



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: The Callidora Tribe, Inc.
Applicant's Agent: James Balli, of Taylor, English, Duma, LLC
Zoning Ordinance: Article 7.43 Agritourism

Summary

The Callidora Tribe, Inc. is requesting a Text Amendment to add an agritourism ordinance to the Morgan County Zoning Ordinance. The language would create a new chapter in Article 7. The applicant submitted language for the June 4, 2020 Special Called Planning Commission meeting but withdrew the application when the unfavorable staff report was received. The resubmitted language maintains the original objectives while addressing several issues stated in the staff report, most of which are minor.

Current and Proposed Language

See attached for proposed *Chapter 7.43 Agritourism*. A copy of the originally proposed language showing changes is also included.

Staff Comments

The original staff report is attached for reference, as many of the original concerns are applicable to the resubmitted language. Please compare the comments in that staff report to the resubmitted language showing the mark-ups and changes in blue text.

Staff is still concerned about some of the definitions and the similarity to existing uses. For example, Private Special Events and Public Special Events are currently addressed in our Event Facility ordinance. The applicant specifically states that Special Events must follow the regulations for an Event Facility and require Conditional Use approval, but the applicant does not specify why the uses should be treated differently. Agri-entertainment is also for social gatherings, but seems to be pay-per-use activities (e.g. zip lines course only) or accessory uses (e.g. use of pool with hotel stay).

Agritourism Overnight Stay blends the definitions of Farmstay (working farm) with Short Term Rental (less than 7 nights) but specifically states that it is not a short term rental.

The definition of Farm or Ranch, working, still includes that any agricultural venue selling \$1000 or more in product each year is classified as a working farm (which coincides with the USDA definition of working

farm). The State qualifies a farm as producing qualified farm products, which does not include standing timber. Qualifications for the CUVA tax reduction program includes standing timber as a farm product. However, \$1000 could come from raising one calf or selling a few acres of trees. Do those activities justify to ability to have restaurants and hotels in an agricultural area?

The definition of Roadside Market still includes a reference to Roadside Stands, which was eliminated. The definition is still similar to definitions found in the Zoning Ordinance. The applicant does not explain why a separate definition is necessary.

Rural Character states that the extension of urban government services is (generally) not required. Hotels and motels are not allowed in agricultural areas for several reasons, including increased traffic, but also because the septic system for such uses is (generally) cost prohibitive. The same is true of restaurants.

The Rural Tourism definition is still proposed even though Rural Tourism has been struck through later in the text amendment. Rural Tourism is also still included under the Narrative Requirements (Section 7.43.7)

The applicant corrected the nomenclature related to Occupational Tax Certificates. Section 7.43.7 requires numerous documents to be submitted for an Occupational Tax Certificate. Those documents are required for project approval and not for an Occupational Tax application.

The Planning Commission and Board of Commissioners should consider the proposed uses and how they will be regulated. Section 7.43.11 states that specific regulations should be applied, however, without specific regulations for the uses listed, the uses cannot be included in this ordinance. A few of the uses (albeit with guest differences) are listed under both Small Scale and Large Scale facilities. Would specific regulations only apply to a use if the number of guests was different?

The BOC has expressed concerns related to commercial uses in agricultural areas. Therefore, another consideration is related to agritourism accessory uses and how they would be permitted. For example, research for farm wineries has revealed that wineries will frequently have accessory uses such as events, retail and cafes. It has been discussed that if such ancillary uses are labeled as accessory to the winery, they could not continue to operate if the winery ceased to exist. This would eliminate the BOC's concern that independent commercial uses would operate in agricultural areas by tying them to a principal use. The proposed language supports commercial uses in agricultural areas as principal uses unto themselves. The proposed language eliminates paved parking for agritourism activities, including commercial uses where paved parking and curbing is currently required. With a definition stipulating only \$1000 of agricultural profit, why would any potential restaurateur or hotelier locate in a commercially zoned area when they could save so much in land and paving costs?

It was noted in the previous staff report that an agritourism ordinance has been discussed in the past and has always been delayed due to the complexity of the scope of proposed uses and needed regulations. Those same complexities and conundrums are present with the proposed language. Staff absolutely supports the idea of many of the uses listed in the proposed language, but also supports specific regulations for those uses based on a principal use and accessory uses tied to the operation and success of the principal use. Staff also supports some of the smaller uses listed as permitted agritourism uses, several of which are already existing in the Morgan County Zoning Ordinance. However, caution should be exercised in considering an ordinance that could encourage commercial uses in agricultural areas in order to dodge commercial regulations. Attention should also be given to the fact that not all agricultural areas will be suitable for commercial uses and resulting traffic (recall the conflict regarding the event facility on Highway 441 North recently). There is a reason why the Zoning Ordinance separates uses by zoning district. Commercial uses are separated because they generate traffic and noise, among other issues. Careful attention should be given when considering the allowance commercial uses in areas where commercial consequences could be harmful to surrounding properties.

*Admitted in GA and AL

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June 4, 2020

**VIA EMAIL: tcooner@morgancountyga.gov
AND REGULAR MAIL**

Tara Cooner, Senior Planner
Morgan County Planning & Development
150 E. Washington Street, Suite 200
Madison, Georgia 30650

Re: Text Amendment Application of The Callidora Tribe, Inc.

Dear Ms. Cooner:

I appreciate you forwarding me a copy of the Staff Report on our original version of Chapter 7.43 proposed Text Amendment. I am enclosing a revised Chapter 7.43 which attempts to address most, if not all, of your helpful suggestions. I would greatly appreciate you reviewing the amended proposal and am happy to discuss with you at your convenience.

Additionally, I wanted to ensure that there was not a misunderstanding as to Mr. Rivera's prior actions on his property. Mr. Rivera does not have a commercial kitchen and is not preparing a commercial lodging facility. Also, the website and social media pages were simply to demonstrate the vision of what Mr. Rivera hopefully plans to accomplish on his property. Mr. Rivera is not conducting any commercial activity for paying guests and will comply with all of the Morgan County Code requirements before embarking on his goal of creating an agritourism attraction. Of course, that is the reason that Mr. Rivera is proposing the new Chapter 7.43. Thank you for your time and assistance in this matter.

Sincerely,

TAYLOR ENGLISH DUMA LLP



James A. Balli

cc: Raul Rivera, The Callidora Tribe, Inc. – via email only

CHAPTER 7.43 Agritourism

7.43.1 Purpose: The purpose of these standards is to allow Agritourism uses in Morgan County on property zoned Agricultural District (“AG”) and Agricultural Residential (“AR”) while maintaining the rural character and preserving farmland within Morgan County and protecting the health, safety and welfare of the citizens. Agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational, recreational and social benefits to tourists, producers and communities and gives farm or ranch owners/operators an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay. In addition, allowing Agritourism uses on parcels with working farms or ranches in Morgan County provide:

- a. Enhancement of the economic viability of the farm or ranch;
- b. Generates additional income and/or off season income for the farmer or rancher;
- c. Promotes interaction and education of local citizens and visitors about the importance of farming and ranching in Morgan County;
- d. Increases awareness of local agricultural products and livestock;
- e. Develops a new consumer market and increases the local tax base;
- f. Avoids acceleration of the subdivision and development of agricultural land; and
- g. Creates jobs for the local community.

