



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: The Georgia Zoo LLC, PO Box 1299, Madison
Applicant's Agent:
Zoning Ordinance: Morgan County Zoning Ordinance
Chapter 7.34 Zoo Facilities

Summary

The Georgia Zoo LLC is requesting a text amendment to add regulations for amusement rides and lodging to Chapter 7.34 Zoo Facilities. This will limit these activities to the Georgia Zoo property. The proposed language was written by county staff with assistance from John McMahon and Zoo staff.

The Georgia Zoo would like to offer lodging on the zoo property. This option is available at other zoos in the US and is frequently seen at foreign zoos where a guest can see (or even touch) animals from the guest suite, and is sometimes seen as "treehouses" or other such attached lodging. In the US, some resorts and spas offer "glamping" options, which is a slang term for glamorous camping that can include, among other possibilities, tents on platforms or rustic cottages. The Georgia Zoo would like to offer lodging that combines these concepts by creating a glamping experience that allows guests to be close to the animals. In the attached letter, the Zoo CEO has requested that the proposed liability waiver be allowed as part of the regular check-in paperwork and not as a separate document. The proposed text does not require the waiver as a separate document and Staff has no issues with how it is presented to guests, as long as it is presented and signed.

Chapter 7.34 allows for playgrounds, but not for any sort of mechanized amusement ride, or activity such as rock climbing or zip lines. This language was minimally contested by the Zoo staff at the time the ordinance was created, but they decided to focus on the main Zoo Facility and approach a text amendment at a later date. Now that the Zoo is in the final stages of planning the layout of the facility, they have discovered that it is necessary to plan areas for the amusement activities, as some of the rides can take up considerable space. Of concern to the Zoo is the suggested language by Staff that no elevated ride shall pass over areas containing animals classified as dangerous. (Note: Staff added the OCGA section since the language was reviewed by the Zoo staff.) This language will require the Zoo designers to place the rides so that animals may be viewed from the rides with appropriate barriers and without passing directly over specific enclosures, and will require advanced planning for ride placement. In the attached letter, the Zoo CEO has requested a change to the proposed language regarding this restriction and has suggested language that allows for rides to go through or over animals identified as Class I Wildlife by USDA with a barrier. The proposed language requires that a barrier be between

amusement riding guests and all animals. This may not always mean a fence; recall that many enclosures use a moat system to contain animals. However, the intended barrier that would be used above is not specified in the Zoo's suggested language. The Zoo will have protocols in place to corral and house animals quickly (such as those used during storms or other emergencies), but Staff is uncomfortable with riding visitors over animals without specified barriers. Furthermore, Staff is suggesting the list of inherently dangerous animals contained in the Georgia law, as no list for USDA could be found.

Proposed Language

Section 7.34.7 Lodging

All lodging shall have a permanent foundation. Stick built structures, or tent lodging with a permanent platform shall be allowed. Mobile structures, such as mobile homes and recreational vehicles, shall be prohibited. All lodging units shall meet current building codes and have electricity and full bathroom facilities. ADA accessible units shall be available.

No structures may be attached to trees.

All publically accessible areas shall have lighting, including parking areas and pathways.

A lodging-specific employee shall be available during all time periods that guests occupy lodging.

Lodging shall be designed so that free-roaming animals cannot access guest areas. Any outdoor lodging space or facility shall be at a sufficient height to be out of animal range, or have a barrier between guests and animals.

Any proposed interaction between guests and animals shall be provided in a written application to the Director of Planning and Development for approval. Such application shall justify the safety of guests and shall be approved prior to the implementation of the interaction activity.

Prior to a Certificate of Occupancy, the Zoo Facility shall provide, to the Director of Planning and Development, a copy of a Liability Waiver that must be provided to, and signed by, all lodging guests (stipulating safety procedures for the guests and the animals).

Section 7.34.8 Amusement rides

Amusement rides include carousels, trains or trolleys (mechanized or driven), sky buckets, zip lines, ropes courses, splash pad and interactive water activity, and climbing structures. Any ride not listed above shall be presented to the Director of Planning & Development for approval. Prohibited rides include sky drops, roller coasters, water rides, swinging rides , and Ferris Wheels.

The visibility of amusement rides from major roadways shall be minimized through placement and screening.

Ground transportation paths, roadways, and rail track shall be clearly marked and any pedestrian footpaths or sidewalk crossings shall provide barriers to keep pedestrians out of harm's way.

All amusement rides shall be inspected yearly by the State Fire Marshal.

No amusement ride shall go through animal areas without a barrier between the rider and the animals. No elevated ride shall pass over areas containing animals classified as inherently dangerous by Georgia law (OCGA §27-5-5).

Whenever feasible, rides shall be ADA accessible.

Rules for an amusement ride use shall be clearly posted at any entrance to the amusement ride.

The Zoo Facility shall provide a dedicated employee(s) to each amusement ride. No amusement ride shall be automated to start without employee supervision.

Minutes excerpts

From the 6-27-2013 Minutes of the Morgan County Planning Commission

- II. Morgan County is proposing a Text Amendment to add regulations for zoos to the Morgan County Zoning Ordinance.

Chuck Jarrell presented the staff report on behalf of Morgan County. The Planning Commission asked about the size of enclosures. Mr. Jarrell responded that the size was species specific and confirmed that the industry standards were also per species. Mr. Benkoski asked if alcohol was served at Zoo Atlanta and Mr. Jarrell responded that it was allowed in the restaurant. Staff answered questions regarding zoo research and acreage of other zoos. Mr. McMahon verified when additional permits would be required. Mr. Jarrell also noted that the conditional use request was not to own animals but to open the facility to the public.

Bob Hughes, Madison Morgan Chamber of Commerce, spoke in favor of the text amendment and stated the benefits of a zoo to tourism in the county. He also stated support of the upcoming conditional use application.

Michael Vaden (1021 River Farm Run) and Bill Killmer (2001 Little River Road) explained their backgrounds and how much research they had conducted. They stated that they wanted to open a quality facility.

Mr. McCarthy cautioned that the presentation was regarding the conditional use application, and not the text amendment.

Ms. Booth asked Mr. Vaden and Mr. Killmer if they had any concerns regarding the proposed language. They responded that they did not. The Planning Commission asked about water usage, which the applicant stated would be less than the current agricultural uses around the property.

Andrew O'Connell spoke in favor of the application and stated that the language was well prepared and supported safety concerns.

No one spoke in opposition.

Motion: Ms. Booth made a motion to recommend approval of the text amendment.

Second: Mr. Campbell

Vote: 8:1 The motion to recommend approval of the text amendment was approved. Mr. McCarthy dissented.

From the 7-2-2013 Minutes of the Morgan County Board of Commissioners

1. Morgan County is proposing a Text Amendment to add regulations for zoos to the Morgan County Zoning Ordinance.

Tara Cooner, Senior Planner, stated Planning staff were approached by Michael Vaden and Bill Killmer in March regarding regulations for a public aviary. As they researched their options and met with various aviary and zoo experts, opportunities expanded to them to obtain other animals, thus changing the concept from an aviary to a zoo. The proposed language establishes the minimum lot size at 10 acres, as well as setbacks and buffers. It addresses toilet facilities, lighting, signs, parking and trash. An emergency plan must be submitted that provides for animal escapes, storms, medical emergencies, fires and escape routes for both public and employees, and requires a minimum of 4 safety drills per year (most zoos only run 1 or 2 per year). A plan must be provided to control and treat insects and parasites. A perimeter fence is required a minimum of 8' high with double strand of barbed wire. Animal enclosures must be constructed to industry standards, which are established per species, and are inspected by regulatory agencies, such as USDA, DOA and DNR. County officials must be present at these inspections during construction so that concerns may be raised to the regulatory agency. A zoo facility must be inspected yearly by the County building official prior to the issuance of a business license (this is in addition to the spot inspections by State or Federal regulatory agencies). All zoo facilities must submit a recycling plan and the design of the facility cannot divert waste runoff into state waters. There must also be a disposal plan for removal of dead animals and waste not included in the recycling plan. The proposed language also provides for accessory uses common to a zoo facility, such as restaurants, concessions, retail shops, basic playgrounds, camps and assembly areas. Other possible uses that will require additional conditional use permits include an event facility and amusement rides. The use is proposed as conditional in C2 and AG. If located in the C2 zoning district, the facility must be connected to a municipal water and sewer system. If located in the AG zoning district, the facility plan must include a minimum of 20% open space, not including areas used for animal enclosures. The Planning Commission asked questions regarding sizes of zoos and animal enclosures. Bob Hughes, Michael Vaden, Bill Killmer, and Andrew O'Connell spoke in favor of the application. No one spoke in opposition. Prior to the Planning Commission meeting, the Planning office received no comments. The Planning Commission

