



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: TEXT AMENDMENT

Applicant: John Downey, 1809 Briarwood Circle, Milledgeville  
Applicant's Agent:  
Zoning Ordinance: Morgan County Zoning Ordinance  
Article 4 Zoning Districts and Maps

#### Summary

John Downey has requested a text amendment to Table 4.1 *Uses by Zoning District*, to add portable building sales to the use chart as a Permitted use in the C1 and C2 zoning districts. Portable buildings include pre-built sheds and storage buildings. Portable buildings do not include kits for construction on site.

Currently, Lowes offers portable buildings (City of Madison, approved as part of overall retail package). Youngblood requested the ability to place portable buildings on their automobile sales lot a few years ago and was denied due to the use not being in the ordinance. Unique Treasures, the flea market across from Youngblood, had portable buildings in their front yard when they first opened, but removed them soon after on their own.

#### Current and Proposed Language

The Zoning Ordinance does not currently include any use that can be construed as portable building sales. Regarding an open sales lot where potential purchasers may peruse merchandise, the closest use listed is automobile sales.

The applicant states his requested language in the attached letter.

#### Staff Comments

Staff disagrees with the request for permitted use in C1, Neighborhood Commercial District. C1 is described in Chapter 4.7 as "intended for the development of small nodes of retail sales and service establishments which, when appropriately located, are designed to provide limited convenience shopping and services for surrounding areas." The use is more appropriate for C2, General Commercial, which is "intended for commercial development that serves a number of residential areas and shoppers from nearby municipal areas." As previously mentioned, the closest use listed in Article 4 is Automobile Sales, which is a Permitted Use in C2 and C3, but prohibited in C1.

Staff also has concerns about the typical setup of portable building sales lots. The typical example has no parking lot and is placed on a grassed or gravel lot. Typically, there is no sales staff; the customer is directed to call a phone number for sales assistance. Based on discussions with the applicant, this description is what is being requested.

Because the Zoning Ordinance does not contain a use similar to portable building sales, the display area for open, outdoor shopping is not addressed in the ordinance, other than automobile sales. Article 10, Chapter 10.2, Section 10.2.4 states: Every business that stores vehicles owned by the business on site overnight (such as company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.) shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Hence, the display areas for automobiles must be paved.

Parking areas for commercial businesses must be paved in Morgan County, according to Article 10, Chapter 10.1: Permanent off-street parking spaces shall be provided in accordance with the requirements of this Article whenever any of the following occurs: At the time of the establishment of any use, or erection of any building; At the time of occupancy of a new building by a new use; At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Exemptions to the paved parking requirement have been given to small agricultural businesses with parking lots of less than 5,000 square feet. Although the argument may be proposed that the use is agricultural-related, due to the use of such structures on ag property, the fact remains that portable buildings are used in all zoning districts, thus eliminating the possibility of the agricultural exemption for paving.

Staff recommendation: Staff does not oppose the addition of the use to the Zoning Ordinance. If Planning Commission chooses to vote to recommend approval of the text amendment, Staff recommends that the use be Permitted only in the C2 Zoning District. Due to the ubiquity of the site conditions related to this use in other jurisdictions, Staff suggests that the approval language include clarification that the use must have a paved sales lot and must meet all other requirements for commercial businesses already established in the Zoning Ordinance, including but not limited to, paved parking (including handicapped parking).

If recommended for approval, Staff recommends adding a definition to Article 3 as well:

Portable Building Sales – A business selling movable, pre-built, unfinished-interior structures to be used for private use, primarily for storage, but may include recreational structures such as gazebos or picnic sheds. For this definition, portable buildings do not include dwellings (mobile homes, tiny houses, etc), commercial grade buildings (mobile classrooms, constructions trailers, etc.), or storage containers (pods, etc.). Although typically wood framed, metal framed portable structures such as carports, sheds and greenhouses may also be included.



These two photos are from the portable building sales lot on Highway 83 in Monticello. The first photo shows the gravel drive and non-defined parking area. Both photos show the buildings displayed in rows in a grassed sales area. The business has no on-site sales office or staff.



These two photos are of the Southeastern Buildings sales lot on Highway 441 outside Eatonton. This business differs from the typical portable building sales lot in that the display buildings are set on gravel or grass along a wide paved drive. The site also has a manned sales office.



February 19, 2017

To: Morgan County Planning Commission

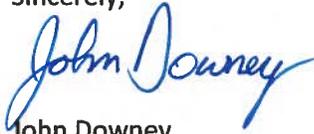
From: John Downey

I am a local business owner located in Milledgeville, GA. I own and operate a portable building sales business in Baldwin County on Highway 441 North. I am looking to open a portable building sales lot in Morgan County, and currently there are not any portable building sales locations in Morgan County. By portable buildings I am referring to what is commonly known as a shed or storage building, but similar items such as a gazebo, green house, play house, car cover, screened room, and etc. are also displayed and sold along with portable buildings. The items that I am looking to sell are common items that most Morgan county home owners have purchased or will purchase at some point in their life.

When I went to apply for a business license at the court house in Morgan County I was told by Tara Cooner, Senior Planner for the Morgan County Planning & Development, that I needed to apply for a text amendment because the Morgan County Zoning Ordinance does not have a specific land use of "Portable Building and or Outdoor Structure Sales" listed in the Article 4 table 4.1. Therefore, I am applying for a "Text Ammendment" to the Morgan County Zoning Ordinance to Article 4 table 4.1 "Permitted and Conditional Uses by Zoning District." I am requesting that Article 4 table 4.1 include a land use description of "Portable Buildings and Outdoor Structures" to be permitted in Zones C1, C2, and C3.

Thank you for taking the time to hear my request.

Sincerely,



John Downey

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