council.

Leisure Services Director Randy Gaddo gave a review of the Amphitheater, noting it began as a local amenity and was not intended to be a "profit" center. In 1997, the concert series expanded from one concert to two per weekend. The economy had slowed down while other area venues were built that competed for the same acts. A promoter helped to get better acts at better prices, but the costs continued to increase.

Gaddo said staff's assumptions included the City not wanting to relinquish local control, wanting to limit risk, retaining the amphitheater as an amenity, and breaking even. Option 1, which was a transition option, would continue PCTA oversight for a period of time, hire an amphitheater manager, which was budgeted in the FY 2009 PCTA budget, convert to one-night concerts versus two nights, and continue to enlist assistance from a promoter.

Gaddo said Option 2 would be to send out a Request for Proposal (RFP) for a management services company. This would keep some local control, but there would need to be a decision on the status of the current employees of the facility. A contract could be awarded as early as mid to late October, but the timing would be critical in order to secure acts and sponsors for the coming year. Staff also had no feel for what, if any, response might be received from these types of companies.

Option 3 was to hire an Amphitheater manager under a contract to manage the daily operations, hire and supervise staff, budget, schedule programming, and other duties. Gaddo said the City's preference was that first consideration be given to existing staff at the Amphitheater. Timing would also be critical for this option.

Gaddo outlined the potential risks associated with change, including loss of control of a local amenity, loss of citizen support, risk of valuing profit over propriety, and risk of destabilizing an operating venue. Plunkett added that they also wanted to be conscious of the sponsors who had supported the facility over the years.

McMullen said that he had spoken with Gaddo and Lauren Yawn, the PTCA's executive director, and did not recommend making any changes in the lease arrangement until responses were received on an RFP, if that was the direction Council wanted to go. If inadequate response was received, the PCTA should continue to manage the facility. Logsdon concurred. McMullen said staff had begun assembling an RFP, and felt one could be ready to go out by the end of the week.

Logsdon said he would like to hear from members of the public.

Iola Snow addressed Council on behalf of Fred Brown and herself, stating that they would not like the City to give up control of the facility. She recommended hiring a person with local contacts and the ability to recruit good acts. The facility should go after the types of groups that would fill the amphitheater. It had been very frustrating before the second night when newcomers could not get tickets. The City needed to get back to that point, and they needed to find out what the people wanted. In prior years, there were no results published on the post-season surveys. Snow said that a large group all dropped their season tickets in 2008 due to the price increase and the change in the types of acts that were unknown to them. The ages in the group ranged from 30s to 80s. She also felt the acts were too loud. She stressed that the volume comment also extended through the entire age range of the group.

Sue Johnson said she agreed, having held season tickets since 1994. She dropped out this year due to the price increase. She had held some bad feelings toward management prior to the

PCTA, but things had only gotten worse since then. They had looked too much toward profit, and not enough at having a fun night. Patrons were not willing to pay more to see a lot of the same shows they had seen in the past.

Janet McDaniel said that, in the 1980s, the amphitheater had featured local music and local artists, families attended, and it was a lot of fun. She felt there was a way to share the facility, having local musicians as well as major acts. She indicated her husband was a jazz musician, but his band could not play at the Amphitheater and was not recognized in its own City.

Dana Camp said she was a current season ticket holder and had been since 1994. She attended all the concerts, whether they knew or liked the band or not. She said they filled out the survey each year, and some of the acts that were scheduled had never even been on the survey. She was disappointed over the past couple of years seeing all the vacant seats in the back. The economy had hurt attendance. She said she received a lot of promotional emails from The Fred, and would have liked to have heard about this workshop that way. Camp added that the amphitheater sat virtually unused in July. When the annual surveys asked if patrons would pay more to bring one major act, she always said yes. Camp was also upset that they were looking at discontinuing the Friday night concerts, when that was the original night that the series performances were scheduled. She thought that ushers were now paid, when they used to be volunteers receiving a small stipend. She agreed that the PCTA should not be focusing on this, and felt someone should be hired versus bringing in an outside promotion agency. There should be events going on in addition to the concert series.

Mitch Bjugson said he had held gold tickets since 1994, and he agreed the amphitheater was an amenity for the community. He noted that many people went to restaurants before attending the concerts, along with the concessions at the facility. He saw multiple issues. The City should control the amphitheater. He did not know what the tennis center was not under the Recreation Department, and felt it logically fell there. The amphitheater revenue came from sponsorships, ticket sales, and concessions. Bjugson asked how the hotel/motel taxes worked. McMullen answered that the City received six cents on every dollar. By state law, 4% of the 6% had to go to the PCTA. Bjugson asked how the funds were split between the tennis center and Amphitheater, and felt the City should subsidize the Amphitheater as an amenity. If more conventions and events were brought in, more hotel/motel taxes would be collected, increasing funding for the venue. Bjugson asked how the single night sales would be prioritized based on the long-term ticket holders.

Marcia Morris had been a season ticket holder for five years, although they reduced their number of tickets from four to two. She suggested holding one concert per month from June to October. She felt that crowd conduct had degraded with no control over how attendees behaved, and attendees were often unable to hear the performers due to audience noise.

Randy Knapton, general manager of Lexus Atlanta, the title sponsor at the Amphitheater for the past two year, said they had contributed about \$150,000 over the past three years, and the primary reason they were there was due to Lauren Yawn and her efforts to communicated with the sponsors and make sure they got their money's worth. He felt that, although there were a

wide variety of acts, they were always entertaining. He said sponsors paid a large chunk of the bills, and they had gotten their money's worth.

Steve Brown said that there should be an analysis on the numbers from the PCTA before a decision was made. There was a lot of emotion behind the comments, but no meat. For a long time, it had gone pretty well. They had known for a long time that the age group would change, and he was not sure that had been accounted for. He recommended segmenting the series more to cater to different demographics.

Steve Thaxton said he had been a season ticket holder since the beginning, although they had gradually reduced their tickets from six to two. He felt Option 1 was the best, but was more concerned about how things had gotten to where they were now. During the previous administration, things had degraded in a political harangue, and both venues had lost their pleasant quality.

Nancy Larsen said she was very disappointed in the fights that had been held at the Amphitheater. She felt what they needed were the Paul Ankas and Bobby Vintons that were so great. She noted that Nancy Price and Kristi Rapson both lived here. She wanted musical entertainment for the residents.

Charlie Nelson, publisher of *The Guide Magazine*, said his concern was that the Amphitheater was one of the most important tourism assets in south metro Atlanta, and he did not want the City to make a mistake. He agreed that some serious study should be made. Properly run, both venues would help to bring tourism. He worked with people at the Airport in tourism publication in that area. He asked if anyone had worked with the Georgia International Convention Center. Before the City cast out the current management, they should make sure it was done for the right reasons. There was no reason there could not be tournaments at the tennis center to fill up local hotel rooms.

Lisa Miller, an Amphitheater sponsor, said she had been through several managers at the facility. She had been a sponsor since 2002, and felt that the current staff was very professional and catered to the sponsors. The ushers were paid, but they were also trained and could actually answer questions. She had attended comedy nights and plays at the amphitheater that had minimal attendance. Hiring an outside agency was not the best course. The City should focus on the employees already here. She noted that, relating to bidding, one of the City jobs her print company had bid on was awarded to the Georgia Corrections Center. There were a lot of options for use of the facility, including rentals. The City needed to support the venue that was here.

Frances Meaders said that the City had lost the fun in the Amphitheater. She did not know if it was the groups, the crowd, or the behavior, and said she could listen to the concerts in her driveway. She said they should not put out an RFP, but keep it in local hands and make it fun again.

Logsdon said they had heard good comments, and it seemed that they favored Option 1. Gaddo noted that was a transition option. Logsdon asked for Council thoughts on staff direction on

which way to proceed, knowing nothing would be finalized by October 1. Logsdon added that he felt Council agreed the Fred was an important part of the City.

Boone said he liked the concept of bringing in local acts and other users for the venue throughout the summer. He also thanked the sponsors for holding out through the good and not-so-good times. He said everyone wanted to see the venue as both a success and under local control. Boone favored Option 1, but working with the PCTA to evaluate the options that would keep it under local control. He said the City had a great spot to have fun, and he supported Option 1, not as a transitional option.

Logsdon clarified that Option 1 did not place the venues under City control, but kept them under the PCTA control. Boone said he agreed that the PTCA had been given the priority to attract tourism, and corrected his statement to say he supported Option 3, keeping the Amphitheater under City control, but having an Amphitheater manager.

Meaders asked if Option 3 had to be a contract, or could be a City employee. Logsdon said that had not been finalized.

Nelson asked why an amphitheater manager could not stay under the PCTA. McMullen felt that might not be a good thing – if that person worked for PCTA, they would be running a City venue and supervising City employees. It became very complex. Plunkett said that she also saw the PCTA as still being involved as sponsors. Nelson asked where the money would come from to run the venue. Plunkett said that, in the perfect world, the venue would support itself. The current PCTA budget was break-even for single night concerts in 2009.

Bill Warren asked if the discussion involved the PCTA discontinuing involvement with the entertainment. Logsdon said, essentially, yes, and that the PCTA would become a sponsor much as Lexus was a sponsor. Warren said that he thought divesting the PCTA from the process would be preferable.

Sturbaum suggested the options before them could be modified to obtain the best possible setup for the venue. Gaddo said that one of the reasons he came up with Option 1 was the time deadline necessary to set up next year's season.

Haddix said they needed some way to have whomever was running the facility have a vested interest in making the amphitheater a success, whether it was a contract or a profit sharing arrangement.