voted 8-1 to recommend approval of the text amendment. John McCarthy dissented, as he is not a proponent of zoos.

Chair Warren allowed proponents to speak.

Proponents

Michael Vaden, 1021 River Farm Run, Madison, Georgia

Bill Killmer, 2001 Little River Road, Madison, Georgia

Mr. Killmer stated this would be high quality growth for the area and will keep green space, help the tax base, restaurants and shops, and ties in with other events in Morgan County. Mr. Vaden stated they had worked with the Planning Office to make the zoo have high standards. The zoo will be of quality and is highly regulated by the State. Mr. Vaden stated he has credibility in the zoo area and has raised different species. He has increased the population of species and would like to work with other species of birds. He has the knowhow but has to have doors open to the public for credibility.

Bob Hughes, Morgan County Chamber of Commerce

Mr. Hughes stated that the Morgan County economic mixture of businesses in the County is balanced for a rural community. The zoo would help hospitality, retail and agriculture areas. He advised it was a balancing act to provide income and new fields of tourism. This would provide new jobs and the Chamber of Commerce is in favor.

Chair Warren allowed opponents to speak.

Opponents

Attorney Michael Daniel, representing William Pettit, opposed the text amendment as regards to agriculture. Mr. Daniel presented a list of petitioners opposing the text amendment for zoo facilities. He stated that Morgan County zoning is based on density and wants to maintain the pastoral scene. Changing the zoning would impact Mr. Pettit's subdivision. He expected agricultural in his area and with this zoning change it would change from pastoral to business. The involvement of DOT and a traffic lane does not go with the agricultural layout. Mr. Daniel asked the Commissioners to reject the text amendment on agricultural designation.

Chair Warren asked for opposition. There were no other opponents to speak.

MOTION by Comm. Harris, seconded by Comm. Clack to approve a Text Amendment to add regulations for zoos to the Morgan County Zoning Ordinance. Unanimously Approved.

Staff Comments

Regarding the Zoo CEO's suggested language changes, Staff has no issues with the liability waiver suggestion, as it will not require a change in the proposed language. However, the requested change regarding barriers between elevated rides and dangerous animals should be further explained by the applicant, including what type of barrier would be used and why it is necessary to view such animals from above.



August 26, 2015

To Whom It May Concern:

This letter serves as an official request from the Georgia Zoo & Safari Park for text amendments that will allow the addition of lodging and amusements to the project's original conditional use permit. We have reviewed the draft ordinance modifications and are in agreement with the proposed changes with the exception of the necessity of having overnight guests sign a separate Liability Waiver stipulating safety procedures during their stay. We will incorporate liability language and safety protocols with regard to their stay and any interactions with our animals within the paperwork and documentation they will sign at check-in.

With regard to the language presented concerning elevated rides passing over areas containing "dangerous animals," we propose the following change:

No amusement ride shall go above or through animal areas containing animals listed by the USDA as Class I Wildlife without a barrier between the rider and the animals.

Please do not hesitate to contact us if we can provide any additional information regarding this request. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "William Killmer", is written over a horizontal line.

William Killmer
CEO

§ 27-5-5. Wild animals for which a license or permit is required

(a) The following animals are considered to be inherently dangerous to human beings and are subject to the license or permit and insurance requirements provided for in subsection (f) of Code Section 27-5-4:

(1) Class Mammalia:

(A) Order Marsupialia: Genus *Macropus* (Kangaroos, wallabies, wallaroos)--All species;

(B) Order Primates:

(i) Family Pongidae (gibbons, orangutan, chimpanzees, siamangs, and gorillas)--All species;

(ii) Family Cercopithecidae:

(I) Genus *Macaca* (macaques)--All species;

(II) Genus *Papio* (mandrills, drills, and baboons)--All species;

(III) *Theropithecus gelada* (Gelada baboon);

(C) Order Carnivora:

(i) Family Canidae:

(I) Genus *Canis* (wolves, jackals, and dingos); all species; except that any person possessing hybrid crosses between wolves and domestic animals on July 1, 1994, shall have until July 1, 1995, to apply for a fee-exempt permit to possess these animals as pets; provided, however, that the said hybrid is sexually neutered; provided, further, that it shall be unlawful to transfer possession or ownership of said hybrid without prior written approval from the department. Liability insurance shall not be mandatory for wolf hybrids possessed under this fee-exempt permit;

(II) *Chrysocyon brachyurus* (maned wolf);

(III) *Cuon alpinus* (red dog);

(IV) *Lycaon pictus* (African hunting dog);

- (ii) Family Ursidae (bears)--All species;
- (iii) Family Mustelidae--*Gulo gulo* (wolverine);
- (iv) Family Hyaenidae (hyenas)--All species;
- (v) Family Felidae:
 - (I) Genus *Leo* or *Panthera* or *Neofelis* (lions, tigers, jaguars, and leopards)--All species;
 - (II) *Unica unica* (snow leopard);
 - (III) *Acinonyx jubatus* (cheetah);
 - (IV) *Felis concolor* (cougar)--All subspecies;
- (D) Order Proboscidea: Family Elephantidae (elephants)--All species;
- (E) Order Perissodactyla: Family Rhinocerotidae (rhinoceroses)--All species;
- (F) Order Artiodactyla:
 - (i) Family Suidae--*Phacochoerus aethiopicus* (wart hog);
 - (ii) Family Hippopotamidae--*Hippopotamus amphibius* (hippopotamus);
 - (iii) Family Bovidae:
 - (I) Genus *Taurotragus* (elands)--All species;
 - (II) *Boselaphus tragocamelus* (nilgais);
 - (III) *Bos sauveli* (kouprey);
 - (IV) *Syncerus caffer* (African buffalo);
 - (V) *Hippotragus niger* (sable);
 - (VI) *Oryx gazella* (gemsbok);
 - (VII) *Addax nasomaculatus* (addax);

(VIII) Genus *Alcelaphus* (hartebeests)--All species;

(IX) Genus *Connochaetes* (gnu, wildebeest)--All species;

(2) Class Reptilia:

(A) Order Crocodylia:

(i) Family Crocodylidae (crocodiles, gavials, etc.)--All species;

(ii) Family Alligatoridae--(alligators and caimans)--All species;

(B) Order Squamata:

(i) Suborder Serpentes:

(I) Family Elapidae (cobras, coral snakes, etc.)--All species;

(II) Family Viperidae (adders, vipers, etc.)--All species;

(III) Family Colubridae--All poisonous rear-fanged species (*Opisthoglypis*);

(IV) Family Crotalidae (pit vipers)--All species;

(ii) Suborder Lacertilia: Family Helodermatidae (*Gila* monsters and beaded lizards)--All species;

(3) Class Osteichthyes:

(A) Order Cypriniformes (Suborder Characoidei): Family Characidae (tetra, piranha): Genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Tadyyella*, *Rooseveltiella*, *Pygopristis* (piranhas)--All species;

(B) Order Siluriformes: Family Trichomycteridae (parasitic catfishes): Genera *Vandellia* (*candiru*) and *Urinophilus*--All species; and

(4) Class Chondrichthyes (cartilaginous fish): Order Rajiformes: Family Potamotrygonidae (fresh-water stingray)--All species.