7.43.2 Definitions. For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word may is permissive and the word shall is mandatory. Words and phrases not defined in this section, but defined in other sections of the ordinance, shall be given the meaning set forth in that section. All other words and phrases shall be given the meaning as defined in Article 3 of the Zoning Ordinance of Morgan County, Georgia or, if not defined, their ordinary and normal definition.

Agritourism is defined as the activities conducted on a working farm or ranch and offered to the paying public or to invited groups for the purpose of recreation, education and/or active involvement in the working farm or ranch operation. These activities link agricultural production and/or processing with tourism in order to attract visitors onto a working farm or ranch ~~, or other agricultural business~~ for the purposes of entertaining and/or educating the visitors and generating supplemental income for the farm or ranch owner. Agritourism activities are related to the farm or ranch business and may include a wide variety of activities such as, but not limited to, farm markets, roadside stands, U-pick operations, Christmas Tree farms, pumpkin patch, local products retail operations (farm/ranch produced crafts and food products), corn mazes, recreational zip lines, agriculturally related events/fairs/festivals, walking and bicycling tours and trails, horseback trail riding and tours, atv farm or ranch tours, community organization picnic sites, farm/ranch weddings, rodeos, Agri-entertainment, Agritourism Retail, Agritourism restaurants and Agritourism Overnight Stays.

Agri-entertainment. Agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue and related to Agritourism. This may include activities such as recreational zip lines, corn mazes, interactive water attractions, swimming pools or other related recreational uses.

Agritourism Restaurant. An eating establishment located on a working farm or ranch that serves meals which include containing agricultural products from the working farm or ranch to visitors or guests and is operated or controlled by the owner/operator of the working farm or ranch.

Agritourism Retail. Retail sales related to Agritourism uses on the working farm or ranch and conducted wholly on thea working farm or ranch from a stand-alone commercial structure.

Agritourism Overnight Stay. A residential dwelling structure containing individual guest rooms with no more than two guests per room and that (a) meet all applicable building, fire and health regulations; (b) is used for no more than seven (7) consecutive nights; (c) is located on a working farm or ranch; (d) is for the use of guests who are at the working farm or ranch for Agritourism and (e) is operated or controlled by the owner/operator of the working farm or ranch. This is not considered a short-term rental as defined by Chapter 7.29 of the Morgan County Code.

Christmas Tree Farm. A working farm or ranch that grows various types of trees used in celebrating Christmas where sales are made directly to the public and where there is an option for customers to buy pre-cut trees or cut their own trees.

Educational Demonstrations or Instruction. Demonstrations that teach the ability to create a product where raw materials are grown from a working farm or ranch or instruction in activity related to agritourism uses.

Facility/Use—Minimal. Agritourism facility or use that poses no impact on adjacent properties, farms or ranches.

Facility/Use—Small Scale. Agritourism facility or use that poses minimal or small impact to surrounding farms and/or residential properties.

Facility/Use—Large Scale. Agritourism facility or use that may pose an adverse impact to surrounding farms and/or residential properties through noise, light, traffic congestion.

Farmer's Market. A farmer's market (a.k.a. greenmarket) is a place where a group of farmers or ranchers sells farm or ranch products directly to consumers. Ultra fresh produce, pastured meat and eggs, artisan cheeses, hand harvested honey, and other fresh, small batch foodstuffs are the hallmark (and benchmark) of the best farmer's markets. They serve not just as a place for farmers to get the best price and consumers to get the best products, but as venues for producers and consumers of food to come together, forge relationships, and exchange information. Farmer's markets are subject to all state health regulations and any other requirements from the state regarding the sale of food and produce.

Farm or Ranch Tours. ~~Guided tours~~ where members of the public are shown working farm or ranch operations via walking, horse or atv tours, ~~or otherwise.~~

Farm or Ranch, working. Any operation that sells at least one thousand dollars of agricultural commodities or livestock or that would have sold that amount of produce or livestock under normal circumstances.

Petting Zoo. The keeping of livestock, fish or fowl on a working farm or ranch and allowing guests to pet, ride, feed, groom, milk, shear, observe or perform similar activities related to the agricultural use of said livestock, fish or fowl. This is not considered to be a Zoo Facility as defined by Chapter 7.34 of the Morgan County Zoning Code.

Roadside Markets. A structure where ~~five or less~~ farmers or ranchers on working farms or ranches get together ~~on a working farm or ranch~~ and sell produce or other farm/ranch products directly to the general public. Roadside markets are different than roadside stands in that roadside markets are a group of farmers or ranchers rather than just the owner of the property where the structure is located.

~~Roadside Stands. A structure built on a working farm or ranch where the owner sells fresh produce or other farm/ranch products directly to the general public. Roadside stands differ from farm markets in that farm markets may utilize products from another farm or ranch to sell at the roadside structure.~~

Rural Character refers to the patterns of land use and development established by a county in its comprehensive plan:

In which open space, the natural landscape, and vegetation predominate over the built environment;

That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

That provides visual landscapes that are traditionally found in rural areas and communities;

That is compatible with the use of the land by wildlife and for fish and wildlife habitat;

That reduces the inappropriate conversion of undeveloped land into sprawling residential or commercial development;

That generally do not require the extension of urban governmental services; and

That is consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Rural Tourism. Tourism enterprises that do not necessarily occur on a working farm or ranch or at an agricultural plant and rural tourism does not generate supplemental income for an agricultural enterprise but provides an additional income for the property owner.

Special Events, Private. A use or facility where events may have an impact to surrounding farms and residential property owners but has a definite number of attendees and does not pose an adverse impact to rural character. Private special events usually are of short duration (part of one day).

Special Events, Public. A use or facility where events may have attendance that could cause excessive traffic or overburden public safety personnel. Special events that are open to the public may pose an adverse impact to rural character and therefore must comply with all applicable Morgan County [Event Facility requirements, Codes](#). These types of uses or facilities while not used every day will be open for longer periods of time than private special events. Examples include concerts, conferences, meetings, etc.

Conditional Use Permit. A permit that allows a large scale use or facility to operate in unincorporated Morgan County. This permit is approved or rejected by the Board of Commissioners.

Morgan County Planning Commission. Appointed members that make certain decisions as prescribed in the Morgan County Zoning Ordinance.

Morgan County Board of Commissioners. The governing authority of Morgan County, Georgia.

U-Pick Operations. A working farm where the general public is invited to come and pick its own fresh fruits or vegetables.

Winery. The manufacturing premises and "tasting room" of a "Georgia farm winery" as those terms are defined by Georgia laws and regulations, including, but not limited to, O.C.G.A. §§ 3-1-2, 3-6-1, 3-6-21.1.

7.43.3 Procedures. Agritourism uses and facilities are separated into three categories. Those categories are: 1) minimum 2) small scale; 3) large scale. Minimum and small scale agritourism uses and facilities may be approved administratively by the County Planner and/or Zoning Administrator and County Engineer upon finding that the facility or use meets the following conditions and any other standards in this section and other sections as may be referenced in this section. Large scale agritourism uses and facilities are approved by the Morgan County Board of Commissioners. All agritourism uses or facilities shall be in compliance with all state regulations as required for a particular use. Tax certificates shall be applied for, when necessary, prior to submission of a business license.

7.43.4 ~~Occupational Tax Certificate~~ Business License. All agritourism operations are required to have a [valid occupational tax certificate](#) ~~business license~~. The application ~~for a business license must be~~ filled out and submitted to the [Planning and Development](#) ~~Building Inspection and Zoning~~ Department with the required fee, ~~as posted in the Planning and Development Department~~. [A Business license](#) applications will be reviewed by the Director of Planning and Development ~~or his/her designee and County Engineer (if necessary)~~ to determine whether the proposed use or facility is [a minimal](#), small or large scale activity.

7.43.5 Exemptions to ~~Occupational Tax Certificate~~ Business License Requirement. The requirement for a business license is for agritourism enterprises. Normal and usual farming

activities are not required to obtain a business license. These activities include but are not limited to:

- a. Selling produce grown on same farm (~~roadside stand, farmer's market, etc.~~);
- b. Cattle farming;
- c. Hay sold from farm where hay was grown; and
- d. Raising livestock associated with farming or ranching.

7.43.6 Conservation Use. Any property that wishes to start an agritourism business and has property in Conservation Use as defined by O.C.G.A. § 48-5-7.1 through 48-5-7.4 should check with their legal counsel and caution should be used to insure that the proposed agritourism use of the property does not constitute a breach of the conservation covenants applicable to the property.

7.43.7 Requirements for Agritourism Uses or Facilities.

1. Minimum lots sizes for parcels to be used for Agritourism are as follows:
 - a. Minimum Impact Agritourism Uses and Facilities must be located on a parcel having no less than five acres.
 - b. Small Scale Agritourism Uses and Facilities must be located on a parcel having no less than ten acres.
 - c. Large Scale Agritourism Uses and Facilities must be located on a parcel having no less than 25 acres.
2. Setbacks for Agritourism are as follows:
 - a. All structures used for non-residential Agritourism purposes shall be located at least 100' from an adjoining property line.
 - b. All parking [allowed on grass or gravel] shall be located at least 100' from an adjoining property line.
3. All ~~A~~ agritourism uses or facilities are required to submit the following with the application ~~for an occupational tax certificate of a business license:~~
4. Site Plan Requirements. All site plans are required to be drawn to scale. An aerial photograph with requirements drawn in may be used if that is the best way for applicant to show the requirements of the site plan. The following are required to be included on the site plan:

North Arrow;

Placement on property for all structures, including existing structures and residential dwellings;

Placement on parcel of all parking spaces to adequately serve the agritourism use or facility;

Placement and type of planting for any and all landscaping planned for the site;

Distance from property line to all structures and parking areas including handicapped accessible parking space or spaces;

Show the nearest county or state highway; and

Show setbacks from any proposed structures and the property line of the parcel where the proposed use or facility will be located.

5. Floor Plan. The floor plan should show all rooms in the facility, to scale. The floor plan shall include:

The [proposed use and](#) size of each room;

Location of handicapped accessible rest rooms;

Location of handicapped access to building;

Layout of all rooms in the facility; and

Location of any kitchen facilities in the structure.

6. Narrative Requirements. This required narrative should answer the following questions in detail:

What is the proposed use for the property?

How is the property zoned now?

What is the zoning of adjacent property owners?

What is the nearest county or state highway?

Explain in detail why you want to have this agritourism use or facility and how does it promote Agritourism in Morgan County?

How many acres of land do you propose to use in this agritourism use or facility?

How will this use of facility protect and preserve rural character of Morgan County?

Do you need an [occupational](#) tax certificate to engage in this business?

What steps do you plan to take to ensure that you do not adversely impact neighboring farms, ranches or residents?

If this narrative is being written for a Rural Tourism use please answer the following in addition to the questions listed in Narrative Requirements:

How is this use or facility going to promote farming and/or tourism?

What is the economic value to the community of this use or facility?

How does this use or facility fit in a rural setting?

7.43.8 Standards for Administrative Approval of Agritourism Uses or Facilities.

1. The facility or use is approved subject to maintaining a working farm or ranch.
2. The use is compatible with existing agricultural uses in the area and does not adversely impact neighboring agricultural operations or unduly disrupt the rural character of the area.
3. The use or facility does not require the extension of urban services (sewer and/or water service).

~~4. No motorized off road vehicles shall be used for recreational purposes, but may be used as a part of a Farm or Ranch tour and normal farming or ranching functions.~~

7.43.9 Minimum Impact Agritourism Uses or Facilities. These are uses or facilities that pose minimal impact to surrounding properties and farms. They may be administratively approved with the approval of the Director of Planning and Development that the proposed use of facility meets the intent of this ordinance and poses no threat to health, safety or general welfare of the general public. Agritourism uses that may be approved administratively under this definition include but are not limited to:

- U-Pick Operations;
- Agricultural On-Farm sales;
- Roadside Stands;
- Agricultural crafts/gifts sales from primary residence only;
- Fee Fishing/~~Hunting~~;
- Wildlife viewing and photography instruction;
- Horseback riding for a fee;
- Farm and Ranch Tours;
- Educational Demonstrations or Instruction and School Tours;
- Garden/Nursery Tours;
- Farm Technical Demonstrations and sales (canning, weaving, soap-making, etc.)
- Hunting/working dogs ~~trials~~/training.
- Personal Instruction
- Agritourism Retail
- [Zip Lines \(6 or less\)](#)

Other uses of facilities may be approved administratively by the Director of Planning and Development that meet the intent of this section and where it is determined that there will be minimal impact to surrounding properties, ranches and farms.

7.43.10 Small Scale Use or Facilities. Small Scale Use or Facilities are uses or facilities that do not adversely impact surrounding farm or ranch uses but may involve structures to facilitate agritourism. ~~These uses must be approved by the Board of Commissioners and may not be operated without a Conditional Use Permit. The application will be reviewed by the Morgan County Director of Planning and Development and the Morgan County Engineer based on the required site plan, floor plan of any proposed new or existing structures and a detailed narrative describing all activities planned for the parcel and any structures that will be built. The application for a business license may be approved administratively if the proposed use meets the following:~~

- ~~a. The proposed use or facility meets all setbacks and buffering requirements; and~~
- ~~b. The proposed use or facility is approved by the Director of Planning and Development and County Engineer as meeting all requirements as set forth in the zoning ordinance for that parcel and will not significantly increase traffic in the surrounding area.~~

~~Other proposed uses or facilities that are defined as small scale but are outside the scope (a) and (b) above or require a variance of any kind will be required to get approval from the Morgan County Planning Commission prior to issuance of a business license. Small scale uses are allowed as long as the parcel meets the criteria of a working farm or ranch. Permitted small scale facilities or uses include but are not limited to:~~

- Any Minimum Impact Agritourism Use or Facility
- Agritourism Overnight Stays (sixteen or less guests per night);
- Agritourism Restaurants (thirty or less seating capacity);
- Agri-entertainment;
- Farm and Ranch Tours;
- Farm or Ranch Retail Sales;
- Garden and Nursery Tours;
- Roadside Market.
- U-Pick operations
- Christmas Tree Farms
- Special Events, Private
- Petting Zoos
- Farmer's Market

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Zip Lines ([more than six](#))

Other similar facilities or uses may be considered for approval as determined by the zoning administrator.

7.43.11 Large Scale Facilities or Uses. These are facilities or uses that may impact the surrounding farms or property owners. These uses must be approved by the Board of Commissioners and may not be operated without a Conditional Use Permit [with appropriate stipulations to address the specific use or facility](#). Large scale facilities or uses may increase traffic, require health department approval for bathrooms, ADA requirements and food service or require public safety presence for traffic control. Large Scale facilities or [u](#)ses include but are not limited to:

Any Minimum Impact or Small Scale Agritourism Use or Facility

Agritourism Overnight Stays (seventeen or more guests per night);

Agritourism Restaurants (more than thirty seating capacity);

Winery Tastings or Tours;

Brewpubs

Historical Exhibits;

Farm Technical Tours;

Rodeos/Horseshows.

Corporate Events

Special Events, Public

Other similar facilities or uses may be considered as determined by the Board of Commissioners.

7.43.12 Rural Tourism. ~~Rural tourism is considered to be any of the agritourism facilities or uses, but is not secondary to an agricultural use. Rural Tourism is most often considered a special events venue, but may include other uses as well. Rural tourism uses may be approved by the Planning Commission or Board of Commissioners depending on the standards for the use. These uses are allowed on rural properties that no longer function as a working farm or ranch but may have tourism or income value. Rural Tourism Facilities and Uses shall comply with all of the following standards:~~

- ~~1. Must have a business license and be located on a minimum lot size of ten acres.~~
- ~~2. Must submit all requirements of agritourism facilities or uses (site plan, floor plan, narrative).~~
- ~~3. Any rural tourism use or facility that intends to stay open to the public (concerts, festivals, fairs, conferences, etc.) on a year round basis requires a Conditional Use Permit as outlined in the Morgan County Zoning Ordinance and must be approved by the Morgan County Board of Commissioners.~~

~~4. Any rural tourism venue that intends to be open for special occasions not open to the public such as family reunions, birthday parties, family reunions, etc. may be permitted as long as it meets the requirements of Chapter 7.32 of the Morgan County Code.~~

~~6. Rural tourism uses will be reviewed by the Director of Planning and Development and County Engineer to determine the impact of the rural tourism and direct the applicant to which path for approval the owner must follow.~~

~~7. Under no circumstances will a rural tourism use be approved where the applicant is leasing the property from an absentee owner.~~

~~Rural tourism uses or facilities may be determined to be small or large scale. Small scale uses or facilities may be approved by the Planning Commission. Large scale uses or facilities must be approved by the Board of Commissioners after a review and recommendation from the Director of Planning and Development.~~

7.43.13 Miscellaneous Provisions.

1. **Noise.** Noise levels generated from agritourism uses shall not exceed the decibel levels listed below at the boundaries of the property when adjacent to the following zoning districts existing at the time of establishment of the agritourism use. For any sound lasting continuously for one second or more, maximum limits are: 65 dbA for projects adjacent to a residential zoning district and 75 dbA for projects adjacent to all other zoning districts. These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale. The Excessive Noise Ordinance (Chapter 46, Article II of the Morgan County Code of Ordinances) will be strictly enforced between the hours of 11:00 p.m. and 7:00 a.m.

2. **Trash and Bathrooms.** An adequate number of permanent toilet facilities shall be provided and approved by the Morgan County Health Department. Portable toilets may be utilized to supplement permanent toilet facilities for large festival events. Non-sewered toilets that are treated with chemicals must conform to the provisions of the International Plumbing Code, and all applicable regulations that apply to the disposal of sewerage. Ample trash receptacles shall be provided and no trash shall be disposed of on site.

3. **Compliance with other laws.** Any activity allowed by this Section is not exempt from compliance with all health regulations, life-safety and other applicable State and Federal laws.

4. **Appeals.** Any appeal from a decision of the Director of Planning and Development under this Section may be appealed as set forth in Section 21.6 of the Morgan County Code.

7.43.14 Variances. Variances to this Section may be applied for as necessary to the Board of Commissioners.

CHAPTER 7.43 Agritourism

7.43.1 Purpose: The purpose of these standards is to allow Agritourism uses in Morgan County on property zoned Agricultural District (“AG”) and Agricultural Residential (“AR”) while maintaining the rural character and preserving farmland within Morgan County and protecting the health, safety and welfare of the citizens. Agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational, recreational and social benefits to tourists, producers and communities and gives farm or ranch owners/operators an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay. In addition, allowing Agritourism uses on parcels with working farms or ranches in Morgan County provide:

- a. Enhancement of the economic viability of the farm or ranch;
- b. Generates additional income and/or off season income for the farmer or rancher;
- c. Promotes interaction and education of local citizens and visitors about the importance of farming and ranching in Morgan County;
- d. Increases awareness of local agricultural products and livestock;
- e. Develops a new consumer market and increases the local tax base;
- f. Avoids acceleration of the subdivision and development of agricultural land; and
- g. Creates jobs for the local community.

7.43.2 Definitions. For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word may is permissive and the word shall is mandatory. Words and phrases not defined in this section, but defined in other sections of the ordinance, shall be given the meaning set forth in that section. All other words and phrases shall be given the meaning as defined in Article 3 of the Zoning Ordinance of Morgan County, Georgia or, if not defined, their ordinary and normal definition.

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Agri-entertainment. Agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue and related to Agritourism. This may include activities such as recreational zip lines, corn mazes, interactive water attractions, swimming pools or other related recreational uses.

Agritourism Restaurant. An eating establishment located on a working farm or ranch that serves meals which include agricultural products from the working farm or ranch to visitors or guests and is operated or controlled by the owner/operator of the working farm or ranch.

Agritourism Retail. Retail sales related to Agritourism uses on the working farm or ranch and conducted wholly on the working farm or ranch from a stand-alone commercial structure.

Agritourism Overnight Stay. A structure containing individual guest rooms with no more than two guests per room and that (a) meet all applicable building, fire and health regulations; (b) is used for no more than seven (7) consecutive nights; (c) is located on a working farm or ranch; (d) is for the use of guests who are at the working farm or ranch for Agritourism and (e) is operated or controlled by the owner/operator of the working farm or ranch. This is not considered a short-term rental as defined by Chapter 7.29 of the Morgan County Code.

Christmas Tree Farm. A working farm or ranch that grows various types of trees used in celebrating Christmas where sales are made directly to the public and where there is an option for customers to buy pre-cut trees or cut their own.

Educational Demonstrations or Instruction. Demonstrations that teach the ability to create a product where raw materials are grown from a working farm or ranch or instruction in activity related to agritourism uses.

Facility/Use--Minimal. Agritourism facility or use that poses no impact on adjacent properties, farms or ranches.

Facility/Use—Small Scale. Agritourism facility or use that poses minimal or small impact to surrounding farms and/or residential properties.

Facility/Use—Large Scale. Agritourism facility or use that may pose an adverse impact to surrounding farms and/or residential properties through noise, light, traffic congestion.

Farm or Ranch Tours. Guided tours where members of the public are shown working farm or ranch operations via walking, horse or atv tours.

Farm or Ranch, working. Any operation that sells at least one thousand dollars of agricultural commodities or livestock or that would have sold that amount of produce or livestock under normal circumstances. **Petting Zoo.** The keeping of livestock, fish or fowl on a working farm or ranch and allowing guests to pet, ride, feed, groom, milk, shear, observe or perform similar activities related to the agricultural use of said livestock, fish or fowl. This is not considered to be a Zoo Facility as defined by Chapter 7.34 of the Morgan County Zoning Code.

Roadside Markets. A structure where farmers or ranchers on working farms or ranches get together on a working farm or ranch and sell produce or other farm/ranch products directly to the general public. Roadside markets are different than roadside stands in that roadside markets are a group of farmers or ranchers rather than just the owner of the property where the structure is located.

Rural Character refers to the patterns of land use and development established by a county in its comprehensive plan:

In which open space, the natural landscape, and vegetation predominate over the built environment;

That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

That provides visual landscapes that are traditionally found in rural areas and communities;

That is compatible with the use of the land by wildlife and for fish and wildlife habitat;

That reduces the inappropriate conversion of undeveloped land into sprawling residential or commercial development;

That generally do not require the extension of urban governmental services; and

That is consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Rural Tourism. Tourism enterprises that do not necessarily occur on a working farm or ranch or at an agricultural plant and rural tourism does not generate supplemental income for an agricultural enterprise but provides an additional income for the property owner.

Special Events, Private. A use or facility where events may have an impact to surrounding farms and residential property owners but has a definite number of attendees and does not pose an adverse impact to rural character. Private special events usually are of short duration (part of one day).

Special Events, Public. A use or facility where events may have attendance that could cause excessive traffic or overburden public safety personnel. Special events that are open to the public may pose an adverse impact to rural character and therefore must comply with all applicable Morgan County Event Facility requirements.. These types of uses or facilities while not used every day will be open for longer periods of time than private special events. Examples include concerts, conferences, meetings, etc.

Conditional Use Permit. A permit that allows a large scale use or facility to operate in unincorporated Morgan County. This permit is approved or rejected by the Board of Commissioners.

Morgan County Planning Commission. Appointed members that make certain decisions as prescribed in the Morgan County Zoning Ordinance.

Morgan County Board of Commissioners. The governing authority of Morgan County, Georgia.

U-Pick Operations. A working farm where the general public is invited to come and pick its own fresh fruits or vegetables.

Winery. The manufacturing premises and "tasting room" of a "Georgia farm winery" as those terms are defined by Georgia laws and regulations, including, but not limited to, O.C.G.A. §§ 3-1-2, 3-6-1, 3-6-21.1.

7.43.3 Procedures. Agritourism uses and facilities are separated into three categories. Those categories are: 1) minimum 2) small scale; 3) large scale. Minimum and small scale agritourism uses and facilities may be approved administratively by the County Planner and/or Zoning Administrator and County Engineer upon finding that the facility or use meets the following conditions and any other standards in this section and other sections as may be referenced in this section. Large scale agritourism uses and facilities are approved by the Morgan County Board of Commissioners. All agritourism uses or facilities shall be in compliance with all state regulations as required for a particular use. Tax certificates shall be applied for, when necessary, prior to submission of a business license.

7.43.4 Occupational Tax Certificate All agritourism operations are required to have a valid occupational tax certificate. The application must be filled out and submitted to the Planning and Development Department with the required fee. Applications will be reviewed by the Director of Planning and Development or his/her designee to determine whether the proposed use or facility is a minimal, small or large scale activity.

7.43.5 Exemptions to Occupational Tax Certificate Requirement. The requirement for a business license is for agritourism enterprises. Normal and usual farming activities are not required to obtain a business license. These activities include but are not limited to:

- a. Selling produce grown on same farm ;
- b. Cattle farming;
- c. Hay sold from farm where hay was grown; and
- d. Raising livestock associated with farming or ranching.

7.43.6 Conservation Use. Any property that wishes to start an agritourism business and has property in Conservation Use as defined by O.C.G.A. § 48-5-7.1 through 48-5-7.4 should check with their legal counsel and caution should be used to insure that the proposed agritourism use of the property does not constitute a breach of the conservation covenants applicable to the property.

7.43.7 Requirements for Agritourism Uses or Facilities.

1. Minimum lots sizes for parcels to be used for Agritourism are as follows:
 - a. Minimum Impact Agritourism Uses and Facilities must be located on a parcel having no less than five acres.

