



Tyrone Planning Commission

Will James
Chairman
Jeff Duncan
Vice-Chairman
Marlon Davis
Commissioner
David Nebergall
Commissioner
Carl Schouw
Commissioner

Staff

Kyle Hood
Town Manager
Patrick Stough
Town Attorney
Phillip Trocquet
*Zoning & Development
Coordinator*
Dee Baker
Town Clerk

Meeting Information

2nd & 4th Thursday of
each month

881 Senoia Road
Tyrone, Ga 30290
770-487-4038
www.tyrone.org

Tyrone Planning Commission Agenda

April 27, 2017

7:00 PM

I. Calltoorder

II. Approvalofagenda

III. ApprovalofMinutesforApril 13, 2017

IV. Public Hearing

1. Consideration of a text amendment to Section 113-190, pertaining to "Conditional use approval", of Article VII of the Zoning Ordinance of the Town of Tyrone, to establish conditions for the following uses: (1) automotive parking establishments, (2) golf cart sales and service, and (3) outdoors sports facilities and swimming pools; and to revise conditions for the following uses: (1) miniature golf courses and (2) tennis courts, clubs and facilities. **Phillip Trocquet, Planning and Development Coordinator**
2. Consideration of a text amendment to Section 113-128, pertaining to "Downtown commercial district (C-1)", of Article V of the Zoning Ordinance of the Town of Tyrone, to re-designate the following conditional uses as permitted uses: (1) general building contractors, (2) hardware sales, (3) indoor sports facilities, and (4) special trade contractors; and to re-designate the following permitted uses as conditional uses (1) dog grooming shops and (2) electric transformer stations, gas regulator stations and telephone exchanges. **Phillip Trocquet, Planning and Development Coordinator**
3. Consideration of a text amendment to Section 113-129, pertaining to "Highway commercial district (C-2)", of Article V of the Zoning Ordinance of the Town of Tyrone, to re-designate landscaping services from a conditional use to a permitted use; to re-designate the following permitted uses as conditional uses;: (1) health clubs and day spas and (2) miniature golf courses; and to add the following uses as conditional uses: (1) outdoor sports facilities and swimming pools and (2) tennis courts, clubs and facilities. **Phillip Trocquet, Planning and Development Coordinator**

V. New Business

1. Consideration to approve a Final Plat from owner Edgar Townsel. **Phillip Trocquet, Planning and Zoning Coordinator**

VI. Staff comments

VII. Commission comments

VII. Adjournment

Town of Tyrone
Planning Commission Meeting Minutes
April 13, 2017
7:00 p.m.

Present:

Chairman Wil James

Vice-Chairman Jeff Duncan

Commission Member David Nebergall

Planning and Zoning Coordinator Phillip Trocquet

Absent:

Commission Member Carl Schouw

Commission Member Marlon Davis

Planning Commission Chairman Wil James called the meeting to order at 7:01pm.

Approval of agenda

Commissioner Duncan made a motion to approve the agenda.

Commissioner Nebergall seconded the motion. Motion was approved 3-0.

Approval of Minutes for August 25, 2016

Commissioner Nebergall made a motion to approve the minutes for March 23rd, 2017.

Commissioner Davis seconded the motion. Motion was approved 3-0.

New Business

1. Presentation: Growth Management Strategies – Form Based Code. *Phillip Trocquet, Planning and Zoning Coordinator*

. Mr. Trocquet presented the item. He started by introducing the topic of the presentation: Growth Management Strategies – Form Based Code. He prefaced the presentation by highlighting the relevance of growth management strategies in Tyrone as a result of a variety of factors such as SPLOST passage and the expansion of Tyrone’s sewer capacity. Mr. Trocquet stated that Form Based Code (FBC) is one of a variety of tools that can be used as a growth management strategy. He stated that FBC aims to restructure the traditional zoning ordinance. He also stated that it is a method of regulating development to achieve a specific urban form. This urban form is more directly defined as the built environment: buildings, sidewalks, and other infrastructure. Mr. Trocquet stated that FBC’s efficacy is most traditionally seen in a downtown setting or a historic district setting. He went on to explain that cities employ FBC as a means to create a setting of predictability from development happening in their

jurisdictions. FBC is most frequently used to increase density in a sustainable way, but by its nature can be used to preserve low density as well.

Mr. Trocquet presented a typical rebuttal to the use of FBC which concerned land use and its priority; “Just because the building looks good doesn’t mean I would be willing to have a factory relocate next to my neighborhood.” Mr. Trocquet stated that land use is still a major consideration when drafting a Form Based Code. The difference is in the priority of regulations as they appear in the zoning ordinance document. Mr. Trocquet stated that traditional Euclidean Zoning places land use at the top of each zoning districts’ description of regulations. Form, design, and development standards are typically very lean and towards the end of the regulations. Mr. Trocquet presented the Planning Commission with the example of Tyrone’s own zoning ordinance. He stated that the order and detail of content in each of the district regulations makes a statement about ordinance priorities. Mr. Trocquet stated that Form Based Code aims to switch that order; design and development standards are illustrated and given greater detail while the litany of land uses is listed towards the end of the regulation.

