

**Subject Matter: Amendments to Zoning Ordinance Sections 94-3
Definitions, and 94-167 Highway Commercial (C-3) to Amend
Authorized Uses Within Commercial Zoning District C-3
Date of Public Hearing Before City Council: December 6, 2018
Date of Adoption: December 6, 2018
Date of Public Notice Published in Fayette News: November 21,
2018**

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER O-32-18

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE FINDINGS OF FACTS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) has various zoning districts to designate different uses to appropriate areas within the City; and

WHEREAS, the defined list of uses for a specific zone may need to be updated to address specific trades or types of businesses seeking to locate within the City; and

WHEREAS, the City has determined that any added use to the City’s zoning districts shall not have an adverse impact on the community; and

WHEREAS, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 94, “Zoning”.

ORDINANCE

**IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF
FAYETTEVILLE AS FOLLOWS:**

ARTICLE I

Section 94-3. –Definitions of the City’s Zoning Ordinance and Code is hereby amended by enacting and adding the following underlined language and repealing and deleting the

following ~~stricken language~~. The definitions shall be collated within the existing definitions in alphabetical order:

Small box discount store means a retail store that is ~~12,000~~ 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offer the majority of the items in their inventory for sale at a price lower than traditional retail outlets. Small box discount stores do not include pharmacies.

Self-Storage/Mini (also known as Mini warehouse) means a single-story commercial structure with exterior access to storage units, non-climate controlled, exterior metal doors, allows vehicle storage, and truck rental.

Self-Storage/Multi (also known as Secured Storage) means a multi-story commercial structure with interior access to storage units which are not visible from the exterior of the structure, is climate controlled, and does not allow outside storage.

~~*Miniwarehouse* means a commercial storage warehouse subdivided into individual storage bays each having a separate outside entrance and controlled access in a controlled access and fenced compound with the individual bays offered for lease to the public for storage of customers' goods or wares.~~

ARTICLE II

Section 94-167. – Highway commercial (C-3) of the City's Zoning Ordinance and Code is hereby amended by enacting and adding the following underlined language:

Sec. 94-167. - Highway commercial (C-3).

A. In the C-3 district, the following uses are permitted:

(1) Any use permitted in the C-2 zoning district, subject to the same restrictions unless otherwise provided herein, planned commercial centers as commercial planned unit developments only. Commercial development may have a vehicular orientation but should also include access for bikes and pedestrians.

(2) Single tenant retail business and service stores, exclusive of the prohibited uses listed in Subsection B below, with a maximum gross floor area from 50,000 to 75,000 square feet as commercial planned unit development only.

(3) Planned commercial centers, from 50,000 to 75,000 square feet for any single tenant and 100,000 square feet per planned center, as commercial planned unit development only.

(4) Convenience stores, gasoline and diesel fuel sales by special exception only.

- (5) Restaurants, including drive-in and drive-through facilities by special exception only.
- (6) Hotels, and campgrounds for transient recreational vehicles, by special exception only.
- (7) Automobile, truck, mobile home, recreational vehicle, heavy equipment, and boat dealerships, including establishments for new and used vehicles and equipment, where any inventory is kept on site, and related service and maintenance facilities are permitted by special exception only.
- (8) Motor vehicle repair and/or service facilities, garages, car washes, body shops, and paint shops, by special exception only, but excluding junkyards or salvage operations.
- (9) Bowling alleys and other places of entertainment enclosed in a building, but specifically excluding any and all "sexually oriented businesses," as such businesses are defined in chapter 22 of the Code of Ordinances, City of Fayetteville, Georgia, as amended.
- (10) Parking lots and parking garages.
- (11) Drive-in theaters.
- (12) Bookbinding operations.
- (13) Building contractors.
- (14) Building supply sales, up to 75,000 square feet, not including outside storage.
- (15) Automobile, truck, trailer and equipment rental outlets by special exception only.
- (16) Veterinary offices and hospitals.
- (17) Psychic offices having a maximum gross floor area of no more than 1,500 square feet for individual offices or tenants.
- (18) Non-emergency medical transport service facilities are permitted by special exception only.
- (19) Pet grooming facilities where animals are not generally kept overnight.
- (20) See section 94-175, group homes.
- (21) Self-storage/Multi-facilities.

B. The following uses are prohibited in the Highway Commercial (C-3) Zoning District:

- (1) Animal daycare, boarding or kennels.
- (2) Bail bonds establishments.
- (3) Blood/ plasma facilities.
- (4) Junkyards or salvage operations.
- (5) Pawn shop.
- (6) Self-storage/Mini-facilities.
- (7) Sexually oriented businesses.
- (8) Small box discount store.
- (9) Small loan business.

(10) Teen club.

ARTICLE III

- A. Any Ordinance or part of any ordinance in conflict herewith is hereby repealed.
- B. If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.
- C. This ordinance shall become immediately effective upon its adoption.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 6th day of December 2018, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Paul C. Oddo, Jr., Mayor Pro Tem

Anne Barksdale, City Clerk

Kathaleen Brewer, Council Member

Richard J. Hoffman, Council Member

Harlan Shirley, Council Member

Scott Stacy, Council Member