Bjugson said he was still hearing that the series were one night and asked if that was finalized. Logsdon said not completely. He also said they also needed to clarify the difference between making it "profitable" and making it "work" – profitable might not bring back the fun.

Plunkett said she shared everyone's vested interest in the venue, holding season tickets since 1994. She stated that no one was talking about getting rid of the venue. She said she had served as the PCTA liaison from Council for the past year, and this conversation had been ongoing. She

also commended the commitment of the volunteers who served on that board and the amount of time they had invested in the amphitheater.

Plunkett said she liked a lot of the ideas brought out during the meeting, including the local artists and spotlight concerts, and those areas were the things a tourism association could not really do, but an amphitheater manager could. She said she also could not support any plan that did not take the season ticket holders into account because of their ongoing support of the venue. Plunkett said that, as a side note, the concerts Ms. Larsen liked were the ones she did not, and the range of tastes was going to continue. They had to strike a balance, and she personally hoped to find three of the five concerts as ones she wanted to see. A manager was needed who understood the City and knew that the programming should maintain a PG rating.

Plunkett continued that she supported asking staff to work toward Option 3, and she felt that could be accomplished in a timely manner. Once that was in place, they could work with that person to direct the amphitheater in the future. Boone concurred. Logsdon agreed, but clarified that the direction might be for staff to find a blend that achieved Option 3, either as a contract or a City employee. Despite the economy, people would come if the City made the venue it needed to be.

Haddix said the hardest part to him was to have someone tell the City the acts they needed to bring. Sturbaum said this should be something that the manager did all the time, and that person should already have a network of contacts in place to fill the venue.

Logsdon again thanked those attending and directed staff to come up with something like Option 3. McMullen said that they would begin the hiring process to advertise for the employee, and then staff would come back to Council to look at the PCTA budget and issues surrounding the other employees. Council agreed. Plunkett asked that additional information go out about the number of seats, saying that there were enough seats to accommodate all the current ticket holders, even if the exact seats changed.

Logsdon asked if there were a way to track ticket participation. McMullen said that the records only went back about four years, but they would need to look at the current season ticket holders, which were becoming fewer each year, and ask how many Fridays would buy Saturday only, and how many Saturdays would buy Friday only tickets. The sad fact was that the current number of season ticket holders provided one full amphitheater, but they had two nights of concerts and all the associated costs.

Tim Lydell asked if there was going to be another workshop on the issue. McMullen said that the final hiring would have to come to Council, and Council would have to establish an enterprise fund before moving forward. He did not think a public hearing was required, but it would be up to Council. Logsdon said that it would come back to Council again. Lydell said he thought bringing it back in a workshop would allow for further meaningful exchange.

Plunkett asked for those attending to email Council. Logsdon said that everyone who spoke that evening supported hiring a manager under City control, which was the direction given to the City

Manager. He was not sure what an additional workshop would bring up once staff began working. Plunkett recommended that the new manager hold a town hall meeting.

John Thibadeau noted that there was very little discussion on the tennis center, and asked that it be included in discussions as Council moved forward. Logsdon said that the City was not prepared to address that venue that evening with the same degree of urgency.

Gaddo said that other local facilities in metro Atlanta all ran them differently. Some of the City-funded facilities had a full staff, some had contracted pros, and some were operated privately, with the full operation contracted out or the facility leased out, some on a profit-sharing basis. Staff had not gotten full details and had focused on the Amphitheater to meet the time crisis for that venue.

McMullen said that the concert scheduling made the Amphitheater staff's first priority.

Logsdon asked for audience input on the tennis center.

Bjugson asked Gaddo how he felt about pulling the tennis center into recreation. Gaddo said he had insufficient information because he did not know enough about how it was currently being operated. Bjugson said the City ran a great recreation department, and he could not say the tennis center fell into that category.

Delisa Roberts said the tennis center had been an important factor for her son when she decided to move here three years ago. She felt there were some basic requirements to run a good academy program – consistent skills taught to each group level, lower levels having the opportunity to drill with higher groups, pros available for private lessons on a regular basis, and pros able to observe the kids during tournament play. None of these things ever happened. She presented two charts, one with the top 200 boys. Very few drilled at the tennis center (only 18%), and most were going out of town to drill. Of the 13 boys on the McIntosh tennis team, only one drilled at the tennis center. She also played in the Atlanta Lawn Tennis Association (ALTA), and the pricing structure was unfair. When McIntosh played Starrs' Mill, they were given six courts, four of which had no area for viewing. Instead, members were given preference for games with no spectators. When there were tournaments, even national ones, the center brought in nothing for the participants, which was not how other centers handle these events.

Thibadeau said they had been paying members of the center for their four years in the City. He thought the center was a tremendous asset that was underutilized. Management had not been tied into the real tennis community in the City or state. The center was good enough to hire someone at that level, but it was currently not at that level. There was also a lack in the concessions area. In order for the restaurants to be successful, they needed support from the center or the City, but he understood the last restaurant could not even advertise on site outside the restaurant area. Not having food there gave a bad impression of the center to all those who visited from other areas.

Brown said he opposed privatizing the facility because it would be put in someone else's hands, and, if they could not make it profitable, they would let it go into disrepair and ask for

commercial zoning to redevelop the site. Logsdon said he would never vote for selling the center.

Judy Hall said she had lived here for 15 years and was part of a tennis group. She had been an off-and-on member, and the last time there was a public forum, nothing the public said was acknowledged. She said it was frustrating to come to the meetings, speak in public, and have nothing happen. People visited and raved about the facility, but they had stuck with the pros they felt deserved their allegiance. She said there were a lot of people who wanted to see it flourish again.

Wendy Owen, United States Tennis Association (USTA) Georgia tournament director, said they were bringing in 500 people from across the state to a tournament in the near future. She said she had concerns about how the facility was judged as "making money." The center would not receive money for the tournament, but the community as a whole would benefit from having 500 visitors. The tournament would "make money" for the city, but not for the center. Plunkett asked how many of the City's recreation facilities "made money."

Sharon Martin said she drove her son to Tyrone three times a week for tennis. There was a revolving door at the Tennis Center for the pros, and the junior market should be more of a focus, as it used to be. The tournaments the center used to have moved to north Atlanta, but wanted to come back. There was still a lot of opportunity out there to bring those back. The dues needed to be relooked. Hall added that the center did not have a program that they could use. The pros, the programs, and the leadership were not being done. Martin joked that a good tennis player gave more consideration to their pro than to who they were going to marry.

Sharon Griner, the USTA local league coordinator, said she wrote grants to get tournaments here. No one had approached her to do any in the past two years. Owen had met with Yawn a couple of weeks ago, and was passed off to Ben Maes, the head pro, who was responsible for running a tennis center, not attracting tournaments. There is a cost split of 50%, and those were areas not getting a lot of attention.

McMullen and Logsdon said the tennis center discussion would come back after staff had more time to gather information.

Plunkett said she liked Hall's suggestion of including the people who played tennis in the process of deciding how to move forward.

McMullen asked that anyone with comments send them to Randy Gaddo, and said staff would go through the same process in looking at options for the tennis center as they had for the amphitheater.

Haddix said there were a lot of negative feelings about the center in the community. It could not be run by committee, but needed a single person with a financial interest in the successful operation. He felt privately-owned facilities served the patrons better and worked better. The facility was now 13 years old, and the City kept hearing that it would make money, but the

finances did not factor in the other costs associated with the facility. He felt it was a failed model, and the best model was private ownership. He asked if it made sense to keep on the same failed path.

Martin said she felt there was some intermediate point between the current model and going fully private. Haddix reiterated that it had not succeeded in 13 years, and it needed to change.

Plunkett said she would never support selling the center and privatizing it, noting that none of the City's recreation facilities were designed to make money. She did not care how it had gotten here, but cared about running it in the best possible manner from here on. Boone said he did not support selling the facility either, and felt it could be a successful venue.

Becky Grant said that one to two tournaments a month were held at the center. Some were junior, some were national, some were USTA, and the management looked closely at it. There was a balancing act between the tournaments/tourism, members, and non-members.

Logsdon said Council and staff had heard a lot of good comments, and thanked those who were in attendance. He said they would talk further on the tennis center at another workshop.

Robert Sasseville, a local business owner, said that stand-alone private tennis facilities did not make money. The last one in Norcross sold for \$1.00. It was a quality of life element, and he moved his business here six years ago because he appreciated how much the City valued tennis.

Meaders said that she had served on the committee that started the center, and there was no intent at the time for it to be a revenue generator – the money made would go back into the facility. It was intended to provide tennis to the community. Logsdon said his understanding was that it would become self supporting. Haddix said Development Authority of Peachtree City's minutes reflected that it would become a money-maker.

The meeting adjourned at 8:52 p.m.

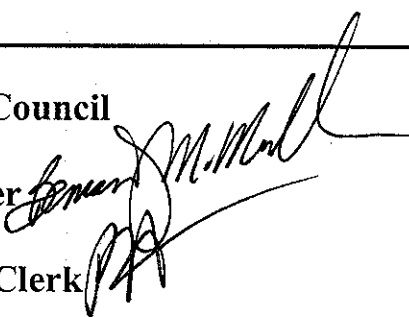
Betsy Tyler, Acting City Clerk

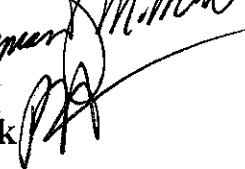
Harold K. Logsdon, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Acting City Clerk 

DATE: September 11, 2008

SUBJECT: Alcohol License – Change in Ownership, Licensee & License Representative – Brandon's Package Store
September 18, 2008, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Brandon's Package Store, located 101 Petrol Point, has submitted a request for a change in ownership and Licensee and License Representative. Mr. Mehdi Mostofisalehi is the new owner, and he has requested he be appointed as the Licensee and the License Representative. He will attend the meeting on Thursday, September 18, to answer any questions you may have.

