



AGENDA
THE FAIRMONT PLANNING COMMISSION

March 16, 2022
Public Safety Building
7:00 pm

- I. MEETING CALLED TO ORDER**
- II. ROLL CALL OF MEMBERS**
- III. PLEDGE OF ALLEGIANCE**
- IV. ELECTION OF OFFICERS**
- V. APPROVAL OF MINUTES**
January 19th, 2022
- VI. PUBLIC HEARING FOR March 16th, 2022**
PC 22-04 – To consider to addition of Crematorium and Funeral Homes to the zoning code as permitted uses
PC 22-05 – Amending Articles 2, 3, and 4 related to Pet Grooming and Boarding to separate grooming and boarding into separate uses, permit them within different zoning districts, and to add Use Standards to animal boarding businesses.
- VII. PUBLIC HEARINGS TO SET FOR April 20, 2022**
- VIII. NEW BUSINESS**
- IX. CITIZENS PETITION (For items not listed on the agenda)**
- X. OTHER BUSINESS**
 1. Commissioner Comments
 2. Staff Updates
- IX. ADJOURNMENT**

FAIRMONT PLANNING COMMISSION

The meeting of the Fairmont Planning Commission was held January 19th, 2022 @ the Public Safety Building 500 Quincy St. Fairmont WV.

President Greene called the meeting to order at 7:00 p.m. and asked for a roll call of members.

ROLL CALL OF MEMBERS

MEMBERS PRESENT

Commissioner Yann
Commissioner Richardson
Commissioner Jura
Commissioner Straight
President Greene
Commissioner Wean
Commissioner Majic
Commissioner Bledsoe

MEMBERS ABSENT

Commissioner Lambert

CITY STAFF

Director of Planning and Development – Shae Strait
Senior Staff Assistant –Kirstin Poluck
City Manager- Valerie Means

President Greene opened the floor for nominations of elections of officers. Commissioner Bledsoe nominated Jamie Greene to remain as president. Commissioner Wean seconded the motion. All in favor. **Motion passed.**

Commissioner Straight nominated Commissioner Richardson as Vice President. Commissioner Bledsoe seconded the motion. All in favor. **Motion passed.**

APPROVAL OF MINUTES from October 20th, 2021

Commissioner Bledsoe motioned to approve the minutes; Commissioner Jura seconded the motion. **All were in favor.**

NEW BUSINESS / PUBLIC HEARINGS TO SET FOR January 19th, 2022

1. Capital Improvement Plan – Review of the Proposed CIP for 2022-2023 Fiscal Year

City Manager Valerie Means came to the meeting to go over the prospective budget for 2023 year. She went into detail on each item of the budget and explained them to the council. The proposed 2023 budget will be listed below.