Mr. Trocquet then presented an image of two different neighborhoods. One was of a traditional suburban neighborhood most typically associated with the phenomenon of urban sprawl. The other image was of a grassy and wooded neighborhood with homes close to the street in what seemed to be a historic-looking neighborhood. He went on to state that the two images depict the difference between regulations on paper and the final built product. Mr. Trocquet stated that both of the subdivisions depicted in the images were held to the exact same zoning regulation standards and that the homes were of a similar construction value. He went on to explain that the “urban sprawl” neighborhood is not entirely bad and that cities can get plenty of good homes out of that style of development, but depending on the character area their style and layout may be incompatible with the desired development pattern.

Mr. Trocquet continued to explain further reasons related to where, why, and how Form Based Code could be implemented. He rhetorically asked Planning Commission where Tyrone would like to see predictable development. He identified Tyrone’s Town Center District and the SR 74 Corridor as two locations suitable for FBC in Town. He stated that FBC can be applied to an entire city, such as Miami, or character areas such as Kennesaw.

Chairman James asked Mr. Trocquet if the City of Suwanee, GA was employing Form Based Code as he had seen similar development patterns in their downtown area as Mr. Trocquet was presenting. Mr. Trocquet was not sure if Suwanee was employing FBC, but he stated that there are alternative planning and growth management tools that could be utilized to achieve a similar goal to FBC. He stated that Suwanee was likely taking advantage of other tools to achieve the downtown redevelopment that is underway there. Commissioner Duncan stated that Suwanee had essentially relocated their downtown to an entirely different area. Both Chairman James and Commissioner Duncan inquired whether Kennesaw was undergoing a similar change. Mr. Trocquet responded that Kennesaw’s goal was to redevelop existing areas in their downtown with FBC implementation as opposed to relocating it. Mr. Trocquet also noted that Suwanee is a very unique case study as much of their development is heavily backed by public dollars. Chairman James stated that he was unfamiliar with downtown Kennesaw and inquired whether or not they already had an existing ‘downtown square’ like many Georgia cities. Mr. Trocquet responded in the affirmative and further explained that it was similar to downtown Marietta.

Mr. Trocquet continued the presentation by explaining that FBC regulations are usually very specific to the jurisdiction implementing it. He stated that FBC would not ‘turn Tyrone into Kennesaw’ but rather, the FBC would conform to the character of whichever municipality it would be implemented in. Mr. Trocquet turned the Planning Commission’s attention to two images; one was of a traditional Euclidean Zoning Map and the other was an image of a FBC Regulating Plan. He pointed out that the traditional zoning map was subdivided into different areas separated by general uses: light commercial, heavy commercial, light residential, office & institutional, heavy industrial, etc. . . . Mr. Trocquet then explained the FBC regulating plan. He stated that this plan regulated development down to the street level as opposed to a blanket regulation over an entire area. He stated that all of the streets in the downtown area were color coded and assigned different standards; Mr. Trocquet further explained that developments along Main Street adhered to specific regulations and that the developments off of the ancillary collector streets and backstreets were held to different standards. Mr. Trocquet stated that this Regulating Plan allows for a variety of developments to locate downtown and not conflict with one another. He also stated that this was how FBC achieved a level of specificity in development standards not seen with traditional Euclidean Zoning Maps.

Mr. Trocquet stated that during his delivery of this presentation to Town Council, the Mayor had enquired as to the difference between FBC and the addition of overlay districts to a traditional zoning ordinance. Mr. Trocquet explained that an overly district achieves a similar result to FBC, but is still general in its application of standards. He stated that the downtown area may have more standards for development, but that the level of specificity applied to the Main Street as opposed to the other side streets would still not be achieved. He also stated that overlay districts tend to make the zoning ordinance bulkier as it just adds to the regulations normally applied to a traditional zoning ordinance. Mr. Trocquet stated that Tyrone’s own Town Center Overlay district is a good example of what was being discussed.

