

THE FAYETTE COUNTY PLANNING COMMISSION met on February 4, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman (via *teleconference*)
Arnold Martin, Vice-Chairman (via *teleconference*)
John H. Culbreth (via *teleconference*)
Brian Haren (via teleconference)
Jim Oliver

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via *teleconference*)
Howard Johnson, Plan & Zoning Coordinator (via *teleconference*)

Welcome and Call to Order:

Chairman England called the Planning Commission meeting to order.

1. Consideration of the Minutes of the meeting held on January 21, 2021.

Brian Haren made a motion to approve the minutes of the meeting held on January, 21, 2021. Arnold Martin seconded the motion. The motion passed 5-0.

NEW BUSINESS

2. Discussion of Recreational Vehicles

Pete Frisina said property owners are getting manufactured structures that are being proposed as guesthouses. He added that they fall into two categories; those built under HUD standards and those built under ANSI standards. He stated if they are manufactured under HUD standards they meet building codes as a structure that can be occupied year round but if they are manufactured under ANSI standards they are classified as recreational vehicles and cannot not be occupied on a permanent basis. He said currently the Zoning Ordinance allows for a recreation vehicle to be parked at your home for storage. He added that a recreational vehicle can be used for occupancy one time for six months in conjunction with the construction of a house and two times a year each for a period of not more than 14 days. He stated that the intent of the two 14 day periods was basically allowing someone traveling in a recreational vehicle to visit two times a year. He said per the Building Official, one of these recreational vehicle type structures could not be hard connected to power, water or a septic system. He added that the two recreational vehicle type structures the County has encountered do not fit into the size limitations stated in the Zoning Ordinance as they are 11 feet eight inches wide and the ordinance states eight and one half feet in width. He said a recreational vehicle which is wider than eight and one half feet cannot be driven or towed on a road without a special driver's license and a permit for a wide load. He added that he had

spoken to the Tax Commissioner's office and they thought one of these structures would need a license plate as a recreational vehicle and be renewed annually.

Dan Blanchard said he purchased one of these structures and it is about 300 square feet in size with the intent of using it as a guest house. He added that it is not something you would move from place to place as there are wheels under the structure but you wouldn't tow it behind your truck for a vacation. He said he didn't know that the structure didn't meet building codes when he bought it.

Pete Frisina said staff has encountered two of these recreational vehicles in the last month and staff had not seen this type of structures before.

Arnold Martin said these seem to be in the range of a tiny house and in the mortgage business structures are classified under HUD standards as to if they are a manufactured home or mobile home. He suggested that we see how other communities classify these tiny home structures.

Chairman England said he would agree to that and they have seen examples of this in his office and one of his employees is considering a tiny home. He added that he had heard tiny homes were proposed for the Pinewood Forest development. He said from a zoning standpoint there seems to be a little bit of a gray area and these seem closer to a mobile home and mobile homes are not typically allowed outside of a mobile home park. He stated that he has talked to people that want to develop a neighborhood with tiny homes or use them partially on a site. He said tiny house like structures are appealing to use as a guest house or a main house due to rising housing costs and this is something we need to look into.

Brian Haren said this particular structure we are talking about is classified, licensed and taxed as a recreational vehicle. He added that tiny homes meet building codes and/or HUD standards and these structures do not meet these standards because they are a recreational vehicle. He said he feels that we are addressing recreational vehicles and not tiny homes or tiny home communities.

Chairman England said these structures do not resemble a recreational vehicle and don't appear to be designed to travel. He stated it seems that they are meant to move on a site, put on a foundation or parked permanently. He added that the construction of this is not typical of a recreational vehicle and is more a house built on wheels and it doesn't fit neatly into one category.

Brian Haren asked if there is any way to upgrade the structure to meet HUD requirements.

Pete Frisina said his understanding from the building official is it cannot be upgraded to meet HUD standards. He asked the Planning Commission if this is something we need research to see if we can come up with some way to address these structures.