City of Fairmont		
Request for Capital All Departments		
FY23 Budget		FY23
Year One July, 2022 to June, 2023		Year One
		Total
Dept	Existing Debt Service:	
440	Public Safety Bldg-MVB (\$2,764,445 for 20 yrs)-\$14,697.97/mo thru 12/33	\$ 176,376.00
440	Parking Garage-MVB (\$1,097,530 for 20 yrs)-\$5,451.99/mo thru 12/33	\$ 65,424.00
706	East Side Fire Station \$3 Million, (\$202,914.60 for 20 yrs)-\$16,909.55 thru 06/40	\$ 202,915.00
	TOTAL DEBT SERVICE	\$ 444,715.00
436	Code	
1	(1) Vehicle	\$ 30,000.00
2	(3) Computers & Software	\$ 2,500.00
		\$ 32,500.00
437	Planning	
1	Downtown Beautification	\$ 20,000.00
2	City Entryways (1)	\$ 20,000.00
3	Wayfinding Signage	\$ 5,000.00
	TOTAL PLANNING	\$ 45,000.00
439	Data Processing	
1	Updates to hardware	\$ 10,000.00
2	Six new PC's with Office software and printers	\$ 7,800.00
3	Meraki Upgrade PSB	\$ 2,900.00
	TOTAL DATA PROCESSING	\$ 20,700.00
440	City Hall	
1	Demolition	\$ 150,000.00
2	Shredder	\$ 5,000.00
3	General Remodeling	\$ 10,000.00
4	(5) Five new PC's with Office Software - City Hall	\$ 4,500.00
5	City Hall Computer Server	\$ 30,000.00
	TOTAL CITY HALL	\$ 199,500.00
700	Police	
1	(4) Cruisers (Equipped and Striped)	\$ 180,000.00
2	(2) Radar units	\$ 3,000.00
3	(13) Thirteen new PC's with Office Software - Police	\$ 11,700.00
4	(3) Three BP vest/carriers (Stewart/Riffe/Romito)	\$ 3,000.00
5	Refrigerator	\$ 1,500.00
6	Police Computer Server	\$ 20,000.00
	TOTAL POLICE	\$ 219,200.00
706	Fire	
1	Back-up generator for Watson Station 3	\$ 60,000.00
2	Replacement fire hose	\$ 7,000.00
3	(8) sets of replacement bunker gear @\$2,700/each	\$ 21,600.00
4	Rescue Cribbing	\$ 3,000.00
5	(4) Four new PC's with Office Software - Fire	\$ 3,600.00
	TOTAL FIRE DEPARTMENT	\$ 95,200.00
750	Streets	
1	Replace 3 plow trucks	150,000.00
2	Loader	\$ 90,000.00
3	2 spreaders	\$ 16,000.00
	TOTAL STREETS	\$ 256,000.00
751	Street Lights	
1	Replacement Street Light Pole - River Crest	\$ 4,000.00
2	Replacement Street Light Pole - NASA	\$ 9,500.00
	TOTAL STREET LIGHTS	\$ 13,500.00
754	C.Garage	
1	Antel USA Maxisys Ultra Diagnostic Tablet/Scan Tool Kit w/advanced VCMI	\$ 5,000.00
	TOTAL GARAGE	\$ 5,000.00
900	Parks	
1	Morris Park - Repair steps/railing	\$ 10,000.00
2	Windmill Park - Fence around Field #2 & Playground	\$ 75,000.00
3	Windmill Park - Metal Roof on Pavilion & Restroom	\$ 8,000.00
4	Windmill Park - Playground Equipment	\$ 5,000.00
5	Windmill Park - Basketball Court Sports Coating	\$ 15,000.00
6	Morgantown Ave Mini Park - Sign	\$ 5,000.00
7	Mid Size Backhoe w/attachments	\$ 65,000.00
	TOTAL PARKS	\$ 183,000.00
5710	Parking Fund	
1	Adams Street Garage - Elevator Replacement	\$ 45,800.00
2	Adams Street Garage - Garage Entry Pay Station	\$ 53,000.00
	TOTAL PARKING FUND	\$ 98,800.00
	254 CAPITAL PROJECTS TOTAL	\$ 1,613,115.00

The remainder of the four years was also in the packet and to be looked over by the commissioners.

Commissioner Bledsoe asked if the Fire department had got the rescue truck replaced, to which the City Manager replied Yes, it had been ordered. Commissioner Bledsoe also asked if anything had been cut from the budget that we could use the rescue relief money on? City Manager Means stated that while things were cut for 2023, they were able to be added for the following year. We do however need new police cruisers, but the problem with that has been the ability for them to send to us because of delays due to COVID.

Commissioner Richardson asked with the IT upgrades if we will be staying with one company VS several. City Manager Means stated that IT has worked very hard to find companies that will be able to give us the service we need without having to go through multiple agencies.

Commissioner Yann wanted to know the status of Norwood Park. Planning Director Shae Strait stated that we are finishing up with loose ends and are moving on to schematic designs. The project is moving along nicely. President Greene stated that he is happy to see Windmill Park on the list for upgrades.