Mr. Trocquet stated that as he was reviewing the public engagement portions of the 2007 Comprehensive Plan and 2017 Comprehensive Plan update, he noticed that the public was drawn to higher density walkable development in the Town Center District. He noted that citizens did not want large high intensity buildings downtown, but they were interested in lower intensity development that facilitated casual dining and small shopping. He stated that FBC can achieve a desired walkable environment by requiring a ‘build-to’ line as opposed to the traditional setback line. Mr. Trocquet pointed out the significance of this distinction by explaining that ‘build-to’ lines created an environment of continuity amongst the buildings as they are all the same distance from the street. He stated that it ‘helps the average citizen gain a sense of place as they are fully aware they are in a downtown area’. Mr. Trocquet contrasted this idea with the traditional ‘auto-centric’ development typically associated with urban sprawl. He went on to say that citizens are typically afraid of this type of development because there is an ‘element of unpredictability associated with what will come next’. Mr. Trocquet then presented an image depicting the distinction he explained. Mr. Trocquet stated that FBC allows for ‘leaner’ parking requirements and they are typically driven by the free market. He further explained that the developer initially states how many parking spaces are required for their particular business and the municipality works with that number to assign an appropriate space requirement.

Mr. Trocquet then moved into frequently asked questions. He presented the first question; ‘is land use eliminated for the sake of building beautiful buildings.’ Mr. Trocquet stated that they had covered this at the beginning of the presentation and reiterated that land use is a major part of FBC, but

it 'is not the first driving factor presented in the zoning ordinance.' He also stated that architectural requirements in and of themselves can end up defining the use of the structures as well. Mr. Trocquet presented the second question; 'is Form Based Code only used for increasing density and mixed use development.' Mr. Trocquet again stated that this was covered in the beginning of the presentation and reiterated that FBC could be used to increase density or preserve low density.

Mr. Trocquet then presented a case study using the City of Kennesaw, Georgia as an example. He pointed out that Kennesaw's FBC Regulating Plan only covered two areas: downtown and a main commercial highway corridor, Cherokee Street. Mr. Trocquet stated that this would be a similar implementation to how Tyrone could adopt a Form Based Code. He stated that Tyrone's Town Center District and SR-74 Corridor mimicked Kennesaw's downtown and Cherokee Street Corridor implementation.

The next item presented was an example page pulled from Kennesaw's FBC ordinance. Mr. Trocquet pointed out the illustrations present in the document and stated that the traditional zoning ordinance is typically only in block text or narrative form. He went on to explain that imagery in the code can help developers and builders better visualize what the city or town wants development to look like. Mr. Trocquet then introduced the topic of 'transect zones' he stated that he didn't want to heavily cover the topic. He pointed out that Transect Zones are a tool by which Form Based Code practitioners separate and identify development density. Mr. Trocquet stated that Transect Zones define intensity of use and density by using a scale; for example, Transect Zone 1 would be low density/rural while Transect Zone 5 would be a high intensity Town Center.

Chairman James asked the question 'does Form Based Code act as a type of zone within a zone because there are different standards for different streets?' Mr. Trocquet confirmed that it was similar to what Chairman James was describing. He stated that a particular Transect Zone could house a variety of different characteristics that were not uniform across the entire Transect Zone. Mr. Trocquet went on to state that Transect Zones are usually applied to large areas that are to be covered by a FBC. He explained that if the applicability of FBC in a community is small in area, that there would not be enough room to define a transition of densities. He also stated that Tyrone would not heavily employ Transect Zones if FBC was allowed within the Town.

Chairman James asked if the scale of intensities described by Mr. Trocquet would move outward from the center of Town from high to low. Mr. Trocquet confirmed that was the case. Mr. Trocquet further explained that some municipalities have a variety of locations that would be considered 'downtown' or high intensity and that Transect Zones could treat those areas as nodes of high intensity development and move outward from them.

Commissioner Duncan asked whether or not it would change the zoning ordinance entirely. Mr. Trocquet stated that the main goal was not to change all of the uses in the Town. Commissioner Duncan expressed his concern regarding the redevelopment of Tyrone's Town Center District. Mr. Duncan stated that he believed downtown to be 'mostly built out' and that there was such a variety of development from homes to RV storage, to car washes, to stores. Chairman James proposed the idea of purchasing the large plot of land between the Tyrone Publix shopping center and Senoia Road in an effort to create a new space where downtown could 'start over' or expand. Mr. Trocquet responded that the Town could use Form Based Code to facilitate that type of development on the parcel Chairman Wil

James proposed. Mr. Trocquet stated that Tyrone's Town Center District has opportunity for quality infill development, but that the main purpose of employing a FBC in the Town Center District would be for the purposes of redirecting long term redevelopment.

Commissioner Duncan inquired whether or not the existing residents and property owners in the Town Center District would need to relocate once a Form Based Code was implemented. Mr. Trocquet responded by saying that all property owners who underwent the change would be grandfathered into the new requirements. Commissioner Duncan expressed that he believed Tyrone's Town Center District may not change. Mr. Trocquet stated that if FBC was implemented it would take many years before significant change would be noticed since it would require certain buildings to be demolished and then rebuilt with the new standards taken into consideration. Commissioner Nebergall stated he believed any redevelopment that was to happen downtown would be a generational change. Chairman James explained that Tyrone did not have what seemed to be a 'defined downtown area.' He then further expressed that the plot of land mentioned earlier 'could act as a new start and an area that would be a defined downtown.' Mr. Trocquet stated that the redevelopment of the property in question would be a means to see immediate change in creating a downtown feel.

Mr. Trocquet went on to explain that any implementation of a Form Based Code would come with a large public engagement process as well as many public meetings regarding its development and employment in the Town. Commissioner James stated that a redevelopment of the Town Center District would be a long and hard battle. Commissioner Duncan stated that he believed a Suwanee-type downtown development pattern would be ideal. He explained how their traditional downtown was split by a railroad track just like Tyrone's and they found huge success in relocating the downtown development to an entirely new location. Mr. Trocquet stated a Form Based Code application would work well for preserving the piece of property the Planning Commission was discussing for the type of development they wished to see without purchasing the land. Mr. Trocquet also noted that many people in Tyrone wish to preserve its small town feel and that downtown style development was not desired in all parts of the Town. He stated that FBC was a means to spur downtown development in a specific area without setting a standard for that type of development across the Town.

Mr. Trocquet also wished to point out that a Form Based Code's illustrative sections makes ordinance interpretation by developers less vague. He also explained that FBC is less 'nebulous than an overlay district.' Mr. Trocquet stated that the Town Center Overlay District in Tyrone uses language that seems to be more like an unspecific wish list of what the Town wants the Town Center District to feel like as opposed to a concrete ordinance that specifically lists the items necessary to conform to the Town Center's character. Mr. Trocquet stated that the Town could achieve a similar result without employing FBC by simply revising and improving the requirements outlined in the Town's overlay districts.

Commissioner Duncan asked if Mr. Trocquet could send the PowerPoint presentation to Planning Commission members. Mr. Trocquet confirmed that he would. Chairman James inquired as to Council's reaction to the presentation when Mr. Trocquet delivered it to them. Mr. Trocquet stated that some council members were concerned with density and did not want FBC to set a precedent for high density development over all of town. He also stated that Council was concerned with the logistical aspect of a FBC implementation such as expenses, public hearings, and legal hoops. Mr. Trocquet agreed that these were legitimate concerns. He also stated that he believed all of the hurdles to be within reason and that the Town is in need of zoning ordinance updates anyway. He also stated that he would

look diligently for available grants to facilitate any updates to the zoning ordinance. Mr. Trocquet stated that Council liked the results a FBC could accomplish. Chairman James asked what Council visualized as an ideal. Mr. Trocquet responded and stated he believed Council wished to move towards a lower intensity, but still dense commercial district. He showed them a picture of what he was trying to explain.

Commissioner Nebergall asked whether or not the latest sewer expansion will have an effect on the Town Center District. Mr. Trocquet responded that he believed it would and that he was well aware of Tyrone Elementary's desire to reopen downtown as well. Mr. Trocquet also spoke on the many development opportunities that ended up not going through in Tyrone. Commission members recalled the variety of live-work-play style developments that wanted to locate in the Town Center District and in other areas as well. Commissioner Duncan stated that he believed sewer was going to be a catalyst for growth in Tyrone. The other Commissioners agreed.

Old Business

Staff Comments

Mr. Trocquet presented the Planning Commission with information regarding a potential annexation at 1919 and 1925 SR-74. He stated that the County Commission would be voting on allowing the annexation into Tyrone on April 25, 2017. Mr. Trocquet stated that Tyrone Planning Commission could have a public hearing at the earliest on May 25th. Chairman James inquired whether the Wendell Coffee Golf center was located within the Town limits. Mr. Trocquet confirmed that it was. The Commissioners then asked Mr. Trocquet if a variety of the properties were located within the Town. He responded to their questions by panning through the County GIS map.

Commission comments

Adjournment

Commissioner Nebergall made a motion to adjourn. The meeting adjourned at 8:00 pm.

Chairman, Wil James

Planning & Development Coordinator, Phillip Trocquet

Exhibit 1

Consideration of a text amendment to Section 113-190, pertaining to “Conditional use approval”, of Article VII of the Zoning Ordinance of the Town of Tyrone, to establish conditions for the following uses: (1) automotive parking establishments, (2) golf cart sales and service, and (3) outdoors sports facilities and swimming pools; and to revise conditions for the following uses: (1) miniature golf courses and (2) tennis courts, clubs and facilities.