Brian Haren said we need to contact the manufacturer and ask them what is different about your structure verses a recreational vehicle.

Pete Frisina said he has gone to the manufacturer's website and they make no claims that these are permanent structures.

Jim Oliver said we have three categories to look at and those are: what's a recreational vehicle vs a mobile home, the construction standards of HUD vs ANSI and we may have to tie this to square footage. He added that we need to make a determination of whether this is put on a foundation or left on the wheels.

Pete Frisina said he didn't know if these structures could be put on a permanent foundation.

Jim Oliver there is still the issue of this structure was manufactured under ANSI standards.

Pete Frisina said if this same size structure was stick built on site it would not be an issue. He added that these structures are basically a stick built structure on a trailer chassis.

Arnold Martin said while these structures do not meet HUD guidelines there are examples of condominiums in the metro area that do not meet HUD guidelines but they are still considered condominiums but nonconforming. He added that the county should come up with something because this is not typical of a recreational vehicle and maybe it could be considered a nonconforming structure.

Pete Frisina said from a building code perspective we can't change the classification of this structure. He stated that the best approach may be to work within the requirements of a recreational vehicle and see if we can regulate these structures differently under a separate category based on their characteristics.

Brian Haren asked Dan Blanchard how many days a year had he planned to use this structure as a guesthouse.

Dan Blanchard said it would be when people came to visit and that is usually around the holidays so a few times a year.

Brian Haren said should the county just allow someone to use their recreational vehicle as a guesthouse for a longer period of time.

Dan Blanchard said his structure is wider than the width for a recreational vehicle in the zoning ordinance.

Brian Haren said there are recreational vehicles that are more than eight and one half feet wide.

Pete Frisina said his understanding is eight and one half feet wide in the travel mode is the threshold for being able to use it on a road without a special license or permit. He stated that the approach he would recommend is look to amend the recreational vehicle portion of the zoning ordinance to try and address these vehicles/structures taking into considerations the building codes.

Brian Haren said he would be supportive of that approach and also look at the 14 day limitation.

Chairman England said he thinks we will see more of these and we need to address it in some way.

3. Discussion of Cemeteries

Pete Frisina said we have Rod Wright and Steven Jones here tonight and Rod is looking to develop a cemetery and he has sent a list of the buildings and uses he wants to include in the cemetery. He stated the conditional use category for a cemetery does not mention these buildings and uses and his suggestion is to amend the ordinance to include the buildings and uses needed to support the cemetery.

Rod Wright said he going to develop a cemetery on SR 85 south and state law requires a funeral establishment building to be able to market funeral services and products.

Steven Jones said he is an attorney with Bovis, Kyle, Burch and Medlin and the zoning ordinance mentions cemeteries in A-R and when written we feel it wasn't contemplated of the requirements of the state. He added at the state level there is three things: the cemetery, the funeral establishment and a crematorium. He said it could be implied that these three things are part of a cemetery as currently written in the ordinance. He stated that we are looking at just the cemetery and funeral establishment and not a crematorium. He said we are here because we want the zoning ordinance to be clear that these buildings/uses are part of a cemetery.

Arnold Martin asked if what you are requesting is to allow the sale of funeral related items.

Steven Jones said that is correct but also to allow the funeral services as well.

Arnold Martin asked if the language in the conditional use which says "a crematorium shall be allowed only in conjunction with a cemetery" requires that there be a crematorium.

Pete Frisina said it is not a requirement to have a crematorium or a mausoleum.

Steven Jones said it his opinion that that language further shows that the intent of the ordinance allows all of these other things and based on our site and the state regulations do not allow a crematorium within 1,000 feet of a platted subdivision which this site cannot meet.

Chairman England said normally cemeteries are associated with a church or a municipality. He added that is a private business where all of the funeral needs can be taken care of in one place.

Brian Haren asked if we are talking about mortuary services on site.