- b. Small Scale Agritourism Uses and Facilities must be located on a parcel having no less than ten acres.
 - c. Large Scale Agritourism Uses and Facilities must be located on a parcel having no less than 25 acres.
 2. Setbacks for Agritourism are as follows:
 - a. All structures used for non-residential Agritourism purposes shall be located at least 100' from an adjoining property line.
 - b. All parking [allowed on grass or gravel] shall be located at least 100' from an adjoining property line.
 3. All Agritourism uses or facilities are required to submit the following with the application for an occupational tax certificate:
 4. Site Plan Requirements. All site plans are required to be drawn to scale. An aerial photograph with requirements drawn in may be used if that is the best way for applicant to show the requirements of the site plan. The following are required to be included on the site plan:
 - North Arrow;
 - Placement on property for all structures, including existing structures and residential dwellings;
 - Placement on parcel of all parking spaces to adequately serve the agritourism use or facility;
 - Placement and type of planting for any and all landscaping planned for the site;
 - Distance from property line to all structures and parking areas including handicapped accessible parking space or spaces;
 - Show the nearest county or state highway; and
 - Show setbacks from any proposed structures and the property line of the parcel where the proposed use or facility will be located.
 5. Floor Plan. The floor plan should show all rooms in the facility, to scale. The floor plan shall include:
 - The proposed use and size of each room;
 - Location of handicapped accessible rest rooms;
 - Location of handicapped access to building;
 - Layout of all rooms in the facility; and
 - Location of any kitchen facilities in the structure.

6. Narrative Requirements. This required narrative should answer the following questions in detail:

What is the proposed use for the property?

How is the property zoned now?

What is the zoning of adjacent property owners?

What is the nearest county or state highway?

Explain in detail why you want to have this agritourism use or facility and how does it promote Agritourism in Morgan County?

How many acres of land do you propose to use in this agritourism use or facility?

How will this use of facility protect and preserve rural character of Morgan County?

Do you need an occupational tax certificate to engage in this business?

What steps do you plan to take to ensure that you do not adversely impact neighboring farms, ranches or residents?

If this narrative is being written for a Rural Tourism use please answer the following in addition to the questions listed in Narrative Requirements:

How is this use or facility going to promote farming and/or tourism?

What is the economic value to the community of this use or facility?

How does this use or facility fit in a rural setting?

7.43.8 Standards for Administrative Approval of Agritourism Uses or Facilities.

1. The facility or use is approved subject to maintaining a working farm or ranch.
2. The use is compatible with existing agricultural uses in the area and does not adversely impact neighboring agricultural operations or unduly disrupt the rural character of the area.
3. The use or facility does not require the extension of urban services (sewer and/or water service).

7.43.9 Minimum Impact Agritourism Uses or Facilities. These are uses or facilities that pose minimal impact to surrounding properties and farms. They may be administratively approved with the approval of the Director of Planning and Development that the proposed use of facility meets the intent of this ordinance and poses no threat to health, safety or general welfare of the general public. Agritourism uses that may be approved administratively under this definition include but are not limited to:

U-Pick Operations;

Agricultural On-Farm sales;

Roadside Stands;
Agricultural crafts/gifts sales from primary residence only;
Fee Fishing;
Wildlife viewing and photography instruction;
Horseback riding for a fee;
Farm and Ranch Tours;
Educational Demonstrations or Instruction and School Tours;
Garden/Nursery Tours;
Farm Technical Demonstrations and sales (canning, weaving, soap-making, etc.)
Hunting/working dogs training.
Personal Instruction
Agritourism Retail
Zip Lines (6 or less)

Other uses of facilities may be approved administratively by the Director of Planning and Development that meet the intent of this section and where it is determined that there will be minimal impact to surrounding properties, ranches and farms.

7.43.10 Small Scale Use or Facilities. Small Scale Use or Facilities are uses or facilities that do not adversely impact surrounding farm or ranch uses but may involve structures to facilitate agritourism. These uses must be approved by the Board of Commissioners and may not be operated without a Conditional Use Permit. S scale facilities or uses include but are not limited to:

Any Minimum Impact Agritourism Use or Facility
Agritourism Overnight Stays (sixteen or less guests per night);
Agritourism Restaurants (thirty or less seating capacity);
Agri-entertainment;
Farm and Ranch Tours;
Farm or Ranch Retail Sales;
Garden and Nursery Tours;
Roadside Market.
U-Pick operations

Christmas Tree Farms

Special Events, Private

Petting Zoos

Farmer's Market

Zip Lines (more than six)

Other similar facilities or uses may be considered for approval as determined by the zoning administrator.

7.43.11 Large Scale Facilities or Uses. These are facilities or uses that may impact the surrounding farms or property owners. These uses must be approved by the Board of Commissioners and may not be operated without a Conditional Use Permit with appropriate stipulations to address the specific use or facility. Large scale facilities or uses may increase traffic, require health department approval for bathrooms, ADA requirements and food service or require public safety presence for traffic control. Large Scale facilities or uses include but are not limited to:

Any Minimum Impact or Small Scale Agritourism Use or Facility

Agritourism Overnight Stays (seventeen or more guests per night);

Agritourism Restaurants (more than thirty seating capacity);

Winery Tastings or Tours;

Brewpubs

Historical Exhibits;

Farm Technical Tours;

Rodeos/Horseshows.

Corporate Events

Special Events, Public

Other similar facilities or uses may be considered as determined by the Board of Commissioners.

7.43.13 Miscellaneous Provisions.

1. **Noise.** Noise levels generated from agritourism uses shall not exceed the decibel levels listed below at the boundaries of the property when adjacent to the following zoning districts existing at the time of establishment of the agritourism use. For any sound lasting continuously for one second or more, maximum limits are: 65 dbA for projects adjacent to a residential zoning district and 75 dbA for projects adjacent to all other zoning districts. These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with

a sound level meter using the (a-) weighting scale. The Excessive Noise Ordinance (Chapter 46, Article II of the Morgan County Code of Ordinances) will be strictly enforced between the hours of 11:00 p.m. and 7:00 a.m.

2. **Trash and Bathrooms.** An adequate number of permanent toilet facilities shall be provided and approved by the Morgan County Health Department. Portable toilets may be utilized to supplement permanent toilet facilities for large festival events. Non-sewered toilets that are treated with chemicals must conform to the provisions of the International Plumbing Code, and all applicable regulations that apply to the disposal of sewerage. Ample trash receptacles shall be provided and no trash shall be disposed of on site.

3. **Compliance with other laws.** Any activity allowed by this Section is not exempt from compliance with all health regulations, life-safety and other applicable State and Federal laws.

4. **Appeals.** Any appeal from a decision of the Director of Planning and Development under this Section may be appealed as set forth in Section 21.6 of the Morgan County Code.

7.43.14 Variances. Variances to this Section may be applied for as necessary to the Board of Commissioners.



STAFF REPORT MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: The Callidora Tribe, Inc.
Applicant's Agent: James Balli, of Taylor, English, Duma, LLC
Zoning Ordinance: Article 7.43 Agritourism

Summary

The Callidora Tribe, Inc. is requesting a Text Amendment to add *Chapter 7.43 Agritourism* to the Morgan County Zoning Ordinance. The owner of the Callidora Tribe, Raul Rivera, came to the Planning Office last year and spoke to Chuck Jarrell and Tara Cooner regarding a tourism venue that could include zip lines and an ATV course, as well as events. Planning Staff advised Mr. Rivera that he could apply for an event facility, but that neither zip lines nor ATVs were allowed under the event facility language.