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MEMORANDUM

MAILING ADDRESS:
POST OFFICE BOX 849
FAYETTEVILLE, GA 30214-0849

TO: PLANNING COMMISSION

FROM: PATRICK A. STOUGH, ASSISTANT TOWN ATTORNEY

RE: TEXT AMENDMENT – C-1 USES

DATE: APRIL 24, 2017

In 2014, the Mayor and Council, upon recommendation of the Planning Commission, adopted several ordinances that made changes to the Zoning Ordinance with regard to uses in the C-1 and C-2 zoning districts. These ordinances were primarily for housekeeping purposes, as it had been discovered that there were several uses listed as conditional uses in those zoning districts that did not have conditions attached to them. As a result, steps were taken to add conditions for those uses when necessary or even re-designate those uses as permitted uses if it was determined that no conditions were necessary. In 2015, the Mayor and Council, again upon recommendation of the Planning Commission, re-adopted the Town's Zoning Ordinance. However, the changes made by the ordinances described above were not carried forward in the re-adopted Zoning Ordinance. As a result, we are presenting the ordinances again for consideration by the Planning Commission and the Mayor and Council.

The second such ordinance would amend Section 113-128 by revising the permitted and conditional uses in the C-1 Downtown Commercial Zoning District. Please note that all uses that are permitted in the C-1 district are also permitted in the C-2 Highway Commercial Zoning District. This recommendation should be made using two (2) separate motions and votes, as follows:

- The first motion and vote should be to re-designates the following conditional uses as permitted uses in the C-1 district:
 - General building contractors – This use is currently listed as a conditional use for the C-1 district, but the only condition is that there shall be no outdoor storage. Outdoor storage is not permitted in the C-1 district, therefore this condition is unnecessary.
 - Hardware sales – This use is currently listed as a conditional use for the C-1 district, but the only condition is that there shall be no outdoor storage. Outdoor storage is not permitted in the C-1 district, therefore this condition is unnecessary.

- Indoor sports facilities – This use is currently listed as a conditional use for the C-1 district, but there are currently no conditions listed.
- Special trade contractors – This use is currently listed as a conditional use for the C-1 district, but the only condition is that there shall be no outdoor storage. Outdoor storage is not permitted in the C-1 district, therefore this condition is unnecessary.
- The second motion and vote should be to re-designate certain permitted uses as conditional uses in the C-1 district. These uses all have conditions already listed in Article VII. However, these conditions do not currently apply in the C-1 district because these uses are all listed as permitted uses. The decision in 2014 was to re-designate these uses as conditional uses so that the conditions will apply. The uses are as follows:
 - Dog grooming – Article VII currently contains conditions for this use as follows: “All structures used as dog grooming shops shall be located and activities conducted at least one hundred (100) feet from any property zoned for residential purposes.”
 - Electric transformer stations, gas regulator stations and telephone exchanges – Article VII currently contains the following conditions for this use [please note – currently this use is listed as both a permitted use and a conditional use in the C-1 district]:
 - (a) These uses shall be essential for service to the area in which they are located;
 - (b) Any building or structure, except a fence, shall be set back not less than twenty (20) feet from any property line and shall meet all applicable yard requirements;
 - (c) These uses shall be enclosed by a fence not less than eight (8) feet in height;
 - (d) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner; and
 - (e) The storage of vehicles and equipment on the premises shall be prohibited.

**STATE OF GEORGIA
TOWN OF TYRONE**

ORDINANCE

NO. 2017-___

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF TYRONE, GEORGIA; TO REVISE PROVISIONS PERTAINING TO THE DOWNTOWN COMMERCIAL DISTRICT (C-1); TO RE-DESIGNATE GENERAL BUILDING CONTRACTORS, HARDWARE SALES, INDOOR SPORTS FACILITIES AND SPECIAL TRADE CONTRACTORS AS PERMITTED USES IN THE C-1 DISTRICT; TO RE-DESIGNATE DOG GROOMING SHOPS AND ELECTRIC TRANSFORMER STATIONS, GAS REGULATOR STATIONS AND TELEPHONE EXCHANGES AS CONDITIONAL USES IN THE C-1 DISTRICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF THE TOWN OF TYRONE AS IT PERTAINS TO DISTRICT REGULATIONS (ARTICLE V OF CHAPTER 113) IS AMENDED AS FOLLOWS:

Section 1. By deleting Paragraphs (10), (11), (13) and (19) from Subsection (b) of Section

113-128, pertaining to “Downtown commercial district (C-1)”, of Article V of Chapter 113, in their entirety, and by renumbering the remaining Paragraphs accordingly.

Section 2. By deleting Paragraphs (42) and (47) from Subsection (a) of Section 113-128, pertaining to “Downtown commercial district (C-1)”, of Article V of Chapter 113, in their entirety, and by renumbering the remaining Paragraphs accordingly.

Section 2. By adding the following as new Paragraphs in Subsection (a) of Section 113-128, pertaining to “Downtown commercial district (C-1)”, of Article V of Chapter 113, and by renumbering the Paragraphs contained therein to preserve alphabetical ordering:

- General building contractors;
- Indoor sports facilities; and
- Special trade contractors.

Section 3. By adding the following as a new Paragraph in Subsection (b) of Section 113-128, pertaining to “Downtown commercial district (C-1)”, of Article V of Chapter 113, and by renumbering the Paragraphs contained therein to preserve alphabetical ordering:

- Dog grooming shops.

Section 4. This ordinance shall become effective immediately upon its adoption by the

Mayor and Council for the Town of Tyrone.

Section 5. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. 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 Council 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 ____ day of _____, 2017.

MAYOR AND COUNCIL OF THE
TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney

Exhibit 2

Consideration of a text amendment to Section 113-128, pertaining to “Downtown commercial district (C-1)”, of Article V of the Zoning Ordinance of the Town of Tyrone, to re-designate the following conditional uses as permitted uses: (1) general building contractors, (2) hardware sales, (3) indoor sports facilities, and (4) special trade contractors; and to re-designate the following permitted uses as conditional uses (1) dog grooming shops and (2) electric transformer stations, gas regulator stations and telephone exchanges

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MEMORANDUM

TO: PLANNING COMMISSION

FROM: PATRICK A. STOUGH, ASSISTANT TOWN ATTORNEY

RE: TEXT AMENDMENT – C-2 USES

DATE: APRIL 24, 2017

In 2014, the Mayor and Council, upon recommendation of the Planning Commission, adopted several ordinances that made changes to the Zoning Ordinance with regard to uses in the C-1 and C-2 zoning districts. These ordinances were primarily for housekeeping purposes, as it had been discovered that there were several uses listed as conditional uses in those zoning districts that did not have conditions attached to them. As a result, steps were taken to add conditions for those uses when necessary or even re-designate those uses as permitted uses if it was determined that no conditions were necessary. In 2015, the Mayor and Council, again upon recommendation of the Planning Commission, re-adopted the Town's Zoning Ordinance. However, the changes made by the ordinances described above were not carried forward in the re-adopted Zoning Ordinance. As a result, we are presenting the ordinances again for consideration by the Planning Commission and the Mayor and Council.

The third such ordinance would amend Section 113-129 by revising the permitted and conditional uses in the C-2 Highway Commercial Zoning District. This recommendation should be made using three (3) separate motions and votes, as follows:

- The first motion and vote should be to re-designate the following conditional uses as permitted uses in the C-2 district:
 - Landscaping services - This use is listed as a conditional use in the C-2 district, but there are no conditions attached.
- The second motion and vote should be to re-designate the following permitted uses as conditional uses in the C-2 district:
 - Health clubs and day spas - Article VII currently contains the following condition for this use: "Private treatment rooms are required for each client receiving a personal service, and the use must comply with all state requirements."
 - Miniature golf courses - Article VII currently contains conditions for this use, which were revised by an earlier ordinance on this agenda.

- The third motion and vote should be to add the following uses as conditional uses in the C-2 district:
 - Outdoor sports facilities and swimming pools – Conditions for this use are being added as part of a previous ordinance on this agenda.
 - Tennis courts, clubs and facilities – Article VII currently contains conditions for this use, which were revised by an earlier ordinance on this agenda.

STATE OF GEORGIA
TOWN OF TYRONE

ORDINANCE

NO. 2017-___

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF TYRONE, GEORGIA; TO REVISE PROVISIONS PERTAINING TO THE HIGHWAY COMMERCIAL DISTRICT (C-2); TO RE-DESIGNATE LANDSCAPING SERVICES AS A PERMITTED USE IN THE C-2 DISTRICT; TO RE-DESIGNATE HEALTH CLUBS AND DAY SPAS AND MINIATURE GOLF COURSES AS CONDITIONAL USES IN THE C-2 DISTRICT; TO ADD OUTDOORS SPORTS FACILITIES AND SWIMMING POOLS AND TENNIS COURTS, CLUBS AND FACILITIES AS CONDITIONAL USES IN THE C-2 DISTRICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF THE TOWN OF TYRONE AS IT PERTAINS TO DISTRICT REGULATIONS (ARTICLE V OF CHAPTER 113) IS AMENDED AS FOLLOWS:

Section 1. By deleting Paragraph (15) from Subsection (b) of Section 113-129, pertaining to “Highway commercial district (C-2)”, of Article V of Chapter 113, in its entirety,

and by renumbering the remaining Paragraphs accordingly.

Section 2. By deleting Paragraphs (27) and (36) from Subsection (a) of Section 113-129, pertaining to “Highway commercial district (C-2)”, of Article V of Chapter 113, in their entirety, and by renumbering the remaining Paragraphs accordingly.