Budgetary Impact:

The change in ownership, Licensee, and License Representative will have no effect on the budget.

BT:pd

Attachments



CITY HALL
 151 WILLOWBEND ROAD
 PEACHTREE CITY, GA 30269
 PHONE: 770-487-7657
 FAX: 770-631-2505
 WWW.PEACHTREE-CITY.ORG

Application For Alcoholic Beverage License

Business Name: Brandon's Package Store	Business Location: 101 Petrol Pt Peachtree City, GA 30269	(404) 487-9998
Nature of Business: Package Store	Mailing Address: Same as Above	Business Phone Number: Same as Above
Name of Licensee: Brandon's Package, Mostofisalehi, Mehdi Inc.	Home Address: 4010 Timbercreek Circle Roswell, GA 30076	Home Phone Number: (770) 896-8481
Name of License Representative: Mostofisalehi, Mehdi	Home Address: Same as above	Home Phone Number: Same as above

Please indicate type of licenses applying for:

Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
☒ Malt Beverage	☒ Malt Beverage	☐ Malt Beverage
☒ Wine	☒ Wine	☐ Wine
☒ Distilled Spirits	☒ Distilled Spirits	☐ Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Mostofisalehi, Mehdi	4010 Timbercreek Circle Roswell, GA 30076	(770) 896-8481
Ali Souresrafil	10135 Skylark Huntsville, GA 35803	(256) 509-5691

Is any person who owns an interest in the license an employee of the City of Peachtree City? YES ☒ NO ☐

If YES, Please Provide Name of Employee: N/A



CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

State of Georgia

City of Peachtree City

I, H.C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Mehdi Mostofisalehi

4010 Timbercreek Circle
Roswell, GA 30076

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.

H.C. "Skip" Clark II
Chief of Police

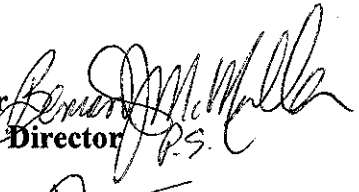
9/3/08
Date

Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Bernard McMullen, City Manager 
Paul Salvatore, Financial Services Director 

FROM: H. C. "Skip" Clark II, Chief of Police 

DATE: September 12, 2008

SUBJECT: Donation of Funding for Electro Muscular Disruption Devices - TASERS®
City Council Agenda, September 18, 2008

Recommendation:

It is staff's recommendation that City Council approve the donation of \$27,000.00 from Nissan South and Kia of Union City, Scott Smith-Owner, to purchase (30) TASERS® X-26 (Electro Muscular Disruption Device) and related equipment.

Discussion:

Currently, officers employ OC Spray, Impact Weapons or hand-to-hand tactics as a line of self-defense prior to elevating to more severe force options. These self defense methods require close contact with the aggressor and all too often result in an officer or an offender getting hurt. The use of these devices affords our officers a greater distance to incapacitate dangerous or violent subjects, regardless of the physical size of the officer or the size, strength and mental state of the offender. Where these devices have been deployed it has been shown that there is a notable decrease in officer injuries, which means reduced Worker's Compensation claims. The department has evaluated two Electro Muscular Disruption Device (EMDD) the TASERS® and Stinger®. While both units had numerous benefits to law enforcement, we feel that the TASERS® overall functionality surpassed Stinger® in almost all aspects. These devices are essential to offer another alternative in use of force situations.

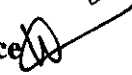
Budget Impact:

The utilization of an electronic control device includes certain ongoing costs to the City. While these costs are minimal in relation to the overall benefit, they do need to be considered in budgetary planning. The largest cost is the original purchase of the devices, which will be offset by the funds donated by Nissan South and Kia of Union City, Scott Smith-Owner. This price includes the cost of two cartridges per unit. However additional cartridges are needed for training and cartridge replacement. Typically 4 simulation cartridges are used per officer during a training course. At \$18.00 per cartridge, this would have a budget impact of \$2160.00 annually.

The annual budgetary impact for the city would be approximately \$2,160.

CITY OF PEACHTREE CITY
INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Bernard McMullen, City Manager 
Paul Salvatore, Financial Services Director 

FROM: H. C. "Skip" Clark II, Chief of Police 

DATE: September 11, 2008

SUBJECT: Golf Cart Donation - Lease Agreement
City Council Agenda, September 18, 2008

Recommendation:

It is staff's recommendation that City Council approve the attached Lease Agreement between the City of Peachtree City and J. H. Hooper-President of Bulldog Supply, for the lease of a DS Club Car motorized cart.

Discussion:

The police department is committed to providing sufficient vehicles and equipment, as well as manpower and training, to enhance our agency's proactive and specialized patrol of the City's multi-use recreational path system. By supplementing our vehicle fleet with a Club Car motorized cart, two purposes are served. First and foremost, the vehicle will provide an additional means for promoting a safe and secure environment on the City's path system. Additionally, because the vehicle is an electric motorized cart, it encourages our City's commitment to alternative fuel sources and the Keep America Green program. If City Council approves the donation/lease agreement with Bulldog Supply, the cost savings to the City will possibly exceed \$7,000.00. Bulldog Supply is a local golf cart sales and service business located at 142 Huddleston Road in Peachtree City. The business is also an authorized Club Car dealership and has a certified service center for this particular motorized cart. Upon accepting the terms of the donation and lease agreement, the City agrees to maintain the motorized cart, normal wear and tear excepted, and to add the vehicle to its insurance coverage document, as stipulated in the lease agreement. The City Attorney has reviewed and approved the attached lease agreement.

Budget Impact:

The lease agreement for the Club Car motorized cart includes certain initial and ongoing costs to the City. While these costs are minimal in relation to the overall benefit, they do need to be considered in budgetary planning. The initial budgetary impact includes one dollar if the City accepts the lease agreement and any supplementary costs for maintenance and insurance. Additional equipment such as a storage trunk, miscellaneous trunk equipment, emergency lights and siren, graphics, and an hour meter are also necessary. These items should not exceed \$450.00.

Storage Trunk
Miscellaneous Trunk Equipment
Graphics 125.00
Emergency Lights and Kit \$267.00

STATE OF GEORGIA

COUNTY OF FAYETTE

LEASE AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2008, by and between CITY OF PEACHTREE CITY, a political subdivision of the State of Georgia acting by and through its Mayor and Council, hereinafter referred to as the "City", and BULLDOG SUPPLY, hereinafter referred to as "Owner" for the purpose of establishing the terms and conditions of the leasing of a motorized cart by Owner to City.

WITNESSETH:

WHEREAS, the City Police Department desires to use a motorized cart, hereinafter "golf cart," to be used in the operations of the City Police Department; and

WHEREAS, the Owner desires to lease a golf cart to the City Police Department.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged by all parties, the parties to this Agreement hereby agree as follows:

1.

Owner agrees to lease a golf cart, ID # AQ0605 597194, Model DS
Manufacturer CLUB CAR. to the City for the sum of \$1.00.

2.

City accepts such golf cart under the terms set forth herein, and further agrees to maintain such motorized cart, normal wear and tear excepted.

3.

To the extent permitted by Georgia law, the City agrees to indemnify and shall hold the Owner harmless from any and all claims, liability, costs, or expenses for any injury or death to any person or damage to any property arising out of or in any way relating to any act or omission of its respective agents and employees, resulting from the use or operation of the golf cart. City agrees that it shall add the golf cart to its coverage document as a covered vehicle. The provisions of this Agreement with respect to any claims or liability occurring or cause prior to any expiration or termination of this Agreement shall survive such expiration or termination.

4.

This Agreement shall constitute the entire agreement between the parties and no modifications shall be binding upon the parties unless evidenced by a subsequent written agreement signed by the parties.

5.

This agreement shall begin on the date that it has been executed by both the City and the Authority and shall expire one (1) year from the date this agreement is executed.

IN WITNESS WHEREOF, parties have hereunto set their hands and affixed their seals the day and year as first above written.

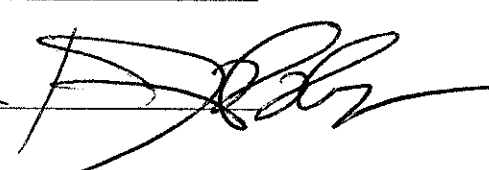
CITY OF PEACHTREE CITY

(SEAL)
Attest:

By: _____
Harold K. Logsdon, Mayor

Clerk

(SEAL)

By: JH Hooper 
Its: President.
Title

ATTEST:

SEAL

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *Bernard M. Mulvey*
Developmental Services Director *WKS*
City Planner *David Lewin*

FROM: City Engineer *David A. Borlauskis*

DATE: September 11, 2008

SUBJECT: Sanitary Sewer Easement – New Meade Field Pump Station and Force Main
September 18, 2008, City Council Meeting

Recommendation:

Staff recommends approval of the sewer easement through Meade Field and for Plantation Center to be able to connect to said sewer once constructed and provide guidance on extending sewer to the Southern Pine Plantation Property.

Discussion:

At the September 4, 2008, City Council meeting, Staff was instructed to provide some additional information. Specifically, the items requested were a copy of the County 54 West Overlay, open space documentation, and a conversation with the County on whether there was any objection to the developer donating a portion of the open space next to Meade Field to the City.

The 54 West overlay documentation is attached (Attachment A). The zoning ordinance for the Plantation Property (describing what is left in Open Space), and the County Zoning Ordinance is also attached (Attachment B). Additionally, a drawing showing current adjacent areas that have sewer and which do not (Attachment C) and a comparison of the County overlay requirements and the City zoning requirements are attached (Attachment D). It should be noted that the County does not have an Open Space zoning district, the area described as Open Space is zoned A-R.

Staff had a conversation with the County Planner on the issue of the property donation. The County Planner said that the City would have to make a formal request to the County Board of Commissioners requesting the donation at the appropriate time. County Staff could not comment on whether the Board would be in favor of a donation. Also attached is an aerial of the proposed Plantation Center property showing the City stream buffers and setbacks (Attachment C1). The 100-year floodplain does not appear to touch the Plantation Property.

Also attached is a letter from the Peachtree City Water and Sewerage Authority requesting to amend their previous request for a sewer easement in Meade Field (Attachment E). Specifically WASA is requesting that the City of Peachtree City approve a sewer extension to Southern Pines Plantation property.

Budget Impact:

There is no budget impact with this request.

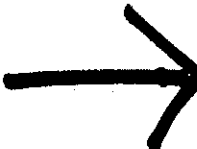
Attachments

governed by the provisions of Section 7-2.

- 7-5. 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 this Ordinance, 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 Zoning Map of Fayette County.

- 7-6. Transportation Corridor Overlay Zone
(A. - Adopted in its entirety 03/09/95) (A., B., C. - Amended 06/24/04)

For the purposes of Section 7-6., 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 and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

 A. S.R. 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. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the SR 54 West Overlay Zone is to achieve the following:
(Amended 06/07/06) (Amended 03/22/07)
 - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - c. To protect the aesthetics for existing and future residential areas in this Highway Corridor. (Amended 03/22/07)
2. Access The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

7-26

- a. 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 Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 06/07/06) (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
- a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.
 - b. Setbacks will be as follows:
 - (1) Front yard setback on SR 54 West: 100 feet
(Amended 06/07/06) (Amended 03/22/07)
 - c. The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)
 - d. 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. (Amended 03/22/07)
 - e. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten (10) feet from the side property line.
4. Architectural Standards. These standards shall apply to all nonresidential development within this Overlay Zone*

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the Site Plan:

7-27

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) 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 four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) 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 must be of a residential character with the appearance of shingles, slate or terra cotta; Amended 06/07/06)

- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco); (Amended 03/22/07)
- c. 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; and (Amended 03/22/07)
- d. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
- e. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming

structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

** (excluding the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road) (Amended 06/07/06)*

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 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. (Amended 02/23/06) (Amended 06/07/07)
 - b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure: When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
 - a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by existing structures. Any new construction shall comply with the setback requirements herein. (Amended 03/22/07)

- b. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. (Amended

03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
 - a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
 8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
 - a. 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. (Adopted 03/22/07)
 - b. No outside storage allowed.
 - c. All roof top mechanical equipment and satellite dish antennas shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
 - d. 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 SR54.
- B. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North 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. (Amended 03/22/07)
1. The purpose of the SR 85 North Overlay Zone is to achieve the following: (Amended 03/22/07)
 - a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle. (Amended 03/22/07)
- 7-30
- b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-1. 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. Recreation centers and similar institutions owned by non-profit organizations so designated by the Internal Revenue Code, as amended;
 3. Accessory buildings and uses;
 4. Growing of crops and the on-premise sale of produce and agriculture, provided 50% of the produce sold must be raised on-premise. (Amended 06/26/03)
 5. Plant nurseries and greenhouses (no sales of related garden supplies). (Amended 06/26/03)
 6. Raising of livestock and the sale thereof.
- C. Conditional Uses. The following Conditional Uses shall be allowed in the A-R Zoning District provided that all conditions specified in Section 7-1 herein are met:
1. Aircraft Landing Area;
 2. Animal Hospital, Kennel (Commercial or Non-commercial), or Veterinary Clinic;
 3. Cemetery and Mausoleum (Human or Pet);
 4. Church, Temple, or Place of Worship;
 5. Church or Religious Tent Meeting;

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance 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.

A. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan must be submitted to the Zoning Administrator and approved by the appropriate County officials. 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 meeting and/or events which are conducted no longer than fourteen (14) days per year.

B. Conditional Uses Allowed:

1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts). (Adopted 06/28/07)

a. The facility shall comply with all licensing requirements of the State of Georgia. (Adopted 06/28/07)

b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m. (Adopted 06/28/07)

2. Aircraft Landing Area. (Allowed in the A-R, M-1, and M-2 Zoning Districts).

a. F.A.A. approval for visual flying flight operations and landing areas is required, where applicable.

b. For any newly developed landing area for fixed wing aircraft, a 1,000 foot clear zone as defined by the F.A.A. 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 adjoining properties.

c. Any newly developed landing area shall be located at least 300 feet, as measured from the centerline of the runway, from any contiguous property line.

7-1

d. Any roofed structure shall be setback at least 200 feet from the

nearest point on the centerline of the runway.

Add in Its Entirety 11/14/02:

2A. Aircraft Hangar. Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft. (Allowed in the A-R, M-1 and M-2 Zoning Districts)

1. An Aircraft Hangar must comply with all of the above criteria of Section 7-1.B.1. Aircraft Landing Area.
 2. 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.
 3. In the A-R zoning district, on lots of less than ten (10) acres in size, there shall be a maximum of one (1) detached hangar allowed.
 4. In the A-R zoning district, no trade or business of any kind shall be conducted from an Aircraft Hangar.
 5. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - a. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - b. A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - c. A detached hangar shall be located to the side or rear of the principal dwelling.
 - d. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
3. Animal Hospital, Kennel (Commercial or Non-Commercial), 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.

- a. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial 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. (Amended 10/22/98)

4. Sales and/or Repairs of Automobile, Truck, Farm Equipment, or Motorcycle.
(Allowed in C-H Zoning District). (Amended 04/28/05)

1. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions: (Adopted 04/28/05)

- a. All activities except sales shall be conducted indoors.
- b. No outside storage of equipment or parts shall be permitted.
- c. No external loud-speakers allowed. (Adopted 04/28/05)

2. All repair facilities either incidental to a sales use or as a principal use and are not listed as a permitted use in the C-H Zoning District, shall comply with the following conditions: (Adopted 04/28/05)

- a. All repair activities shall be conducted indoors. (Adopted 04/28/05)
- b. No outside storage of equipment or parts shall be permitted. (Adopted 04/28/05)
- c. All overhead doors must face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, Section 5-19. Screening Standards of the Fayette County Zoning Ordinance or utilizing vegetative materials. (Adopted 04/28/05)
- d. All vehicles for repair must be screened per Article V. General Provisions, Section 5-30. Outside Storage of the Fayette County Zoning Ordinance. (Adopted 04/28/05)

- e. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 pm and 7:00 am.

(Adopted 04/28/05)

f. No external loud-speakers allowed. (Adopted 04/28/05)

5. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. (Allowed in C-C and C-H Zoning Districts).

- a. Service areas, facilities, and pump islands shall not be located closer than seventy-five (75) feet from a residential or A-R Zoning District.
- b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
 - (1) Major thoroughfare:
 - (i) Arterial: thirty-five (35) feet
 - (ii) Collector: thirty (30) feet
 - (2) Minor thoroughfare: twenty-five (25) feet
- c. Canopies shall extend no closer than fifteen (15) feet from any street right-of-way.
- d. Underground storage tanks shall be set back no closer than twenty (20) feet from all property lines.

6. Campground Facilities. (Allowed in the C-C Zoning District).

- a. 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).
- b. The campground shall be utilized for short-term occupancy of fifteen (15) days or less, provided, however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.

- c. Said uses shall be permitted only on a lot which possesses at least sixty (60) feet of frontage on a Major Thoroughfare (as defined by

the Fayette County Thoroughfare Plan).

- d. The lot area shall be at least ten (10) acres.
 - e. The maximum density shall not exceed four (4) campsites per gross acre.
 - f. A minimum fifty (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 easements, and signs (pursuant to the Sign Ordinance).
 - g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (1) Front yard: seventy-five (75) feet
 - (2) Side yard: twenty-five (25) feet
 - (3) Rear yard: twenty-five (25) feet
 - h. At least ten (10) percent of the gross acreage shall be reserved for recreational areas.
 - i. Accessory uses shall be allowed provided that the following requirements are met:
 - (1) Such uses and structures shall be restricted to the use of occupants of the park and their quests;
 - (2) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.
 - (3) 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.
 - (4) Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
- 7-5
- (5) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.

- j. The Site Plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health Department.
7. Care Home, Convalescent Center or Nursing Home. (Allowed in the C-C, C-H, and O-I Zoning Districts).
- a. Minimum lot size: three (3) acres
 - b. Such uses shall be permitted only on a lot which fronts on an Arterial Thoroughfare unless such use is part of a planned development which has access to an Arterial Thoroughfare.
 - c. A fifty (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.
 - d. Minimum setbacks:
 - (1) Front yard: 100 feet
 - (2) Side yard: fifty (50) feet
 - (3) Rear yard: fifty (50) feet
 - e. The facility shall comply with all licensing requirements of the State of Georgia.
 - f. Rooms or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities, and central recreational facilities shall be provided. (Amended 12/15/05)
 - g. Service areas and facilities shall not be located closer than 100 feet from a residential or A-R Zoning District (of which fifty [50] feet shall be a buffer).
 - h. Twenty-four (24) hour staff shall be required. (Adopted 12/15/05)
 - i. All living facilities must be connected to the central facilities through internal passageways (i.e. hallways, corridors, etc.)

(Adopted 12/15/05)

8. Cemetery and Mausoleum. (Human or Pet) (Allowed in A-R and C-H Zoning Districts).
 - a. Minimum lot area shall be ten (10) acres for a human cemetery and five (5) acres for a pet cemetery.
 - b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum.
 - c. Grave sites shall be set back at least fifty (50) feet from all property lines.
 - d. No structure other than grave markers shall be located within 350 feet of a residential or A-R Zoning District.
 - e. A twenty (20) foot buffer shall be provided in addition to required setbacks along all property lines which adjoin A-R or residential zoning districts.
9. Church, Temple, or Place of Worship. (Allowed in O-I, A-R, and residential zoning districts).
 - a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.
 - b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette county Thoroughfare Plan.
 - c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. 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.
 - d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).

7-7

- (1) Front yard: 100 feet

- (2) Side yard: fifty (50) feet
 - (3) Rear yard: seventy-five (75) feet
 - e. Uses and/or structures incidental to a church such as a private school, parsonage, gymnasium, playground, and/or athletic field shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 8.c. and 8.d., above. Outdoor lighting for recreation purposes shall be prohibited.
 - f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met.
 - g. Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met. (Adopted 06/28/07)
 - h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
 - i. 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 or similar building materials compatible with the area.
 - j. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
 - (1) The property must be zoned A-R with a minimum of 15 acres;
 - (2) The pavilion must be at least 150 feet from any property line;
 - (3) The pavilion must be constructed following the construction of the main sanctuary building;
- 7-8
- (4) The floor area cannot exceed twenty (20) percent of the square footage of the main sanctuary building; and

- (5) 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 twenty (20) percent of the main sanctuary building square footage.

10. Church or Religious Tent Meeting. (Allowed in A-R, C-C, C-H, O-I Zoning Districts). (Amended 04/09/98)

- a. Said meetings shall not exceed fourteen (14) days per year at the same site.
- b. Tents shall require the approval of the Fayette County Fire Marshal.
- c. Off-street parking areas shall be required.
- d. All activities shall cease by 10:00 p.m.

11. Colleges and Universities. (Allowed in the A-R Zoning District).

- a. The lot area shall be at least ten (10) acres.
- b. Such use shall be permitted only on a lot which fronts on a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
- c. A minimum fifty (50)-foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.
- d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows:
 - (1) Front yard: 100 feet
 - (2) Side yard: fifty (50) feet
 - (3) Rear yard: 100 feet

- e. Uses and/or structures incidental to colleges and universities such as a gymnasium, dormitory, and/or athletic field shall be allowed

provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 10.c. and 10.d., above.

12. Commercial Driving Range and Related Accessories. Related Accessories limited to: Putting green, chipping green, sandtraps, artificial/natural surface, bunkers, pro shop, and snack bar. (Allowed in C-C, C-H, and A-R Zoning Districts).
 - a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 - b. All greens, fairways, and driving areas shall be set back at least fifty (50) feet from any non-residential zoning district.
 - c. 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 multi-family residence, provided that lighting is not directly visible from said residence(s).
 - d. No outside loudspeaker system shall be utilized.
13. Convenience Commercial Establishment. Facility is limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches and other freshly-prepared foods for off-site consumption. (Allowed in the L-C Zoning District.)
 - a. Maximum floor area: 3,500 square feet
 - b. 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 must be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement must be submitted as part of the Site Plan.
 - c. Gasoline pumps, air hoses, and water hoses shall be setback as follows:

- (i) Arterial: fifty (50) feet
 - (ii) Collector: forty-five (45) feet
 - (2) Minor thoroughfare: forty (40) feet
 - d. Canopies used in conjunction with the sale of gasoline shall extend no closer than thirty-five (35) feet from any street right-of-way.
 - e. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 - f. Underground storage tanks shall be set back at least twenty (20) feet from all property lines.
14. Day Care Facility (Nursery School or Kindergarten). (Allowed in C-C, C-H, O-I, and A-R Zoning Districts).
- a. A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the State certifications lapse or be revoked, the Conditional Use permit shall be null and void.
 - b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.
 - c. Outdoor play areas shall be located to the side or rear of the principal building.
 - d. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 - e. A fence measuring at least four (4) feet in height shall enclose the entire play area.
 - f. If the side or rear yard abuts a residential or A-R Zoning District, a minimum fifty (50) foot buffer shall be provided adjacent to the lot line. The setback shall be measured from the buffer.
- 7-11
- g. Service areas, facilities, and playgrounds shall not be located closer than 150 feet from a residential or A-R Zoning District.

- h. 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.
 - i. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.
15. Developed Residential Recreational/Amenity Areas. (Allowed in subdivisions in the A-R and residential zoning districts, with Final Plat approval).
- a. Lot area: Per zoning district
 - b. Said area must be shown on the Preliminary and Final Plats and labeled as follows: "Not a residential building lot, for recreational purposes only."
 - c. Landscape and buffer areas shall be planted in accordance with the Development Regulations.
 - d. In addition to the required landscape areas, a six (6) foot landscape or buffer area shall be required along the rear property line where adjacent to an A-R or residential zoning district.
 - e. Paved parking area is required per the Development Regulations.
 - f. No activity and lighting permitted after 10:00 p.m.
(Amended 07/28/05)
 - g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings. (Adopted 07/28/05)
16. Dry Cleaning Plant. (Allowed in the C-C and C-H Zoning Districts).
- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above forty (40) by the Underwriter's Laboratories, Inc. Standard of Classification known as Class I Systems shall be prohibited;
 - b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but not less than forty (40)

according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;

- c. 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.
 - d. Fuel for operation of the equipment shall be smokeless fuel; and
 - e. Central water and central sanitary sewage systems are required.
17. Experimental Labs. (Allowed in the C-H, M-1 and M-2 Zoning Districts).
- a. Minimum lot area: three (3) acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 - b. Said use must comply with all applicable State and/or Federal licensing requirements.
18. Farm Outbuildings and Greenhouses. (Allowed in the A-R Zoning District). (Amended 04/09/98)
- a. Farm Outbuilding. All structures permitted in this category must be bonafide structures related to the farming operation. (Amended 04/09/98)
 - b. Greenhouses. All structures permitted in this category must be bonafide structures related to the cultivation or protection of landscape planting materials. (Added 04/09/98)
 - c. Farm size over ten (10) acres, no restriction of size of farm outbuildings and greenhouses. (Amended 06/25/98)
 - d. Farm size five (5) to ten (10) acres, one (1) detached farm outbuilding or greenhouse a maximum of 1,800 square feet in size. (Added 06/25/98)

Farm outbuildings and greenhouses may have plumbing and electricity, but shall not be used for residential purposes. A farm outbuilding may be used as

a barn for horses and/or livestock, storing farm equipment, and any other agricultural purposes. Farm outbuildings and greenhouses shall not be located within 100 feet of the main residential structure or connected to any structures on site. (Added 06/25/98)

19. Feed Lot and/or Commercial Barn. Barns and feed lots must be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District).
20. Fraternities and/or Sororities. All facilities shall be located on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. (Allowed in the C-C and C-H Zoning Districts).
21. Golf Course (minimum eighteen [18]-hole regulation) and Related Accessories. Related accessories are limited to: putting green, chipping green, sandtrap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. (Allowed in the C-C, C-H, A-R, and EST Zoning Districts). (Amended 04/09/98)
 - a. Said facilities shall be for daytime use only.
 - b. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 - c. No outside loudspeaker systems shall be utilized.
22. Heavy manufacturing, packaging, processing or handling of materials. 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. (Allowed in the M-2 Zoning District).
23. Home Occupation. (Allowed in A-R and residential zoning districts).
 - a. Residents. Only residents of the dwelling may be engaged in the home occupation.

- b. 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.

- c. 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, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.
- d. Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building.
- e. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.
- g. Music, etc. Instruction in music and similar subjects shall be limited to two (2) students at a time.
- h. Vehicles. Only vehicles used primarily as passenger vehicles shall be permitted to remain on the premises.
- i. Uses. The following and similar uses shall not be considered home occupations: automobile service station, automobile and related machine sales, automobile repair or maintenance, ambulance service, rescue squad, amusement or recreational activities (commercial), animal hospital, commercial kennel, veterinarian clinic or animal boarding place, pawn shops, acid storage and manufacturing, heavy manufacturing, fortune teller, palm reader, and massage therapy.

24. Hospital. (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts).

- a. Minimum lot size: ten (10) acres
- b. Such use shall be permitted only on a lot which fronts on an Arterial Thoroughfare, as designated on the Fayette County Thoroughfare Plan, unless such use is part of a planned development which has access to an Arterial Thoroughfare.

7-15

- c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.

- d. Minimum setbacks:
 - (1) Front yard: 100 feet
 - (2) Side yard: fifty (50) feet
 - (3) Rear yard: fifty (50) feet
 - e. 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 (10) percent of the primary structure floor area. No outside advertising is allowed.
25. Hotel. A minimum thirty (30) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas may be located within the setback areas. (Allowed in the O-I Zoning District).
26. Junk Yard or Auto Grave Yard. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: ten (10) acres
 - b. Maximum site area: twenty-five (25) acres
 - c. 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.
 - d. 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.

Kennel. See Animal Hospital, etc.