Commissioner Yann also had a question regarding the company doing the demolitions bids because they have been doing a great job. City Manager Means stated that Reclaim LLC, was rewarded the bid and that they have been doing an excellent job.

Planning Director Shae Strait stated that 4 of the 27 projects goals from the comprehensive that have been identified as meeting potential capital funding are being funded are as follows.

The first is implementing the wayfinding program, second is identifying new opportunities to expand public art, next is landscaping along city corridor and lastly is continuing to Improve city parks and recreation areas.

The parks and recreation areas are receiving major funding, this is an example of how the leadership of the city is leading with quality over quantity. We are going to be making substantial improvements to the parks that have been needed for some time. One of the items that was removed was the rail trail funding however, that is projected to be added back on in the following year.

Staff is in favor of the capital plan funding recommendations.

President Greene asks if anyone would like to speak for OR against the CIP? There was no one. President Greene then asked for a motion to forward the CIP favorably to City Council.

Commissioner Richardson made a motion to forward favorably to city council the CIP and Commissioner Yann seconded the motion.

Commissioner Bledsoe- Yes

Commissioner Yann- Yes

Commissioner Richardson- Yes

Commissioner Jura- Yes

Commissioner- Strait- Yes
Commissioner/President Greene- Yes
Commissioner Wean- Yes
Commissioner Yann-Yes
Commissioner Majic-Yes
Motion Passes.

2. **PC 22-01** – Amending Article 4 pertaining to article organization, Home Occupations, Multi-Family Residences, Restaurant / Lounges, and Retail and Services Manufactured Homes

Planning Director Shae Strait went over the proposed changes for Article 4. We will be removing Multi-Family Residence from the use standard and buffer yards will be required for manufactured homes sales. Hopefully this will mitigate issues such as run off and stormwater for the neighboring properties.

Home Occupations being amended to permit home occupations anywhere you have a home. Two-thirds of all people are barred from doing a major home occupation under the current code. Staff are proposing a set of universal home occupation rules for everyone. For example, regardless of your business you are never allowed more than two people at your business. There is a nuisance standard for light noise, and odors can't be observable from the property line. There can be a small sign for the business, and it would be subject to all sign guidelines. There will be no outdoor storage, no vehicle repairs, hours of operation will be 7AM-7PM, a city business will be required, and lastly a home affidavit is still necessary. There will be one single category for what is allowed and not allowed. This would create fairer and more just standards for everyone.

Commissioner Yann wanted to know if this will pertain to all districts? To which Planning Director Strait stated that yes, it would. Commissioner Yann wanted to know if there would be regulations for bigger vehicles such as box trucks. Planning Director Strait stated that box trucks would be prohibited. Commissioner Strait wanted to know how this was going to be regulated. Planning Director Strait stated that currently Code Enforcement and Finance have been very vigilant in keeping up with the businesses. The citizens are helpful with reporting.

Commissioner Strait inquired if the home occupations had to follow the handicap guidelines? Planning Director Strait stated that they are not generally, the way they are classified by building code they are not required to follow ADA standards. Staff does hope that the home occupations will move to a store front if they grow to a point of needing to comply with the ADA standards.

Commissioner Yann wanted to know if there is a nuisance can the home occupation be stopped? To which Planning Director Strait stated that yes, they can be stopped and made to be in compliance. There will not be variances considered.

President Greene asked if there are any other questions? There were none. He then opened it to the public, there were no questions or comments there either.

President Greene asked for a motion to close the public hearing.

Commissioner Bledsoe made a motion to forward the request favorably to city council, Commissioner Wean seconded the motion.

Commissioner Bledsoe- Yes
Commissioner Yann- Yes

Commissioner Richardson- Yes
Commissioner Jura- Yes
Commissioner- Straight- No
Commissioner/President Greene- Yes
Commissioner Wean- Yes
Commissioner Yann-Yes
Commissioner Majic-Yes
Motion Passed.

3. **PC 22-02** – Amending Article 2 – Definitions and Measurements pertaining to Restaurant / Lounges, Sales and Services, Manufacturing and Sales Artisan, and Retail and Service Manufactured Homes.

Director Straight stated they are creating a definition for manufactured home sales and services. We are also creating clear guidelines. We are also changing the name of Restaurant/lounge to restaurant with alcohol sales.

President Greene asks if anyone has questions for staff. Commissioner Bledsoe wanted to know if this would affect any businesses? Planning Director Strait states that no, it will only be for clarification for future businesses.

President Greene asked if there were any questions? There were none. President Greene asked if the public would like to speak for or against the proposed amendment? There was no one. The public hearing was closed.

President Greene asked for a motion regarding the request. **Commissioner Jura made a motion to forward the request favorably to city council. Commissioner Richardson seconded the motion.**

Commissioner Bledsoe- Yes
Commissioner Yann- Yes
Commissioner Richardson- Yes
Commissioner Jura- Yes
Commissioner- Straight- Yes
Commissioner/President Greene- Yes
Commissioner Wean- Yes
Commissioner Yann-Yes
Commissioner Majic-Yes
Motion Passes.

4. **PC 22-03** – Amending Article 3 – Zoning Districts pertaining to the Permitted Use Chart related to multiple permitted uses across multiple zoning districts.

Planning Director Strait states that will be adjusting to Table 3.A on the use chart. This dictates where you can perform a land use, conditionally perform a land use or where its prohibited.

Staff is proposing several amendments to this. Several are in follow up to things we have previously discussed and some are also to fix inconsistencies in the previous zoning code.

Staff is also proposing the elimination of two types Home Occupations. There will also be clarification on the definition of Cemetery. It currently is inconsistent and doesn't make sense. We are proposing to add it to the recreation district. Historically cemeteries where green spaces after the lots became full. The public will have input in this change.

Staff is also recommended expanding the institutional use category. Bars and nightclubs will remain prohibited in this area. There is also a typo with the convenience store/fuel sales that will need fixed. Lastly, there will be clarification for restaurants with alcohol sales. Planning Director Strait also stated that we are always looking for input from the board to the changes and where we will also all uses.

President Greene asks is the board has any comments?

Commissioner Bledsoe asked that district the Hospital is? Planning Director Strait states it is in the Education District, although we are proposing it be put into the University district when we create that district and zone it in at a later date.

Commissioner Yann wanted to know if we were still applying for grants? Planning Director Strait stated that yes, we are still continuing for grants especially for safe sidewalks and crosswalk for the city.

President Greene asks if the public has any questions or concerns? There were none. President Greene closes the public hearing. **Commissioner Wean makes a motion to approve, Commissioner Straight seconds the motion.**

Commissioner Bledsoe- Yes
Commissioner Yann- Yes
Commissioner Richardson- Yes
Commissioner Jura- Yes
Commissioner- Straight- Yes
Commissioner/President Greene- Yes
Commissioner Wean- Yes
Commissioner Yann-Yes
Commissioner Majic-Yes
Motion Passes.

President Greene asks if any commissioners have comments. Commissioner Richardson said he will do his best as VP. Commissioner Bledsoe stated that he was thankful for the Planning Department and Valerie for all of the hard work done. Commissioner Wear and Greene agreed with Commissioner Bledsoe's statements. President Greene commented on the Staff report being well done. Planning Director Strait stated while it is required by state law, we in the planning department wanted to get ahead of it and give a comprehensive report.

Staff went over the goals they have for 2022 which included revising the sign regulations, expanding social media work, continuing with grant work, trail projects, and getting information out to new business owners that will help them.

Planning Director Shae Strait stated that he does hope to revise the sign regulations that are currently in place. We will be also be clarifying the regulations for new business owners and information will be printed out and given to new business owners that will provide them with that can and cannot be done.

Commissioner Bledsoe wanted to know if this would be making things easier to understand or would this be changing the ordinances themselves? Director Shae Strait stated that it will be changing some of the regulations, we will be developing right of way street standards and regulating the designs of streets. We would love to improve the developments standards, improve the historic design standards and improve the graphics across design standards. Those are some of the main goals for 2022.

President Greene asked if there were any questions, there were none.

PUBLIC HEARINGS TO SET FOR February 16th, 2022

Planning Director Shae Strait stated that currently we do not have any applications submitted for the next meeting.

OTHER BUSINESS

None

ADJOURNMENT

Commissioner Straight motioned to adjourn the meeting; Commissioner Bledsoe seconded the motion. All were in favor. Motion approved.



PLANNING COMMISSION
STAFF REPORT FOR PC 22-04
March 16th, 2022

Introduction

Domico Funeral Home is petitioning to add Crematorium to the uses listed within the City of Fairmont Zoning Code. Under the rules of Article 3.2.5 it states:

Uses not Expressly Permitted or Conditional. It is recognized that new types or forms of land use will develop within the City of Fairmont that are not anticipated by this Zoning Ordinance. In order to provide for such changes and contingencies, the classification of any new or unlisted land use shall be made by the Planning Commission to determine if the use can reasonably be interpreted to fit into a similar use category described in the ordinance. The Planning Commission may make such a determination after conducting a public hearing. It is also recognized that certain allowed uses of land may pose significant impacts to adjacent properties, surrounding neighborhoods, and regional infrastructure. In order to provide for the appropriate review and approval of such uses, the Planning Director may designate, in her discretion, that any such uses be processed as conditional uses in accordance with the provisions set forth in Article 4 of this Code, upon a determination of their potential for adverse impact. Unless a use is allowed as a "permitted use by right", "use permitted with conditions", "conditional use", "nonconforming use", or "temporary use", then such use is prohibited.

Existing Zoning Code

Currently the zoning code doesn't have a definition for funeral homes or crematoriums. Funeral homes are considered, by administrative determination, to be under "Retail and Services" similar to other

service-related businesses. This allows funeral homes to be regulated by their size and thereby reduce the potential for negative impact upon adjacent uses.

Crematoriums are substantially different from a typical "service" business since it involves the cremation of human remains, a process which can be seen as detrimental to adjacent land uses. Therefore crematoriums are not considered to be within the list of currently permitted uses.

Comprehensive Plan

The Comprehensive Plan, adopted in 2018, makes no direct references to either of these uses.

Staff Comments

Both funeral homes and crematoriums are essential to the future of our community. Funeral homes fulfill a role in coordinating funerals and often providing a formal space for funerals to occur. It is with oversight from the state government for the duties in which morticians and other staff perform.

Crematoriums are essential as well. Although the process in which humans handle their deceased varies significantly, often influenced by culture and religion, cremation has been a common practice across much of the world since before written history.

In modern times it has become more essential as humans come grasp the finite nature of land and resources. Cremation offers a solution of families or friends of the deceased to handle remains in a way that doesn't require to dedication of land to mausoleums or cemeteries. Although America still has substantial portions of undeveloped land,

elsewhere in the world, especially Europe, mausoleums and cemeteries are becoming more of a luxury or impossibility. Typically this land is permanently restricted for a place to put the deceased. Staff, at a quick glance, counted seven cemeteries within city limits, four of which are confirmed to be full and no longer selling plots for new burials. It is considered unfavorable at best to remove or relocate human remains, especially if ancestors or community members find themselves somehow tied to the deceased.

Cremation has become more popular as a way to sustainably manage the deceased. Historically, cremated remains were kept in urns or placed back into the soil or undeveloped land. Cremation has seen some innovation in which cremated remains are used in trees planters or other sustainable methods. Other innovations with cremated remains include:

- Ornaments for the home
- Jewelry
- Suncatcher
- Tattoo ink
- Vinyl records
- Launched into outer space

It is better to be ahead of the issues that are coming in the future for our descendants by making sure citizens have local access to a variety of options for handling of the deceased.