Steven Jones said part of the funeral establishment is funeral services and funeral directing but at this time we do not intend to do embalming but it would be allowed under the state regulations.

Pete Frisina said it was his understanding of the state requirements that a funeral establishment has to have the space/facilities to do embalming even though you may choose not to do that on-site.

Steven Jones said that is right.

Brian Haren said basically we are talking about a traditional funeral home in conjunction with a cemetery including the sales of the services and products. He asked what the zoning of the property and area is.

Pete Frisina said A-R.

Brian Haren asked if the property needs to be rezoned.

Pete Frisina said the cemetery is a conditional use allowed in A-R and C-H. He added that he recommends looking at adding these uses to the conditional use requirements. He said Rod is also looking at uses that are not state requirements such as an open air pavilion and maintenance building. He stated that he is in agreement with Steven Jones that we amend the ordinance to clarify what is allowed so there is no questions.

Jim Oliver asked about the buffer requirements in the conditional use.

Pete Frisina said the term buffer applies to C-H which requires a buffer adjacent to residential property but A-R would require the setbacks be met.

Rod Wright said the property abuts Lisbon Baptist Church and their cemetery so does the 50 foot buffer not apply.

Pete Frisina said the A-R does not require a buffer but it requires a 50 foot setback. He

added that he is going to move ahead with amendments as we discussed tonight.

Rod Wright said he would like to have a funeral establishment to be able market funeral services, as well as, the other items he sent in for consideration.

OLD BUSINESS

4. Discussion of internal access self-storage facility, SR 138 and North SR 314 Overlay Zone and General Business District Zoning District.

Pete Frisina said this area is designated as General Business on the land use plan, there is a corresponding zoning district called General Business and there is an overlay specific to the area. He added that self-storage facilities are currently allowed as a conditional use under C-H and M-1. He stated that a separate conditional use for an internal access storage facility was recently added to the zoning ordinance for these zoning categories. He said the result was two storage facility types one being for external access and the other being for internal access. He added that we didn't conceive that someone would want to do both uses on one site and the current regulations are somewhat mutually exclusive of each other. He said what you have before you is proposed amendments that combine the two uses under one conditional use. He stated that he made a differentiation between a single story storage facility and a multi-story storage facility where multi-story is internal access only.

Brian Haren said he agreed with the single story and multi-story approach.

Jim Oliver asked what about exterior storage.

Pete Frisina asked if he was referring to vehicle storage or open storage.

Jim Oliver said on one it allowed covered storage and on the other one it required fully enclosed storage.

Pete Frisina said on the proposed amendments it does not require fully enclosed vehicle storage.

Jim Oliver asked if we need to state that storage units cannot be used for occupancy purposes.

Pete Frisina said he didn't think that was necessary since the buildings do not meet code for occupancy and it can be enforced on that basis. He added that the intent of the new regulations is to put the vehicle storage areas to the rear of the development behind the buildings.

Jim Oliver asked if a site with only vehicle storage is considered a self-storage facility.

Pete Frisina said there is currently a use in C-H and M-1 for a parking garage/lot.

Ellen Smith said her clients questioned the requirements for a multi-story facility where it says that vehicle loading is only allowed on the side or rear of the building. She added that they also allow loading in the front where the front has a retail character with a lobby.

Pete Frisina said it was envisioned that the loading areas on the side or rear would be through roll up bay doors and/or loading docks. He added he didn't have a problem with loading in the front through the normal retail type sliding glass doors into a lobby. He said that he would clarify that in the ordinance. He added that the architectural standards that were approved last week by the BOC for SR 54 would be the model for the architectural standards used in the SR 138 corridor. He said that is all he has for tonight.

Brain Haren made a motion to adjourn. Arnold Martin seconded. The motion passed 5-0.

The meeting adjourned at 8:00pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



DANNY ENGLAND, CHAIRMAN

ATTEST:



HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY