

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2015- 13

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO BUFFERS FOR NONRESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:

**Section 1.** By deleting Subitem (v) of Item 1 of Paragraph (k) of Subsection (2) of Section 110-169, pertaining to "Conditional use approval", of Article V of Chapter 110, in its entirety, and by replacing it with a new Subitem (v) of Item 1 of Paragraph (k) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

- (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery,

human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

**Section 2.** By deleting Subitem (vii) of Item 2 of Paragraph (k) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its entirety, and by replacing it with a new Subitem (vii) of Item 2 of Paragraph (k) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

- (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

**Section 3.** By deleting Item 5 of Paragraph (m) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its entirety, and by replacing it with a new Item 5 of Paragraph (m) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as

follows:

5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

**Section 4.** By deleting Item 3 of Paragraph (n) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its entirety, and by replacing it with a new Item 3 of Paragraph (n) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where

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

**Section 5.** By deleting Item 3 of Paragraph (o) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its entirety, and by replacing it with a new Item 3 of Paragraph (o) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

**Section 6.** By deleting Item 3 of Paragraph (bb) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its



entirety, and by replacing it with a new Item 3 of Paragraph (bb) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

**Section 7.** By deleting Paragraph (mm) of Subsection 2 of Section 110-169, pertaining to “Conditional use approval”, of Article V of Chapter 110, in its entirety, and by replacing it with a new Paragraph (mm) of Subsection (2) of Section 110-169 of Article V of Chapter 110, to be numbered and read as follows:

(mm) *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office. Allowed in the A-R zoning district.*

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.

3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
4. Minimum setbacks for structures and use areas:
  - (i) Front yard: 100 feet.
  - (ii) Side yard: 50 feet.
  - (iii) Rear yard: 75 feet.
5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
7. The construction of one open air pavilion shall not exceed 1,800 square

feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.

**Section 8.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 9.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 10.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional

SO ENACTED this 10<sup>th</sup> day of December, 2015.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY



(SEAL)

By: Charles W. Oddo  
Charles W. Oddo, Chairman

ATTEST:

Floyd L. Jones  
Floyd Jones, County Clerk

Approved as to form:

[Signature]  
County Attorney