27. Landfill. (Allowed in the M-2 Zoning District).

- a. Minimum lot size: twenty (20) acres

7-16

- b. 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.

- c. Landfill operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - d. The landfill shall comply with all licensing requirements of the State of Georgia.
28. Laundromat, Self-Service or Otherwise. (Allowed in the C-C and C-H Zoning Districts). Central water and central sanitary sewage systems are required.
29. Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District) (Adopted 07/26/07)
- a. The service must comply with all licensing requirements of the State of Georgia. (Adopted 07/26/07)
 - b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) 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 and shall be a minimum height of eight (8) feet. (Adopted 07/26/07)
 - c. No on-site vehicle maintenance or fueling facilities are allowed. (Adopted 07/26/07)
30. Mining or Quarrying. (Allowed in the M-2 Zoning District).
- a. Ingress and egress to and from the facility shall be via an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
 - b. A minimum 100 foot buffer shall be required adjacent to residential or A-R Zoning Districts.
- 7-17
- c. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R Zoning District.

- d. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 - e. The operation shall comply fully with the requirements of the State of Georgia.
31. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping. (Allowed in the C-H and M-1 Zoning Districts).
- a. Where applicable, all State of Georgia Codes, Rules and Regulations shall apply. Verification that State Requirements are met shall accompany the application for a Conditional Use Permit.
 - b. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 - c. Any structure, ride, etc. erected in connection with an outdoor amusement activity, over thirty-five (35) feet in height, must be dismantled upon the closing of the business or activity in question.
 - d. Any structure, ride, etc. over thirty-five (35) feet in height, or with elements over thirty-five (35) feet in height, must be surrounded by a six (6) foot high fence with a locked gate when the facility is not in use. A four (4) inch sphere shall not be able to pass through any section of the fence or gate.
 - e. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
32. Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables). (Allowed in the A-R Zoning District).
- a. Minimum lot area: five (5) acres
 - b. All structures shall be set back at least 100 feet from any property line.
- 7-18
- c. No structure shall exceed 5,000 square feet of floor area (interior measurements).

- d. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
33. Recycling Facility. (Allowed in the M-1 Zoning District).
- a. All separation and processing (baling, compacting, grinding, or shredding) must occur entirely within an enclosed building.
 - b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the Site Plan.
 - c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 - d. All outside storage areas shall be totally screened according to the Development Regulations. Storage bins can not be a greater height than the screening.
34. Rifle Ranges. (Allowed in the A-R Zoning District).
- a. Any commercial or private rifle range shall comply with the requirements promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and contained in that publication known as "HIGH POWER RIFLE RANGES", National Rifle Association, Range Facilities Department and on file with the Zoning Administrator of Fayette County.
 - b. Any commercial or private ranges operated solely for shotgun use shall comply with the rules and regulations as promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and in particular that publication known as "SHOTGUN PLAN, SHOOTING FACILITIES" and on file with the Zoning Administrator of Fayette County.

35. School (Private and special), and Incidental Sports Arena, Stadium or Recreational Field. (Allowed in the A-R and residential zoning districts).

- a. Minimum lot size: five (5) acres
- b. A minimum 100 foot wide buffer plus required setbacks shall be provided adjacent to any residential or A-R Zoning District.
- c. Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or A-R Zoning District. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.
- d. Student drop-off and vehicular turn-around facilities shall be provided on the site.
- e. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
 - (1) The property must be zoned A-R with a minimum of fifteen (15) acres;
 - (2) The pavilion must be at least 150 feet from any property line;
 - (3) The pavilion must be constructed following the construction of the main school building;
 - (4) The floor area cannot exceed twenty (20) percent of the square footage of the main school building; and
 - (5) 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 twenty (20) percent of the main school building square footage.

36. Self-Storage Facility. (Allowed in M-1 and C-H Zoning Districts) (Adopted in its entirety 06/28/01; Amended 06/24/04; Amended 01/13/05; Amended 03/24/05) (Amended 06/28/07)

- a. The maximum size of a storage bay shall be 550 square feet. (Amended 03/24/05)

- b. 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 brick, stone, stucco or similar building materials compatible with the area, and the colors selected shall be classic exterior or nature-blending compatible with the area. The Transportation Corridor Overlay Zone shall apply when applicable. (Amended 06/28/07)

- c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be twenty-five (25) feet as measured from the closest part of the structure including any overhang. (Amended 03/24/05)
- d. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed twenty-five percent (25%) of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of fifty (50) feet wide unless it is angle parking. (Amended 01/13/05)
- e. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two (2) foot berm with double the minimum planting requirements.
- f. All outdoor lighting shall be shielded away from adjacent residential uses. (Amended 03/24/05)
- g. No exterior loudspeakers or paging equipment shall be permitted on the site.

- a. Said residence shall be a single-family detached residence.
 - b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.
38. Telephone, Electric or Gas Sub-Station or Other Public Utility Facilities. (Allowed in the A-R, C-C, C-H, MHP, and residential zoning districts).
- a. Minimum lot size: five (5) acres
 - b. All structural parts of the facility shall be contained within the boundaries of the parcel.
 - c. An eight (8) foot high fence capped with barbed wire with a locked gate shall surround the facility.
 - d. The facility shall be screened in accordance with Section 5-19 herein.
 - e. If electrical current is present in the facility, signs stating "High Voltage" shall be attached to the fence every twenty (20) lineal feet.
 - f. A 100 foot undisturbed buffer is required adjacent to all property lines.
39. Temporary Carnival or Rodeo. (Allowed in the A-R Zoning District).
- a. Said carnival or rodeo shall not be operated longer than fourteen (14) days per year.
 - b. Tents shall require the approval of the Fayette County Fire Marshal.
 - c. Off-street parking shall be required.
 - d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.

40. Transfer Station for Household and Commercial Garbage. (Allowed in the M-2 Zoning District).

- a. Minimum lot size: ten (10) acres
- b. A minimum fifty (50) foot buffer shall be provided around the entire site so that transfer station 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.
- c. Transfer station operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
- d. The transfer station shall comply with all licensing requirements of the State of Georgia.

7-2.

Nonconformances.

- A. Nonconforming Lots. Any lot, being a lot of record at the time of passage of this ordinance, that fails to comply with the requirements of this Ordinance may:
 1. If vacant, be used for a dwelling, in the A-R or a residential zoning district, provided that the height and floor area requirements along with the yard and any other applicable requirements are met.
 2. If vacant and in any district other than a residential or A-R Zoning District, be used for any use allowed in the applicable district provided that the minimum requirements for height, floor area and yards, and any other applicable requirements shall be met.
 3. If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended provided that the minimum requirements for height, floor area and yards and any other applicable requirements are met.
- B. Nonconforming Open Uses of Land. Uses consisting of storage yards, used car lots, auto wrecking, junk yards, 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.

7-23

1. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

2. Nonconforming open uses of land shall not be changed to any use but conforming uses.
3. A nonconforming open use of land shall not be enlarged to cover more land.
4. When any nonconforming open use of land is discontinued for a period in excess of six (6) 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.

C. Nonconforming Use of Structures. Nonconforming uses of structures include structures used, at the time of passage of this Ordinance, for purposes not permitted in the zoning district in which they are located. They shall be governed by the following restrictions:

1. A 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 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 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.
4. When any nonconforming use of a structure is discontinued for a period in excess of six (6) 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.

7-24

D. 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 must be identified in the Architectural Survey of Fayette County. (Amended 12/05/01)
2. The structure itself must be the subject of restoration. Any extension, enlargement or alteration of the structure is subject to approval of the Zoning Board of Appeals.
3. Areas of consideration for approval of such a request include, but are not limited to:
 - a. Submittal of a site plan;
 - b. Restriction of allowable uses;
 - c. Parking requirements;
 - d. Landscaping requirements; and
 - e. Signage.

E. Use of Historic Residential Structures in Residential Subdivisions. The preservation of historic residential structures listed in the Architectural Survey of Fayette County is encouraged in residential subdivisions as these structures can be used as residences or community facilities for the subdivision. Existing structures used for a community facility must 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. (Adopted in its entirety 12/05/01)

- 7-3. Reconstruction of Nonconforming Structures. When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind or act of God, such structure may be reconstructed only if the cost of reconstruction totals less than seventy-five (75) percent of the current fair market value of the structure for tax purposes. 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. Structures which do not conform to the yard requirements herein shall also be governed by this provision.

- 7-4. Changes in Zoning. Any nonconformances produced by a change in zoning district boundaries or Ordinance regulations after the date of passage of this Ordinance shall also be

governed by the provisions of Section 7-2.

- 7-5. 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 this Ordinance, 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 Zoning Map of Fayette County.

- 7-6. Transportation Corridor Overlay Zone
(A. - Adopted in its entirety 03/09/95) (A., B., C. - Amended 06/24/04)

For the purposes of Section 7-6., 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 and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

- A. S.R. 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. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the SR 54 West Overlay Zone is to achieve the following:
(Amended 06/07/06) (Amended 03/22/07)
 - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - c. To protect the aesthetics for existing and future residential areas in this Highway Corridor. (Amended 03/22/07)
2. Access The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

- a. 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 Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 06/07/06) (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
 - a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.
 - b. Setbacks will be as follows:
 - (1) Front yard setback on SR 54 West: 100 feet
(Amended 06/07/06) (Amended 03/22/07)
 - c. The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)
 - d. 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. (Amended 03/22/07)
 - e. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten (10) feet from the side property line.
4. Architectural Standards. These standards shall apply to all nonresidential development within this Overlay Zone*

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the Site Plan:

7-27

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) 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 four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) 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 must be of a residential character with the appearance of shingles, slate or terra cotta; Amended 06/07/06)

- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco); (Amended 03/22/07)
- c. 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; and (Amended 03/22/07)
- d. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
- e. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming

structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

** (excluding the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road) (Amended 06/07/06)*

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 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. (Amended 02/23/06) (Amended 06/07/07)
- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

6. Use of Existing Structure: When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

- a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by existing structures. Any new construction shall comply with the setback requirements herein. (Amended 03/22/07)

- b. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. (Amended

03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:

- a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)

8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

- a. 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. (Adopted 03/22/07)
- b. No outside storage allowed.
- c. All roof top mechanical equipment and satellite dish antennas shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
- d. 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 SR54.

- B. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North 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. (Amended 03/22/07)

1. The purpose of the SR 85 North Overlay Zone is to achieve the following: (Amended 03/22/07)

- a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle. (Amended 03/22/07)

7-30

- b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

- c. To protect the aesthetics for existing and future development in this highway corridor. (Adopted 03/22/07)
- 2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)
 - a. 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 Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)
- 3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
 - a. All impervious surfaces, other than approved access, shall be located at least fifty (50) feet from the right-of-way of SR 85 North and a minimum of ten (10) feet from the side property lines
 - b. Setbacks will be as follows:
 - (1) Front yard setback on State Route 85 North: 100 feet (Amended 03/22/07)
 - (2) Gasoline Canopy: Front yard setback on State Route 85 North: 85 feet (Amended 03/22/07)
 - c. Impervious surface: Per zoning district (Amended 03/22/07)
 - d. 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. (Amended 03/22/07)
- 4. Architectural Standards: These standards shall apply to all nonresidential development within this Overlay Zone.

- a. All buildings of which any portion of said building is constructed within 1,000 feet of the right-of-way of S.R. 85 North shall be

constructed of brick/brick veneer, fiber-cement siding (ie: Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), and/or wood siding. (Amended 03/22/07)

- b. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
- c. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

- 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 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

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. (Amended 02/23/06)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure. When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
- a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by the existing structures. Any new construction or improvements, shall comply with the setback requirements herein. (Amended 03/22/07)
 - b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)
7. Lighting. Lighting shall be designed in such a way as to meet the following requirements: (Amended 03/22/07)
- a. Shielding standards. Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
- a. 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 parcel.
- 7-33
- b. All roof top mechanical equipment and satellite dish antennas 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. (Amended 03/22/07)

- c. 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.

C. 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 and SR 85 North for which other Overlay Zones have been established herein. The Architectural Standards of this Overlay Zone Specifically excludes the L-C zoning district, for which other architectural standards have been established. (Amended 06/07/06) (Amended 03/22/07)

- 1. The purpose of the General State Route Overlay Zone is to achieve the following: (Amended 03/22/07)

- a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
- b. To protect existing and future residential areas near highway corridors; and
- c. To protect the aesthetics for existing and future residential areas in this highway corridor. (Adopted 03/22/07)

- 2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

- a. 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 Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)

- 3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

- a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.

- b. Setbacks will be as follows:
 - (1) Front yard setbacks on all other State Routes: 100 feet (Amended 03/22/07)
 - c. Impervious surface: The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)
 - d. 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. (Amended 03/22/07)
4. Architectural Standards. These standards shall apply to all nonresidential property and/or development within this Overlay Zone. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following must be submitted as part of the Site Plan. (Amended 03/22/07)
- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) 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 four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) 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 must be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)
 - b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential. (Amended 03/22/07)

- c. 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. (Amended 03/22/07)

- d. The design of accessory/outparcel buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
- e. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

- 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 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

between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
- a. The dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by existing structures. Any new construction or improvements, shall comply with the dimensional requirements herein.
 - b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)
7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
- a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
- a. 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. (Amended 03/22/07)
 - b. 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 parcel.
- 7-37
- c. All roof top mechanical equipment and satellite dish antennas shall

be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)

- d. 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.

Section 7-7. Commercial Development Standards. (Added in its entirety 08/26/04)

- A. Architectural and site design standards and guidelines for structures 5,000 sq ft or greater (this applies to a single structure) that are located in the area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District).
- 1. Lighting:
 - a. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
 - b. Shielding standards. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways or nearby residential areas.
 - c. Fixture height standards. Lighting fixtures shall be a maximum of thirty-five (35) feet in height within the parking lot and shall be a maximum of ten (10) feet in height within non-vehicular pedestrian areas.
 - d. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent and neon, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.
 - 2. Service Function Areas (SFA's) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.

- a. Buffering and screening standards. Loading areas or docks, trash collection/compaction/recycling, mechanical equipment, vehicular storage (excluding new and used cars), roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level.
 - b. Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the structure on site.
- 3. Drive-through lane standards:
 - a. Drive-through windows shall not be placed between the building and a public road right-of-way.
- 4. Pedestrian access standards:
 - a. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to all parking areas and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within required landscape areas, provided the landscape area is not less than ten (10) feet in width on average. Shared pedestrian walkways are required between adjacent projects.
 - b. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
 - c. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.
 - d. Materials. Pedestrian walkways and crosswalks shall be consistent with the provisions of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.

- 5. Building design:

- a. Building orientation standards. Facades/elevations that are visible from an arterial or collector street constitute an affected facade. Any facade that fronts on a right-of-way shall have two (2) of the following design features;
 - 1. Windows at a minimum of twenty-five (25) percent of the affected facade. All doors and windows must be divided or made to appear as if divided into more than 2 smaller panes either through framing or the use of mullions.
 - 2. Projected covered public entry with a minimum of twenty-five (25) percent of each projected wall space devoted to windows. (This figure is non-cumulative).
 - 3. Covered walkway (excluding canvas type) provided with six (6) inch columns or better, attached to the building at a minimum extension of eight (8) feet wide. The walkway must be a minimum of eight (8) feet in height with a maximum of ten (10) feet in height and must extend the full length of the affected facade.
 - 4. Canopies/Awnings of a fixed nature.
- b. Facade/wall height transition: New developments that are located within three hundred (300) feet of an existing building and are more than twice the height of, or are half of the height of or less than any existing building shall provide transitional massing elements to transition between the existing buildings of lower height within three hundred (300) feet, and the proposed development. Any building that is more than two (2) stories shall have massing for any possible future neighboring development.
- c. Facade standard: All buildings shall be designed with consistent architectural style. In the case of outparcel buildings, all exterior facades shall adhere to the requirements of this section with respect to architectural design treatments for all facades. All exterior facades shall be designed to employ the following design treatments:
 - 1. All buildings shall maintain a facade of brick, stone, or stucco.
 - 2. Window standards: Windows shall not appear to be false or applied.
 - 3. No horizontal length and/or uninterrupted curve of a building facade

or roofline shall exceed twenty-five (25) linear feet and shall have architectural elements along a minimum of fifty (50) percent of their horizontal length per affected side. These features include, but are not limited to: display windows; projected entry areas; and/or other such design elements as proposed by the architect.

**Zoning comparison
Plantation Centre at Starr's Mill**

	Fayette County			Peachtree City
	O-I Office Institutional	C-C Community Commercial	Transportation Corridor Overlay (SR 54 W Overlay Zone)	LUC Limited Use Commercial
Lot size	1 acre	1 acre		30,000 SF
Lot width	125'	125'		150 LF
Buffer adjacent to SR 74	75' (landscaped buffer)	75' (landscaped buffer)	50' (landscaped buffer)	60' (tree save/ landscape buffer)
Building setback (front)	75'	75'	100'	35'
Building setback (side/ rear)	15'/ 15'	15'/ 15'		10'/ 20'
Height limit	40'	35'	35'	35'
Architectural standards			residential character to include Hardiplank, wood/ wood textured vinyl siding, brick, stone or stucco	Design Guidelines developed and adopted specific to property
Landscaping standards			first 25' from ROW is for required landscaping only - remaining 25' can be used for septic field	Per landscape ordinance - at a minimum, 1 canopy and 1 understory tree for every 1,000 SF of impervious surface
Lighting standards			must be designed to direct light away from adjacent roadways	Per lighting ordinance with specific lighting requirements
Signage standards			Per sign ordinance - internally illuminated signs permitted	Per sign ordinance - internally illuminated signs not permitted



Peachtree City Water and Sewerage Authority

September 9, 2008

Mr. Bernard McMullen
City Manager
City of Peachtree City
151 Willowbend Rd.
Peachtree City, GA 30269

RE: SEWER SERVICE TO SOUTHERN PINES PLANTATION PROPERTY

Dear Mr. McMullen,

As previously discussed, please consider this letter as a request to amend our current request for an easement on the City's Meade Field to include approval to provide sewer service to the Southern Pines Plantation property.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. B. Turner".

Larry B. Turner, PE
General Manager

Attachment "E"

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager

FROM: Acting City Clerk

DATE: September 10, 2008

SUBJECT: Alcohol License – NEW – Maxwell's on 54
September 18, 2008, Regular Meeting

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Maxwell's on 54, a restaurant to be located at 2755-A Highway 54 (former San Francisco Bread Company), has submitted a request for a new alcohol license. Ms. Desirée Strydom has requested she be appointed as the Licensee and the License Representative. She will attend the meeting on Thursday, September 18, to answer any questions you may have.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for a beer and wine license, \$1,350, plus \$500 for Sunday Sales.