Staff Recommendations

Historically crematoriums had a substantial impact on adjacent land uses. Most perceptions of crematoriums are likely based on early 20th century techniques and technology which creates a stigma around the proposed use.

Today, cremation is subject to the Clean Air Act of 1970, 1977, the amendments of 1990, and other regulations. These substantial requirements have forced the cremation industry to innovate the technology and techniques used for cremation. Due to this, cremation can be conducted almost unnoticed to adjacent land uses. Modern smoke stack features and exhaust fans remove nearly all odor. In addition, smoke from cremation is not visible. This is done through several capture

techniques as well as reburners which burns off gases going up the chimney to prevent odor from going out into the open air.

If odor is emitted from the cremation process, it is typically due to negligence or the malfunction of equipment.

Due to these innovations in recent decades, crematoriums can be handled many different ways in zoning regulations. Often times they are still restricted to industrial areas. In some contemporary codes, crematoriums are permitted in several different ways. Below are examples of how funeral homes and crematoriums are handled in contemporary zoning codes, typically adopted within the past 5 years.

Precedents

Buffalo, NY

In Buffalo (2019 co-winner of the Richard H. Driehaus Form-Based Codes Award), Funeral Services are a defined use in which crematoriums are included to say that they are classified as a “light industrial use”. Light Industrial uses in Buffalo are permitted or conditionally permitted in what is the equivalent to Fairmont’s Main Corridor Commercial District, Technology District, Industrial District, and the proposed University District.

Exact language: Funeral Services. A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

1. A crematorium is considered a light industrial use and must comply with Table 6A and Section 6.1.6.C.

TABLE 6A: PRINCIPAL USES

	N-1D	N-1C	N-1S	N-2C	N-2E	N-2R	N-3C	N-3R	N-4-30	N-4-60	DP	DM	DE	DS	DC	DIL	DH	DOS	D-OG	D-ON	C-R	DEFINITIONS/ STANDARDS	
Retail & Service, General	●	●	●	●	●	●	●	●															Sec. 6.1.5.T
Retail & Service, Heavy	●	●	●	●	●	●	●	●															Sec. 6.1.5.U
Self-Storage Facility	●	●	●	●	●	●	●	●															Sec. 6.1.5.V
Stables/Riding Center	●	●	●	●	●	●	●	●															Sec. 6.1.5.W
Tavern	●	●	●	●	●	●	●	●															Sec. 6.1.5.X
Tobacco/Hookah/Vaping Est.	●	●	●	●	●	●	●	●															Sec. 6.1.5.Y
Vehicle Rental or Sales	●	●	●	●	●	●	●	●															Sec. 6.1.5.Z
Vehicle Repair, Major	●	●	●	●	●	●	●	●															Sec. 6.1.5.AA
Vehicle Repair, Minor	●	●	●	●	●	●	●	●															Sec. 6.1.5.AB
EMPLOYMENT																							
Industrial, Artisan	●	●	●	●	●	●	●	●															Sec. 6.1.6.A
Industrial, Heavy	●	●	●	●	●	●	●	●															Sec. 6.1.6.B
Industrial, Light	●	●	●	●	●	●	●	●															Sec. 6.1.6.C
Junk/Salvage Yard	●	●	●	●	●	●	●	●															Sec. 6.1.6.D
Professional Offices	●	●	●	●	●	●	●	●															Sec. 6.1.6.E
Recycling Facility	●	●	●	●	●	●	●	●															Sec. 6.1.6.F
Research/Laboratory Facility	●	●	●	●	●	●	●	●															Sec. 6.1.6.G
Storage Yard	●	●	●	●	●	●	●	●															Sec. 6.1.6.H
Warehouse/Distribution	●	●	●	●	●	●	●	●															Sec. 6.1.6.I
Waste Transfer Station	●	●	●	●	●	●	●	●															Sec. 6.1.6.J

Bradenton, FL

In Bradenton, both Funeral Home and Crematoriums are defined and regulated within the permitted use chart. Funeral homes are permitted anywhere that is the equivalent of Fairmont’s Main Corridor Commercial District, City Center District, Technology District, or Industrial District. Crematoriums, however, are only permitted within what is the equivalent of the Technology and Industrial Districts.

The Funeral Home definition includes language which states cremation facilities “may” be permitted. The city’s zoning administrator has interpreted and enforced this to mean that cremation facilities may be an incidental use to funeral homes, therefore not using more square footage than the primary use of the funeral home and also not being the primary use of the business. Funeral homes are conditionally permitted in nearly all districts except the industrial district.

Exact language: Funeral home: a use conducted for human funeral services. Associated buildings may contain space and facilities for embalming and performance of other services in preparation of dead for burial, the storage of caskets, urns and other related supplies, and storage of funeral vehicles. Facilities for cremation may be allowed.

Beaufort, SC

Beaufort classifies funeral homes and mortuaries as “Personal Service-Oriented” businesses within “Retail & Restaurants. These businesses are either conditionally permitted or permitted in most commercial districts. Crematoriums are only

mentioned as not permitted within the Park and Open Space district.

Hartford, CT

Hartford adopted a new zoning code in 2016. This code classifies crematoriums as a heavy industrial use.

Recommendation

Staff recommends the following:

Option 1:

- Defining funeral homes and making crematoriums an incidental use as part of funeral homes. Make funeral homes a conditionally permitted use in Main Corridor Commercial District and other higher intensity districts.
- Crematoriums, even as an incidental use, could have additional standards such as minimum smoke stack height to limit potential impacts on adjacent properties.
- Crematoriums, when operated as a principal use, be defined and conditionally permitted only within the Industrial district with use standards.

Option 2:

- Defining crematoriums as a principal use. Decide which districts crematoriums should be permitted within and what Use Standards might apply to such uses.
- Keep Funeral Homes as part of “Retail and Services” with no required change.

Option 3:

- Any hybrid of options that the Planning Commissions believes would be best suited for the City of Fairmont and its stakeholders.

Attachments

Attached are documents which supply technical information about a specific cremator manufactured by American Crematory Equipment Co. These documents were shared with city staff by Domico Funeral Home.



PLANNING COMMISSION
STAFF REPORT FOR PC 22-05
March 16th, 2022

Introduction

The City of Fairmont is petitioning amend and create new definitions pertaining to animal grooming and animal boarding to separate the two uses and regulate them differently.

Existing Zoning Code

Animal Grooming and Boarding is a use which is listed within the permitted use chart in Article 3. This use is not defined within the code. The use is moderately permitted and prohibited.

Comprehensive Plan

The Comprehensive Plan, adopted in 2018, makes no direct references to either of these uses.

Staff Comments

Currently Animal Grooming and Boarding is a combined use. City Council in February of 2022 expressed concern over the permissive nature of animal boarding facilities within the city. The exact final ruleset of animal boarding facilities permissiveness shall be recommended by the Planning Commission. Some council members stated they would like to see animal boarding be indoor only, as it already is thanks to the Summer of 2021 zoning code amendments. Others expressed a desire to ban animal boarding all together.

To address their concerns, staff is recommending separating the two uses by definition and within the permitted use chart. It will then be necessary to consider any additional Use Standards which may be required and how to permit animal boarding within various zoning districts.

It is not recommended to complete ban particular uses from a city via zoning. This can be done for the most damaging uses, such as heavy manufacturing or resource extraction. However, if a use can be fairly regulated in such a way as to adequately prevent it from negatively impacting the public health, safety, general welfare; access to light, air, and views; reasonable use and enjoyment of land; and other rights which are sought to be protected through zoning, then regulations should be adopted to accommodate a use in this way.

