

Lincoln County Planning Commission Meeting

August 12th, 2008 - 5:30 p.m.

The Lincoln County Planning Commission met in regular session on Monday, August 12th, 2008 at 5:30 pm in the Conference Room of the Planning and Zoning Department building. Those present were Herbert Moxley, Chairman, District Four; Coleman Kennedy, Vice-Chairman, District Three; Commissioner Barney Aycock III, District Two; Commissioner Bill Parker, District One; Commissioner Jim Mattison, At Large by the Chairman; Britt Hammond, County Attorney; Meg Burg, Planning and Zoning Director and Denise Cunningham, Planner.

1.

Call Meeting to Order

Chairman Moxley called the meeting to order.

2.

Invocation

Chaplain Barney Aycock opened the meeting with prayer.

3.

Pledge of Allegiance to the Flag

Chairman Moxley led in the Pledge of Allegiance to the Flag.

4.

Declaration of a Quorum

Quorum was confirmed by Chairman Moxley.

5.

Approval of Minutes

On motion by Vice-Chairman Kennedy and seconded by Commissioner Aycock, the board voted unanimously to approve the minutes from the previous meeting.

6.

Rezoning from A-3 to C-1

Applicant: Homepride Properties, LLC

(owner: Sandra and Lamar Wade)

5290 Augusta HWY for Commercial Offices

Chairman Moxley opened the meeting with a rezoning request from A-3 to C-1 for .82 acres known as 5290 Augusta HWY (Tax Map 62 /Parcel 32) for the use of a Construction , Real Estate and Boat Dock Sales Office. Mr. and Mrs. Wade were present to answer any questions from the committee. Per Mr. Wade, he has

contacted Byron Sullivan with DOT to confirm that there will not be any changes made to the driveway or to the GA HWY 47 setback area. Since there will not be any changes, DOT will not require a permit for the rezoning of this property to use as office space (C-1). The board discussed the rezoning. On motion by Commissioner Parker and seconded by Vice-Chairman Kennedy, the board voted unanimously to recommend approval for the rezoning request form A-3 to C-1 for a commercial office with the following conditions:

- 1. Any changes of the purpose or the use of this property must come before the Planning Commission for approval.**
- 2. A minimum 25' landscaped buffer must be provided between the right-of-way and parking area or structure.**
- 3. Required buffers (section 34-631 Buffer Requirements) shall be planted and maintained between different zoning districts and screening of storage areas for outdoor products must be provided on anything facing the road (Augusta HWY) (section 34-633).**

Sec. 34-631. Buffer Requirements.

A buffer shall be required whenever two adjoining properties are in different zoning districts. Buffers shall be located on the outer perimeter of a parcel along all lot lines adjoining different zoning districts including adjacent property lines, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated or reserved public or private street rights-of-way.

(1) *Required buffers in commercial and industrial zoning districts.* In any commercial or industrial zoning district, where a commercial or industrial lot abuts any adjacent nonconforming residential use within that district, the required buffer for the commercial or industrial property when acquiring a building permit, unless the buffer was preexisting, shall consist of a 50-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of plantings plus a wall (not otherwise part of a structure or accessory building), fence or a berm, or any combination thereof, which meets the screening standards in section 34-633.

(2) *Required buffers between residential, commercial and industrial zoning districts.* When two adjoining properties are in different residential, commercial or industrial zoning districts, the property within the zoning district allowing for more intensive uses is required to provide the buffer when acquiring a building permit unless the buffer was preexisting. When two adjoining vacant parcels are in different zoning districts, no buffer is required when the parcel zoned for the less intensive use requires a building permit.

The required buffer shall consist of a 50-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of plantings plus a wall (not otherwise part of a structure or accessory building), fence or a berm, or any combination thereof, which meets the screening standards in section 34-633.

(3) *Required buffers between manufactured home parks, multifamily residential and single-family residential uses.* When two adjoining properties are different in intensity of use (single-family residential is a less intensive use than either a multifamily residential or a manufactured home park), whether in the same or in different zoning districts, the property of the more intensive use is required to provide a buffer when acquiring a building permit unless the buffer was preexisting.

The required buffer shall consist of plantings or a fence, wall (not otherwise part of a structure or accessory building), or a berm, which meets the screening standards of section 34-633. If plantings are used as the method of screening, the planting area shall have a minimum base width of 12 feet.

(4) *Maintenance.* The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has expired shall be replaced.

(5) *Failure to comply with the buffer requirements.* See sections 34-421--34-430 for enforcement and penalty provisions.

(Ord. No. 48, § 20-11, 1-9-2003)

Sec. 34-633. Screening standards.

Screening is a method of visually shielding one use from another by walls, fences, berms or densely planted vegetation. The director shall make a determination as to whether the required screening has occurred.

(1) *Plantings.* Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that provide the best screening effectiveness. If trees or large shrubs are used solely as the screening device, under normal growing conditions, they should attain a minimum growing height of eight feet and a canopy spread of ten feet within four years. They shall be planted a minimum of 20 feet on center. When trees or large shrubs, are used in conjunction with a wall, fence or a berm, or combination thereof, to form the required screening, the minimum sufficient opaqueness shall be held to require no less than three feet of trees and/or shrubs in the area immediately adjacent to the wall, fence or a berm. This is to be measured along the ground surface from the fence to the inside border of such plantings. They should attain a minimum growing height of eight feet and a canopy spread of ten feet within four years.

(2) *Walls.* Walls shall be of masonry construction and a minimum six feet in height, but no greater than eight feet in height. The wall shall be placed on the edge of the buffer nearest the most intense use of land.

(3) *Fences.* Fences shall be a minimum of six feet in height, but no more than eight feet in height. They shall be constructed of standard wood fencing material and methods of chain link with woven inserts that will provide 90 percent visual blockage. The fence shall be placed on the edge of the buffer nearest the most intense land use.

(4) *Berms.* Earthen berms shall have a minimum height of six feet.

(Ord. No. 48

- 4. Must meet all requirements of Section 34-738. Building permit must be obtained within one year of rezoning approval. Business License must also be obtained.**

Sec. 34-738. Speculative rezoning/reversion.

The county discourages the use of rezoning as a strategy to increase speculative land value where the applicant has no immediate intent to develop in accordance with the rezoning.

Rezoning is intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the comprehensive plan and the character of the surrounding area. The granting of this privilege by the county carries with it the expectation that the proposed development will occur within a reasonable period of time. Therefore, when the board of commissioners grants approval of a rezoning, the applicant should acquire a construction permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit or approval within one year of the date upon which the rezoning is approved.

Reversion: If such actions have not been taken within one year, the planning commission may initiate actions to further rezone the subject property and/or to reinstate the original zoning classification.

(Ord. No. 48, § 23-8, 1-9.2003)

- 5. Driveway must meet all DOT requirements.**
- 6. An approved site plan is attached and approval is granted based on this detailed site plan. All additional conditions placed on said rezoning must also be met in accordance to the granting of this rezoning request.**

**PLANNING AND ZONING
DEPARTMENTAL UPDATE AND DISCUSSION**

The board discussed a setback violation in the Georgia Carolina Boat and Ski Club located at 1432 Cherokee Country Club Road.

The commission members then entered into executive session to discuss various zoning issues.

8.

ADJOURN

On motion by Commissioner Parker, seconded by Vice-Chairman Kennedy, the board voted unanimously to adjourn.

Herbert Moxley, Chairman

Denise Cunningham, Planner