BT:pd

Attachments

Application For Alcoholic Beverage License

Business Name: MAXWELLS ON 54	Business Location: 2755A HWY 54, PEACHTREE CITY, GA 30269	
Nature of Business: FULL SERVICE RESTAURANT	Mailing Address: 237 CLIFTON LANE, PEACHTREE CITY	Business Phone Number:
Name of Licensee: DESIRÉE STRYDOM	Home Address: 237 CLIFTON LANE PEACHTREE CITY, GA 30269	Home Phone Number: 678-364 6564
Name of License Representative: AS ABOVE	Home Address: AS ABOVE	Home Phone Number: AS ABOVE

Please indicate type of licenses applying for:

Retail Consumption Dealer	Retail Package Dealer	Wholesale Dealer
☒ Malt Beverage	☐ Malt Beverage	☐ Malt Beverage
☒ Wine	☐ Wine	☐ Wine
☐ Distilled Spirits	☐ Distilled Spirits	☐ Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
MAXWELL'S ON 54 LLC	237 CLIFTON LANE,	(404) 435 1213
DESIRÉE STRYDOM	PEACHTREE CITY GA 30269	(678) 364 6564
COLIN BELL		

Is any person who owns an interest in the license an employee of the City of Peachtree City? YES **(NO)**

If YES, Please Provide Name of Employee: _____

State of Georgia

City of Peachtree City:

I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Desiree Strydom

Name

237 Clifton Lane Peachtree City, GA 30269

Address

Has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



Signature

8/25/08

Date



Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM:

City Manager



DATE: September 12, 2008

SUBJECT: Clarification of Conditions of Approval for SANY Variances
September 18, 2008, City Council Agenda

Recommendation:

That Council clarify that the variances to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Buffer Ordinance related to the relocation of the sewer line are approved with the receipt of permits from the U.S. Army Corps of Engineers; that the variances to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Buffer Ordinance related to construction of the assembly building and the remainder of the site be approved with receipt of permits from the U.S. Army Corps of Engineers and variances from the Georgia Department of Natural Resources; and that the conservation trust be established prior to issuance of the Certificate of Occupancy for Phase I of the SANY project.

Discussion:

At the September 4, 2008, meeting, Council approved variances to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Buffer Ordinance. Approval of these variances were contingent on SANY obtaining approval of required permits from the U.S. Army Corps of Engineers, variances from the Georgian Department of Natural Resources, and that a conservation trust is set up for the 40 acres, with declaration of conservation covenants and restrictions. Various construction activities on the site require approval of various sections of the City Code. Based on a meeting between SANY and City staff on September 11, 2008, to clarify these requirements, City staff is in support of the recommendation presented above. See attached letter from Richard Lindsey making this request for clarification.

Budgetary Impact:

None

Attachment

400 Westpark Court
Suite 220
Peachtree City, Georgia 30269

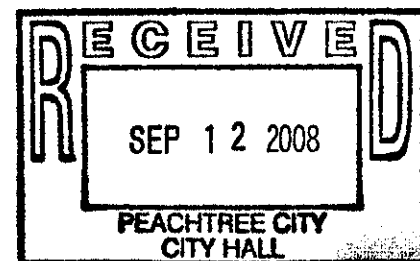
Telephone: (770) 631-1811
Facsimile: (770) 631-1771



Richard P. Lindsey
Attorney at Law

Extension: 111
E-mail: rlindsey@webb-firm.com
www.webb-firm.com

September 12, 2008



Mr. Bernard McMullen
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

RE: Clarification on Variances Granted to Sany America, Inc.
By Council on September 4, 2008

Dear Mr. McMullen:

Sany America, Inc. ("Sany") would like to have clarification of the three (3) variances granted by the City Council at its last meeting. The reason for this needed clarification is that Sany has received the required permits to proceed with some of the work on the site and continues to wait on others. Sany would like to proceed with the work which is now allowed under the issued permits and under the three variances granted by the City Council. Please place this matter before the City Council for consideration.

To assist City Council, Sany would propose the following clarification if it meets with the Council's approval:

A variance to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Proper Protection Ordinance contingent upon the applicant obtaining the required variances from the Georgia Department of Natural Resources and permits from the United States Corps of Engineers. These variances shall be effective to those portions of the applicant's property and the applicant shall be permitted to encroach the wetlands, streams and buffers in those areas as the applicant receives the requisite approvals from either the Georgia Department of Natural Resources or the United States Corps of Engineers. The variances applicable to the installation or relocation of the sanitary sewer line are contingent only upon receipt of the nationwide permit from the United States Corps of Engineers. The applicant shall file in the real estate records of Fayette County the Declaration of

Mr. Bernard McMullen

September 12, 2008

Page 2

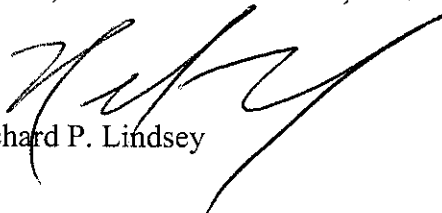
Conservation Covenants and Restrictions which establishes a Conservation Trust for forty (40) acres of the applicant's property prior to the issuance of the Certificate of Occupancy. The applicant shall provide copies to the City staff of all permits and variances granted by the Georgia Department of Natural Resources and the United States Corps of Engineers and a copy of the filed Declaration of Conservation Covenants and Restrictions as sufficient proof of the same.

I will be available to answer any questions of the City Council and City staff relative to this request.

Best regards.

Sincerely,

WEBB, LINDSEY & WADE, LLC


Richard P. Lindsey

RPL:jmf

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Bernard McMullen, City Manager *BM/aw*
Paul Salvatore, Financial Services Director *P.S.*
Angela Egan, Purchasing Agent *ae*

FROM: H.C. "Skip" Clark II, Chief of Police *[Signature]*

DATE: September 17, 2008

SUBJECT: Rhino 450 Purchase Recommendation
September 18, 2008, City Council Meeting

Recommendation:

It is staff's recommendation that City Council approve the purchase of a Rhino 450 multi-purpose vehicle for cart path and specialty access patrols from Cycle City of Newnan at a cost not to exceed \$8,780.02, approve accessories in the amount of \$964.70, and authorize the funding from the Police Department FY 2008 Small Tools and Equipment budget.

Discussion:

The Rhino 450 multi purpose vehicle will replace the Kawasaki Mule, which has experienced re-occurring costly repairs during the past two years. By purchasing this specialized vehicle the Police Department will have three mechanically sound all-terrain vehicles to respond to potential emergency situations and are able to patrol key areas within the city, including unimproved surfaces.

The special purpose vehicle referenced in this request will assist the department in meeting our goals and objectives to enhance officer visibility on the City's multi-use recreational path system. The use of this type of vehicle will allow for extended patrol coverage that cannot be achieved by the use of a conventional golf cart. The Rhino 450 offers greater towing capacity, as well as better torque than a golf cart, which may assist stranded golf carts in inaccessible areas. A golf cart engine and transmission cannot provide adequate horsepower and drive-train specifications to withstand the stresses that are associated with patrolling the cart paths. This special purpose vehicle has excellent safety ratings which are noted in several product related publications.

Currently, the Police Department is aggressively patrolling the recreational paths on the one man all-terrain vehicles that were recently purchased. This type of proactive patrol has been met with overwhelming success. The unique design of the Rhino 450 makes this vehicle even more appealing. Due to the roll-bar and roof construction there is no requirement for the use of a helmet or safety goggles, which ultimately reduces initial operational costs to place this vehicle into operation. Additionally, the Rhino 450 has seating capacity for two, which is a benefit when having to transport citizens who are stranded or in need of medical attention while utilizing the path systems. The unique flatbed compartment on the rear of the vehicle provides needed space for equipment and supply storage during special events. This storage compartment could also be used to transport crime scene investigative supplies to remote areas with limited access.

The Rhino 450 will also allow members of our Auxiliary Police Force the opportunity to utilize this vehicle while they are on patrol. The vehicle is very easy to operate and provides a very stable patrol platform while being used on the multi-use recreational path system.

Budget Impact:

Over the past twelve months the repairs to the aging Kawasaki Mule have been mounting in both frequency and cost. To date we have spent over \$4,000.00 in repairs to the Mule. The vehicle was purchased in May 2002 for \$5,952.52. It is staff's opinion that it would not be beneficial to keep spending money on a vehicle that continuously is in need of repair. The Police Department has obtained three written quotes from prospective vendors. The lowest quote was received from **Cycle City Power Sports in Newnan, Ga.** Similar to the other vendors, **Cycle City Power Sports** offers the Rhino 450 below the government contract price. The prices listed below reflect the base price of the vehicle with add-ons necessary for path patrol.

Cycle City of Newnan	\$8,780.02
Cycle Nation of McDonough	\$8,990.01
Cycle Specialty (Fayetteville)	\$8,955.87

In addition to the above listed prices, the following accessories need to be considered:

Striping	By Designs Signs	\$125.00
Emergency Lighting	Law Enforcement Supply	\$267.70
Light Switch	Cycle City of Peachtree City	\$ 30.00
Trunk Equipment		\$ 45.00
Hour Meter		\$ 60.00
Siren		\$437.00
Total:		\$964.70

Funding for the Rhino 450 multipurpose vehicle and accessories will be obtained from un-encumbered monies (\$18,500.00) in Small Tools and Equipment 3210-53-1650 that remain in the FY 2008 operating budget.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Manager 

DATE: September 17, 2008

SUBJECT: CONSIDER CANCELLATION OF OCTOBER 2, 2008 CITY COUNCIL MEETING
Consent Agenda, September 18, 2008

Staff is recommending Council consider the cancellation of the October 2, 2008 City Council Meeting.