Later in 2019, Staff became aware that a Facebook website for Callidora Ranch had been launched, which advertised horseback adventures, ATV adventures and events. The website directed viewers to "book your adventure."



Staff was also hearing increasing rumors that Callidora was remodeling a couple of the existing structures on the property into a commercial kitchen and lodging. A time lapse video of the lodging remodel was found on the internet. A new website was launched: callidoraranch.com which advertised the same adventures as the Facebook page.

Staff contacted Mr. Rivera, who admitted that he was in the process of creating an agritourism adventure venue. In a January 20, 2020 email, Mr. Rivera outlined what he wanted to do at Callidora Ranch. Staff responded the next day. Staff responses are in blue.

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On Jan 21, 2020, at 3:06 PM, Cooner, Tara <tcooner@morgancountyga.gov> wrote:

Good morning Raul,

See below for answers to your questions.

Regards,

Tara Cooner

Senior Planner

Morgan County Planning & Development

[150 E. Washington Street](#)

[Suite 200](#)

[Madison, Georgia 30650](#)

706-342-4373

Tara,

Thank you for talking to me the other day concerning my plans for Callidora. I have a few questions.

1. Can I get an occupational tax license on just the horseback riding? if so, can I submit an application right away? [Yes, we are OK with just horseback riding.](#)

2. Below are all the activities I want to provide:

- Guided and unguided horseback trail riding
- Guided 4 wheeler tours of the farm. No-free riding, and no dirt bikes.
- Events, including weddings, corporate gatherings
- Zip Line tours
- Overnight farm stays (lodging for our guests)
- Swimming pool for our guests
- On Farm store and restaurant

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3. Can you point out to me any approved applications that are somewhat analogous to my request? As discussed in our office conversation, we have had event facilities approved. I can see what applications I can find, as we have definitely had some that are better than others. The only approved zip lines are at the zoo and were part of a larger text amendment that will not relate to your project. We have only had one approved short term rental and it was under very specific conditions, so again, I don't think it will help you. You could possibly apply for a Farmstay, which requires educational opportunities and is limited to 5 guest rooms (depends of how many rooms you want). We have nothing related to 4 wheeler tours. Commercial swimming pools, retail and restaurants are considered commercial uses and will require new language to address them in agricultural areas. Per our previous conversation, I recommend that you come up with proposed language that will encompass the uses you list above. You could include events in the overall description, or you could apply for events as a separate use. Items that should be addressed in the proposed language include, but are not limited to: setbacks, hours of operation (related to noise), parking, trash, guided nature of tours, types of vehicles allowed, number of vehicles allowed on each tour, separation of horses and vehicles on trails, maximum number of guest rooms, types of lodging options allowed, safety precautions for the pool, restaurant open for guests or general public, retail open for guests or general public, and separation of retail/restaurant from guests areas if retail/restaurant will be open to public (if applicable). Keep in mind that commercial pools and restaurants must be approved by the Health Department. Regarding language examples, you can google the uses you want and find ordinances from other municipalities.

Remember that once language is added to the ordinance, it doesn't just apply to your property. So although you will want to write the language to suit you, keep in mind that if approved, it will create that opportunity for anyone who meets the qualifications.

See attached for Farmstay and Short Term Rental language.

4. How get I get an open records request for those applications? I went online but it was not very clear on how to make that request.

Don't worry about that. I'll see what I can find for events and farmstays. It may take me a couple of days, but I'll scan and email.

Sincerely,
Raul

Staff was contacted in February 2020 by a representative from Taylor, English, Duma LLP regarding text amendments for Mr. Rivera. They were proposing to make changes to the language for short term rentals and event facilities, among others. Staff explained the approach that had been suggested to Mr. Rivera, which was to propose an ordinance for the type of facility he wanted to create (as described in the email above). When the text amendment application was received, however, a full agritourism ordinance was proposed.

Current and Proposed Language

See attached for proposed *Chapter 7.43 Agritourism*.

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Staff Comments

Staff discussed the submittal with the representative attorney’s office and asked why a full agritourism ordinance was submitted instead of language that addressed what Mr. Rivera was seeking, noting that many of the uses included in the proposed language would not apply to his project. The representative agreed that many of the uses would not apply but explained that they had pulled agritourism ordinances from several jurisdictions and compiled language they felt would cover their client’s needs.

Staff has debated an agritourism ordinance numerous times over the last few years. Ordinances with very similar language to that submitted have been reviewed. After deliberation, proposals have been postponed because of the sense that many of the uses included in a general agritourism ordinance need stand-alone regulations, such as farm wineries and breweries. Staff offers the following comments for the proposed agritourism language:

Section 7.43.1 Purpose: The language is proposed for AG and AR zoning districts, although Staff feels that not all of the proposed uses are appropriate for AR areas. AR zoning districts tend to have smaller lots and a higher concentration of residences.

Section 7.43.2 Definitions: *Agritourism* identifies that the activities must occur on a working farm or ranch, but one sentence later states that they may occur on a farm, ranch or other agricultural business. “Other agricultural business” is a broad term and is not defined. Also stated is that the activity must be related to the farm or ranch business. A list of uses is provided, some of which do not relate to a farm or ranch business, such as zip lines. *Agri-entertainment* sounds very much like our event facility ordinance but again states that the activity must be related to agritourism and includes very non-agriculture activities such as zip lines and swimming pools. *Agritourism Restaurant* appears to be just a regular commercial restaurant in an agricultural setting. Although it specifies that meals will contain agricultural products (all meals do), it does not specify how much of the produce will come (or is required to come) from the working farm or ranch where the restaurant is located i.e. farm to table experience. *Agritourism Retail*, much like the restaurant definition, does not indicate whether the venue must sell a particular number (percentage) of products from the associated farm or ranch, or if they can just sell products from other producers. It is also similar to the existing definition of *Farm Store*: [A retail establishment that offers such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and foods and beverages \(but not to include second hand goods or alcohol\) \(Meats, dairy products, bakery products and \(home\) canned goods must meet the requirements of DCH and USDA\).](#) *Agritourism Overnight Stay* identifies the structure as residential, which means someone lives there, although no mention is given of a resident. If there is to be no resident, then it will be a commercial structure. There is no wording to tie the lodging to events or activities at the farm or ranch, so the proposed language appears to allow the Overnight Stay to function as an independent hotel or motel. *Christmas Tree Farm* limits sale of trees to customers who cut their own with no mention of pre-cut trees. *Small Scale and Large Scale Facilities* are defined, but there is no definition for Minimum Impact Facilities. *Farm or Ranch Tours* doesn’t specifically indicate whether the tours will be educational, or whether they will be guided by a person. The types of tours should be identified and not left open ended with the use of the word