Staff Recommendations

Staff recommends the following changes:

- Define Animal Boarding.
- Amend Animal Care Facility to include that animal grooming is a Retail and Service use.
 - These two amendments will then separate out animal related businesses into three uses: Animal Boarding, Animal Care, and Retail and Service (grooming).
- Amend the permitted use chart to reflect these changes and to reference the relevant Use Standards.
- Amend the Use Standards article 4.44 title to make it clear it applies to both Animal Boarding Establishments and Animal Care Establishments.

Attachments

Attached are the proposed text amendments related to Animal Boarding Establishments and Animal Care Establishments.

Zoning Code Amendments Overview

The following pages contain amendments to the City of Fairmont Zoning Code. To better understand the amendments, please note the following:

- Removed / Deleted text is indicated with a strikethrough – ~~Deleted~~
- New text is indicated by a double underline – New text
- Text omitted for brevity is indicated by three dots – ...

2.0 DEFINITIONS AND MEASUREMENTS

...

Animal Boarding Establishment – A business which provides the service of animal boarding during daytime hours or for overnight stays. See also Animal Care Establishment.

Animal Care Establishment - A business which provides care for domestic animals, including veterinary offices for the immunization, diagnosis, or treatment of animals, where animals may be boarded during their convalescence so long as the boarding is incidental; pet grooming businesses facilities are classified as Retail and Service; and ~~pet boarding facilities, where animals are boarded during the day or for overnight stays~~ see also Animal Boarding Establishment.

...

3.0 ZONING DISTRICTS

Table 3.A Permitted Principal Uses															
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards	
Residential															
Dwelling, Detached (Single-Family)	●	●	●	●	●	●	●		●						
Dwelling, Duplexes (Attached Two-Family Homes)		●	●		●	●	●		●						
Dwelling, Townhomes (Attached Single-Family)		○			●	●	●	●	●						
Dwelling, Multi-Family		○			○	●	●	●	●						
Dormitory		○			●	●	●				●				
Group Residential Facilities	●	●			●	●	●	●	●						
Group Residential Homes	●	●	●	●	●	●	●	●	●						
Residential Care Facility	●	●			●	●	●	●	●						
Mobile Home Parks				●										4.23	
Child Care Home	○	●	●	●	●	●	●	●	●					4.7	
Home Occupations, Minor	●	●	●	●	●	●	●	●	●	●	●	●		4.17	
Home Occupations, Major		●	●	●	●	●	●	●	●	●	●	●		4.17	
Live-Work Units					●	●	●	●	●					4.22	
Lodging															
Bed & Breakfast Inns		●			●	●	●	●	●					4.5	
Hotel						○	○	●	●	○		○		4.14	
Inns							○							4.14	
Motels							○							4.14	
Civic															
Assembly					●	●	●	●	●	●	●				
Cemetery	○	○	○		○		○					○		4.6	
Civic Uses	○	○			●	●	●	●	●	●	●	●		4.9 & 4.19	
Emergency Shelter					○	○	●	○						4.41	
Religious Uses	○	○	○	○	●	●	●	●	●		○			4.8	
Institutional Uses					○	○	○	○	○	○					
Schools	○	○									●				
Schools, Colleges and Universities						●					●				
Commercial															
Accessory Structures (as a Principal Use)											●			4.1	
Adult Entertainment									○					4.2	
Animal Care Establishment Facility					●	○	●	●	●					4.44	
Animal Grooming and Boarding Establishment								●	●					<u>4.44</u>	

4.0 USE STANDARDS

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4.44 ANIMAL BOARDING OR CARE ESTABLISHMENT

1. Animal boarding facilities must be located indoors.
2. Exterior exercise areas must be located to the rear or side yard of the principal building on the lot.
3. Any exterior exercise areas must be designed to provide shelter against weather.
4. Fencing of exterior exercise areas is required. Fencing must be between six and seven feet in height to prevent escape, and must be buried a minimum of one foot to prevent escape by digging beneath the fence.

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