Section 2. By adding the following as a new Paragraphs in Subsection (a) of Section 113-129, pertaining to “Highway commercial district (C-2)”, of Article V of Chapter 113, and by renumbering the Paragraphs contained therein to preserve alphabetical ordering:

- Landscaping services.

Section 3. By adding the following as new Paragraphs in Subsection (b) of Section 113-129, pertaining to “Highway commercial district (C-2)”, of Article V of Chapter 113, and by renumbering the Paragraphs contained therein to preserve alphabetical ordering:

- Health clubs and day spas;
- Miniature golf courses;
- Outdoor sports facilities and swimming pools; and
- Tennis courts, clubs and facilities.

Section 4. This ordinance shall become effective immediately upon its adoption by the Mayor and Council for the Town of Tyrone.

Section 5. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. 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 Council 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 ____ day of _____, 2017.

MAYOR AND COUNCIL OF THE
TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney

Exhibit 3

Consideration of a text amendment to Section 113-129, pertaining to “Highway commercial district (C-2)”, of Article V of the Zoning Ordinance of the Town of Tyrone, to re-designate landscaping services from a conditional use to a permitted use; to re-designate the following permitted uses as conditional uses: (1) health clubs and day spas and (2) miniature golf courses; and to add the following uses as conditional uses: (1) outdoor sports facilities and swimming pools and (2) tennis courts, clubs and facilities.

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

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FAYETTEVILLE, GA 30214-0849

MEMORANDUM

TO: PLANNING COMMISSION 

FROM: PATRICK A. STOUGH, ASSISTANT TOWN ATTORNEY

RE: TEXT AMENDMENT – CONDITIONAL USES

DATE: APRIL 24, 2017

In 2014, the Mayor and Council, upon recommendation of the Planning Commission, adopted several ordinances that made changes to the Zoning Ordinance with regard to uses in the C-1 and C-2 zoning districts. These ordinances were primarily for housekeeping purposes, as it had been discovered that there were several uses listed as conditional uses in those zoning districts that did not have conditions attached to them. As a result, steps were taken to add conditions for those uses when necessary or even re-designate those uses as permitted uses if it was determined that no conditions were necessary. In 2015, the Mayor and Council, again upon recommendation of the Planning Commission, re-adopted the Town's Zoning Ordinance. However, the changes made by the ordinances described above were not carried forward in the re-adopted Zoning Ordinance. As a result, we are presenting the ordinances again for consideration by the Planning Commission and the Mayor and Council.

The first such ordinance would amend Section 113-190 to establish conditions for certain uses. Three of these uses are recreational uses which should share the same conditions due to their similar character and impact. The other two uses are currently listed as part of a broader category of similar uses. In 2014 it was determined that it would be more efficient to list the conditions for these two uses separately in Section 113-190. The five uses that would be affected are as follows:

- Outdoor sports facility and swimming pool – This is a new use that will be added as a conditional use in the C-2 Downtown Commercial Zoning District as part of a separate item further down on the agenda. The conditions that will be applied are the same as those conditions applied to other recreational uses:
 - (a) The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
 - (b) Loudspeakers shall be prohibited;

- (c) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - (d) No outdoor activities after 11:00 p.m.
- Miniature golf courses – This is a permitted use in the C-2 Highway Commercial Zoning District. However, since there Zoning Ordinance already has conditions attached to this use, it was determined in 2014 that this use should be re-designated as a conditional use in the C-2 district so that the conditions would apply. In addition, certain conditions were added to bring this use in line with other recreational uses. The conditions will be as follows:
 - (a) The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
 - (b) Loudspeakers shall be prohibited;
 - (c) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - (d) No outdoor activities after 11:00 p.m.
- Tennis courts, club and facilities – This is not currently a use in the C-2 Highway Commercial Zoning District. However, because this is a recreational use similar to other recreational uses allowed in C-2, it was determined that it should be added as a conditional use in C-2. There are already conditions attached to this use; however, it was determined in 2014 that these conditions should be amended to bring this use in line with other recreational uses. The conditions will be as follows:
 - (a) The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
 - (b) Loudspeakers shall be prohibited;
 - (c) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
 - (d) No outdoor activities after 11:00 p.m.

- Automotive parking establishments – This is a conditional use in the C-2 Highway Commercial Zoning District. Currently there are conditions that apply to this use in Section 113-190; however, these conditions are currently listed under the heading “Boatyard, truck repair, boat repair, motorcycle repair, automotive parking establishment, golf cart sales and service, automobile impoundment yard, automobile impoundment area”. In order to make it easier for the reader to find the conditions for this use, it was determined in 2014 that a new heading should be added under “Automotive parking establishments”. The conditions themselves will be unchanged:
 - All stock-in-trade must be screened in accordance with screening provisions in the Land Development Ordinance and stock-in-trade must be stored on an impervious surface.