Chapter 7.34 Zoo Facilities

Section 7.34.1 Requirements

Area and setback requirements:

- The minimum lot size shall be 10 acres.
- The minimum setback from any property line shall be 50 feet.
- The minimum setback from any state highway shall be 100 feet.
- The minimum setback from any residentially zoned property shall be 100 feet.
- A minimum 30 foot planted or natural buffer shall be included in all setbacks.
- All zoo facilities located in Agricultural Zoning Classification Districts must contain a minimum of 20% open space, not including green areas within animal enclosures.

All public paths, amenities and playgrounds must be ADA accessible.

Section 7.34.2 General Requirements

All structures for public occupancy must obtain a Certificate of Occupancy. All other structures must obtain a Certificate of Completion.

All Zoo Facilities must have a valid Occupational Tax Certificate, and is subject to annual inspections prior to issuance. Copies of all State and Federal licenses must be provided prior to issuance of Occupation Tax Certificate.

Adequate toilet facilities must be provided to serve both the public and employees. If not located on a public sanitary sewer line, approval must be provided by the Morgan County Health Department for an appropriately sized septic tank prior to construction of any structures.

All lighting shall be directed away and shielded from any adjacent roads or residential areas. Parking areas must be paved to Morgan County standards. Provisions must be provided for overflow parking.

Adequate trash receptacles must be provided. Areas for trash pickup must be located so that noise from large commercial vehicles will not startle animals.

All equipment, regardless of power source, must comply with all Federal, State and Local safety codes.

All signs must comply with the provisions of the Morgan County Zoning Ordinance.

Section 7.34.3 Safety and Security

An Emergency Plan must be submitted that provides for animal escapes, storms, medical emergencies, fires, and escape routes for both the public and employees. The plan must provide for county notification in the event of a dangerous animal escape. Drills must be conducted a minimum of 4 times per year and must be coordinated with county officials.

All Zoo Facilities must provide a program for the control and treatment of insects, parasites and pests. The facility must be surrounded by a perimeter fence a minimum of eight (8) feet high with a double strand of barbed wire.

Section 7.34.4 Accessory Uses Allowed

The following accessory uses may be allowed provided each use complies with all applicable regulations:

- Restaurant;
- Concessions/ Food vendors (no alcohol permit will be issued for concessions or food vendors under any circumstances);
- Retail shops;
- Fund raising events for the zoo and zoo sponsored programs, if the facility is a 501(c)3. Events hosted or provided by outside parties will require an Event Facility permit;
- Playgrounds, but not mechanized amusement rides such as trains or carousels, or amusements that could be considered dangerous, such as zip lines or rock climbing walls;
- Camps and other educational activities for children;
- Assembly areas, such as an education center or auditorium.

Section 7.34.5 Animal Enclosures and Care

All Zoo Facilities must provide copy of record book showing yearly log of all imports, purchases, transports, sales or transports of wild animals, as required by O.C.G.A. 27-5-4(j). Such records must be available upon request by county officials.

Animal enclosures must be designed to industry standards and constructed with quality materials to provide a comfortable environment for animals while providing highest possible safety for visitors and employees. All enclosures must be inspected by the applicable state agency, and a Morgan County building official must be present at all inspections.

Adequate space must be allowed between the public viewing area and the edge of animal enclosures to prevent contact with animals. If exhibits provide for contact with animals, such as feeding exhibits, all associated structures must comply with industry standards.

Section 7.34.6 Environmental Concerns

Recycling Plan: All Zoo Facilities shall submit a plan to provide the following recycling services. If such services are unfeasible, justification must be made to the Director of Planning and Development.

- All water features shall have filters and recirculated water;
- A composting plan;
- A plan for recycled trash, such as plastic, paper and glass.

The plan design must provide containment areas for sediment reduction. No waste water or runoff from animal enclosures shall be diverted to state waters.

A Disposal Plan must comply with all Federal, State and local requirements for removal and disposal of carcasses and bedding materials, and animal and food waste not included in the Recycling Plan.

Zoo Facilities located in commercial zoning areas must be connected to a municipal water and sewer system.