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“otherwise.” We have a definition already for *Farmer’s Market*: An occasional or periodic market held in an open area or in a structure where two or more individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and foods and beverages (but not to include second hand goods or alcohol) dispensed from booths located on site. If the text amendment is approved, the decision will have to be made whether to keep the existing language or change it. The same is true of *Farm or Ranch, Working*. Morgan County’s Zoning Ordinance includes a definition for *Working Farm*: a farm whose agricultural lands and buildings are in active use for crop production and/or the raising of livestock that requires fulltime supervision or requires employees to be present during non-regular working hours and is the primary source of income for the property owner. In the current definition, the inclusion of the wording related to non-regular hours and primary source of income came from discussions about farm tenant dwellings versus rental housing. The proposed definition includes a specific amount of income required, which for a working farm is incredibly low, and would require the submission of a Schedule F Tax Form to determine if the farm or ranch is eligible. *Roadside Market* is very similar to the County’s current definition of *Farmer’s Market* in that multiple producers can sell products together. Limiting the number to five farmers would be impossible to enforce. The difference between their proposed definitions of *Farmer’s Market* and *Roadside Market* is the number of participants, as neither identifies that the market must be located on a farm participating in the sales. *Roadside Stand* is basically the same as the County’s current definition for *Produce Stand*: A detached accessory structure for the seasonal selling of agricultural produce produced on the premises. *Rural Character* is included because required narratives must describe how rural character will be protected. However, should stipulations be included (architectural standards, screening or berms, for example) to confirm that swimming pools and commercial lodging will be compatible with rural character? *Rural Tourism* allows for agritourism by non-working farms and ranches. This definition provides the ability to operate agritourism operations to anyone who owns land. *Events, Private or Public* should have substantially similar regulations as our Event Facility ordinance. Staff assumes that the wording “must comply with applicable Morgan County Codes” refers to the Event Facility ordinance. If this assumption is correct, why not apply for an Event Facility?

Section 7.43.3 Procedures and Section 7.43.4 Business License: Business license is a laymen’s term for an Occupational Tax Certificate and should not be used in an ordinance. Also, the County does not employ an Engineer.

Section 7.43.5 Exemptions to Business License Requirement: See comments above related to terminology. Uses listed in this section are agriculture and not agritourism.

Section 7.43.7 Requirements for Agritourism Uses or Facilities: Staff disagrees with the application of standard lot sizes for the uses presented. For example, fee fishing may occur on 5 acres, but fee hunting will need more acreage. Should a Roadside Market or Petting Zoo require 10 acres? The setbacks proposed contradict the setbacks required for an event. There is no definition for non-residential agritourism (or residential agritourism) (2(a)). Refer to comments above regarding business license terminology. Wording for Floor Plans (5) assume that the facility will consist of one building; requirements must be for each building. Not only the size of each room should be identified, but also the proposed use. There are three additional narrative questions for Rural Tourism facilities, including an explanation for how a non-agriculture property will promote agritourism.

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Section 7.43.8 Standards for Administrative Approval of Agritourism Uses or Facilities: The applicant has included standards for agritourism facilities which may be approved by Staff. There is currently no mechanism in the Morgan County Zoning Ordinance for an administrative approval for a zoning use (there is an administrative variance). For approval of uses, the Ordinance specifies that a use is either Permitted (allowed by right) or Conditional (requiring approval from the BOC). Many of the uses listed require municipal water and sewer (lodging, swimming pools, restaurants), so (3) will omit several suggested uses. Staff is perplexed by (4), which could be paraphrased to say “no motorized vehicles may be used for recreation but may be used for recreational tours” or ranching functions, which is a broad term.

Section 7.43.9 Minimum Impact Agritourism Uses or Facilities: The Zoning Ordinance currently does not allow retail from residences and Staff does not agree with it here. This wording will open the door for anyone to run a shop from their home with no regulations related to size, safety, or parking. Agritourism Retail, which is listed last in this Section, should be a stand-alone commercial structure. It is for these reasons that the existing similar use, Farm Store, is Permitted only in commercial districts and is Conditional in AG. It is prohibited in AR. There are already specific regulations related to Personal Instruction, which could also apply to Farm Technical Demonstrations (but not sales which would be retail). We have many dog trainers in the county, but if the trials are paying events, then the venue should meet Event Facility regulations.

Section 7.43.10 Small Scale Use or Facilities: The proposed wording states that these uses will not impact surrounding farms but notes there is the possibility of traffic issues. The first paragraph states that the application for a Small Scale Facility must be reviewed and administratively approved, while the third paragraph notes that Planning Commission approval may be needed. The same paragraph then states the uses listed are Permitted. This wording is in reference to the approval of the business license, not the use, which could easily be misconstrued. While the language caps number of lodging rooms and seating capacity, it does not limit the size of agri-entertainment, retail uses or markets. Uses such as zip lines are not limited to lodging guests or have other such stipulations, so it is plausible that zip lines will be a destination use completely unrelated to agritourism. Many of these uses will require municipal water and sewer. The County does not employ an Engineer and the Planning Commission cannot approve such uses.

Section 7.43.11 Large Scale Facilities or Uses: These uses are presented with no maximums, so they may be as large as wanted. Very few regulations are given (Section 7.43.13) for uses that could be extremely large and create excessive traffic, noise and light pollution in rural areas. The Planning Commission has discussed regulations for wineries and breweries, including whether lodging and events should be allowed as part of the use (such uses have been seen at facilities in north Georgia). All proposed uses should be considered as to whether specific regulations will be needed, but especially these large scale uses.

Section 7.43.12 Rural Tourism: Staff has interpreted their presentation of rural tourism as anyone who owns enough land can apply for agritourism. They admit that this most frequently presents as event venues, which is reiterated in their standards that mention the Event Facility ordinance (7.32). If this is the case, then rural tourism should be omitted, and applicants may seek Event Facility approval.

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Section 7.43.13 Miscellaneous Provisions: These are similar to a portion of the regulations for Event Facilities, but are not as extensive. Consideration should be given to the uses suggested and whether the provided provisions are adequate.

Additional thoughts from Staff:

Since the Overnight Stay and Restaurants have no stipulations related to farm or ranch guests, it is assumed that these amenities will be open to the general public. Swimming pool is mentioned in the text, but it is not identified as a part of the lodging or as a stand-alone commercial pool that is open to the public. If these amenities are not related to farm or ranch guests and are simply commercial entities in a rural setting, how are they promoting agritourism?

No safety guidelines are included, such as maximum number of individuals per horse or ATV tour, whether tours must be guided (“tours” may imply guided, but many nature tours are by signage), separation of horses and ATVs, separation of animals and general public (if hotel and restaurant are open to the general public), etc. Many of these concerns would be addressed in a Conditional Use hearing, but most of the uses suggested are Permitted.