- Golf cart sales - This is a conditional use in the C-2 Highway Commercial Zoning District. Currently there are conditions that apply to this use in Section 113-190; however, these conditions are currently listed under the heading “Boatyard, truck repair, boat repair, motorcycle repair, automotive parking establishment, golf cart sales and service, automobile impoundment yard, automobile impoundment area”. In order to make it easier for the reader to find the conditions for this use it was determined that a new heading should be added under “Golf cart sales”. The conditions themselves will be unchanged:
 - All stock-in-trade must be screened in accordance with screening provisions in the Land Development Ordinance and stock-in-trade must be stored on an impervious surface.

STATE OF GEORGIA

TOWN OF TYRONE

ORDINANCE

NO. 2017-___

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF TYRONE, GEORGIA; TO REVISE PROVISIONS PERTAINING TO CONDITIONAL USE APPROVAL; TO PROVIDE CONDITIONS FOR AUTOMOTIVE PARKING ESTABLISHMENTS; TO PROVIDE CONDITIONS FOR GOLF CART SALES AND SERVICE; TO PROVIDE CONDITIONS FOR OUTDOOR SPORTS FACILITIES AND SWIMMING POOLS; TO REVISE CONDITIONS FOR MINIATURE GOLF COURSES; TO REVISE CONDITIONS FOR TENNIS COURTS, CLUBS AND FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF THE TOWN OF TYRONE AS IT PERTAINS TO CONDITIONAL USES (ARTICLE VII OF CHAPTER 113) IS AMENDED AS FOLLOWS:

Section 1. By deleting Paragraphs (46) and (61) of Subsection (b) of Section 113-190, pertaining to “Conditional use approval”, of Article VII of Chapter 113, in its

entirety, and by replacing it with a new Paragraphs (46) and (61) in Subsection (b) of Section 113-190 of Article VII of Chapter 113, to be numbered and read as follows:

(46) Miniature golf courses (C-2):

- a. The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
- b. Loudspeakers shall be prohibited;
- c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
- d. No outdoor activities after 11:00 p.m.

(61) Tennis court, club and facilities (C-2):

- a. The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
- b. Loudspeakers shall be prohibited;
- c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
- d. No outdoor activities after 11:00 p.m.

Section 2. By renumbering Paragraphs (12) through (31) of Subsection (b) of Section 113-190, pertaining to “Conditional use approval”, of Article VII of Chapter 113, as Paragraphs (13) through (32), respectively; by renumbering Paragraphs (32) through (49) of said Subsection (b) of Section 113-190 of Article VII of Chapter 113 as Paragraphs (34) through (51), respectively; by renumbering Paragraphs (50) through (62) of said Subsection (b) of Section 113-190 of Article VII of Chapter 113 as Paragraphs (53) through (65), respectively; and by adding new Paragraphs (12), (33) and (52) to Subsection (b) of Section 113-190 of Article VII of Chapter 113, to be numbered and read as follows:

- (12) Automotive parking establishments (C-2). All stock-in-trade must be screened in accordance with screening provisions in the Land Development Ordinance and stock-in-trade must be stored on an impervious surface.
- (33) Golf cart sales and service (C-2). All stock-in-trade must be screened in accordance with screening provisions in the Land Development Ordinance and stock-in-trade must be stored on an impervious surface.
- (52) Outdoors sports facilities and swimming pools (C-2):
 - a. The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent;
 - b. Loudspeakers shall be prohibited;
 - c. Lighting shall be established in such a way that adjacent properties and

roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and

d. No outdoor activities after 11:00 p.m.

Section 3. This ordinance shall become effective immediately upon its adoption by the Mayor and Council for the Town of Tyrone.

Section 4. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. 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 Council 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 ____ day of _____, 2017.

MAYOR AND COUNCIL OF THE
TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney

Staff Report

Date: April 27, 2017

Town of Tyrone, Department of Planning & Zoning
881 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Planning & Zoning Coordinator
ptrocquet@tyrone.org (770) 487-4038 ex. 108

DOCKET/CASE/APPLICATION NUMBER

PC04272017

APPLICANT/PROPERTY OWNER

Edgar Townsel

PLANNING COMMISSION MEETING DATE

April 27, 2017

ADDRESS/LOCATION

105 & 125 Caboose Lane

Summary

Applicant is submitting a final plat for the consolidation of two lots off of Caboose Lane. This new property will maintain its C-1 Downtown Commercial zoning classification within the Town Center Overlay District. Any structure built on the new property will need to conform to the architectural and landscape requirements outlined in the zoning ordinance as it pertains to the Town Center Overlay District.



MAP SOURCE

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATABILITY WITH ZONING ORDINANCE

The property is fully compatible with the Zoning Ordinance.