

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017- 16

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO DEFINITIONS; TO REVISE PROVISIONS PERTAINING TO ACCESSORY STRUCTURES AND USES; 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 the definition of “Floor area, accessory structure” from Section 110-3, pertaining to “Definitions”, of Article I of Chapter 110, in its entirety, and by adding a new definition of “Footprint” to Section 110-3 of Article I of Chapter 110, with said definition to be inserted alphabetically as appropriate and to be read as follows:

Footprint means the area of the foundation upon which a structure or building sits and would include the area beneath a supported or cantilevered lean-to attached to the structure or building.

Section 2. By deleting Paragraph (1) of Subsection (c) of Section 110-79, pertaining to “Accessory structures and uses”, of Article III of Chapter 110, in its entirety, and by replacing it with a new Paragraph (1) in Subsection (c) of Section 110-79 of Article III of Chapter 110, to be numbered and read as follows:

- (1) Accessory structures shall be limited to one of the following options:
 - a. Two accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or a combined total footprint of 3,600 square feet on a lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind. One of these accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure;
 - b. One accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure; or
 - c. One accessory structure, per individual lot with a minimum of five acres and a minimum contiguous area of two acres clear of zoning setbacks,

watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind, footprint not to exceed 3,600 square. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure. Under this option, an accessory structure shall be located only to the rear of the principal structure.

Section 3. By deleting Paragraph (4) of Subsection (c) of Section 110-79, pertaining to “Accessory structures and uses”, of Article III of Chapter 110, in its entirety.

Section 4. By deleting Paragraphs (1) and (2) of Subsection (d) of Section 110-79, pertaining to “Accessory structures and uses”, of Article III of Chapter 110, in its entirety, and by replacing it with new Paragraphs (1) and (2) in Subsection (d) of Section 110-79 of Article III of Chapter 110, to be numbered and read as follows:

- (1) *Detached garage located in the front yard of a single frontage lot and a through lot.* A detached garage located in the front yard shall meet the following requirements:
 - a. Footprint shall not exceed 900 square feet; and
 - b. Located no more than 35 feet from the principal structure.
- (2) *Detached garage located in the front yard of a corner lot.*
 - a. *Primary front yard.* The location of the front door of the principal structure shall establish the primary front yard. If the front door is not

oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and

- b. *Secondary front yard.* Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:
 - 1. Footprint shall not exceed 900 square feet; and
 - 2. Located no more than 35 feet from the principal structure.

Section 5. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 6. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. 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 26th day of October, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: [Signature]
Eric K. Maxwell, Chairman

(SEAL)



ATTEST:

[Signature]
Tameca P. White, County Clerk

Approved as to form:

[Signature]
County Attorney