



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent: N/A
Zoning Ordinance: Morgan County Zoning Ordinance Chapter 7.32 Event Facilities
Table 4.1 Permitted & Conditional Uses

Summary

Morgan County Planning Staff is requesting a text amendment to the language governing Event Facilities and to the use chart specifying the districts in which the use is allowed.

Staff has become increasingly concerned about the following trends observed related to event facilities in Morgan County:

1. Non-profit event facilities. The county has one operating non-profit event facility, located at Malcom's Crossroads (corner of Sandy Creek Road and Fairplay Road). The venue applied for event facility approval but was denied. The owner then formed a non-profit, according to the language in the ordinance that exempted non-profits from needing conditional use approval. This was determined to be a legal use, per the zoning ordinance language. However, it appears that the ability to use non-profit status to avoid conditional use approval and applicability of regulations is becoming common knowledge and the Planning office has received inquiries about the exemption. Aside from general inquiries about avoiding approval, questions have been asked about circumventing minimum acreage and setbacks.
2. Lodging. Staff has had several conversations with both existing event facility owners, and with others interested in starting a new event facility, about short term rentals. Existing and potential facility owners say that lodging is necessary to be competitive with venues like Nine Oaks in Walton County. Increasingly, Staff is hearing that holding events is not enough. While it is plausible that applicants could apply for multiple uses, the trend is that event venue owners want to emulate facilities located in areas without regulations.
3. Additional buildings. Event facility applicants provide information about the size and location of buildings when they request conditional use approval. Several of the approved facilities have grown and added more buildings, including structures that could potentially be used as lodging. There is nothing in the ordinance that prevents the growth of event facilities and Staff is pleased the businesses are successful. However, some of the structures have been constructed, or existing structures remodeled, without permits. The facility owners claim the additional structures are necessary to be competitive.

Staff proposes that language regarding a non-profit exemption be removed and that event facilities be limited to the C1 and C2 zoning districts, with conditional use approval. Staff proposes to remove event facilities as a conditional use from the AG and AR zoning districts.

Current and Proposed Language

See attached.

Staff Comments

Another concern that was not addressed above, but must be considered, is the increasing resentment towards event facilities from neighboring property owners. Applications in the past 3 years have been met with open aggression, whereas applications prior to that rarely attracted any attention.

Staff feels that event venues have a place in Morgan County, particularly in relation to agritourism. However, Staff also feels that the use is more appropriate as an accessory use in agricultural areas. Further to recent agritourism conversations about what constitutes a “farm” and whether agritourism should be limited to working farms or allowed anywhere, event facilities are increasingly being proposed by anyone with a pretty barn. These structures are not necessarily located on a working farm. The question that has arisen is, are we trying to promote agritourism, or just events in barns? Does the presence of a barn automatically make an event venue agritourism? These are questions that must be answered regarding the future of agritourism in general in Morgan County. Staff and Planning Commission members have been researching agritourism uses, such as farm wineries, that can incorporate events as an accessory use. Such event uses would then be contingent of the success of an agriculturally related business. Agritourism research and discussions have been temporarily postponed due to Covid-19, but Staff hopes to resume such activities soon.

The current event facility language is appropriate for event venues in commercial zoning, with no changes. Commercial zoning already requires larger setbacks from adjacent residential uses and provides regulation for parking, lighting, ADA concerns and other issues commonly associated with event facilities. Commercial zoning tends to be located on roads that can handle increased traffic and in areas next to other commercial uses. Staff recommends that the use remain conditional.

Chapter 7.32 Event Facilities

Section 7.32.1 Restrictions

Event Facilities shall not be used for motorized vehicle events, other than for display of vehicles.

Event Facilities shall not be used for any gambling or illicit use.

Event Facilities shall not be used as permanent worship facility.

Additional restrictions may be imposed by the Morgan County Planning Commission or the Morgan County Board of Commissioners. Not all sites within each zoning classification may be appropriate for an Event Facility, or for all events proposed. When considering a Conditional Use permit for an Event Facility, particular emphasis will be given to the size of the facility, the character of the property involved, and its proximity to other uses. Potential adverse impacts on adjacent or nearby residential areas will be considered.

Section 7.32.2 Locations for Exception

Church facilities.

Government owned facilities.

~~Non-profit organization facilities, owned by the organization.~~

Residential and family gatherings

Restaurants and Hotels with banquet rooms.

All exempt locations must provide adequate off street parking and conform to Section 7.32.5 of this ordinance and all Federal, State and Local codes and ordinances.

Section 7.32.3 Site Requirements

The minimum lot size for Event Facilities shall be five (5) acres.

All event facility structures, whether permanent or temporary (e.g. Buildings, grandstands or tents) shall have a minimum setback of 100 feet from all adjacent properties.

All event locations must be a minimum of 500 feet from the nearest residential structure, ~~not occupied by the event facility owner.~~

Section 7.32.4 General Requirements

All Event Facilities shall have an annual safety inspection and valid Occupational Tax Certificate.

A Certificates of Occupancy shall be issued for all permanent Event Facility structures.

All temporary buildings, enclosed tents (**with side curtains**) and grand stands shall have a safety inspection prior to the event.

Set-up for any event shall not begin more than 48 hours prior to an event and must be removed within 48 hours after the end of an event unless prior approval is given from the Director of Planning and Development.

No single event shall last longer than three (3) consecutive days unless pre-approved by the Director of Planning and Development.

No event shall begin before 7:00 a.m. and must end at **by** 11:00 p.m.

An adequate number of permanent toilet facilities shall be provided. 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 in the event area and parking area.

Permanent or temporary lighting shall be provided for any Event Facility holding events after dark or that allows individuals to remain on site after dark. All site lighting shall be down lighting and shall be directed away and shielded from adjacent properties. For more information for site lighting see Article 22 of the Morgan County Zoning Ordinance.

The Event Facility owner or manager must coordinate all parking. Parking spaces must be provided for the maximum number of people to be assembled at a rate of at least one parking space for every four persons. Provisions must be provided for overflow parking.

Adequate cell phone service must be available or a telephone must be provided at the facility for public use.

Section 7.32.5 Outdoor Noise Levels

Noise levels generated from event facilities 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 event facility.

For any sound lasting continuously for one second or more, maximum limits are: 60 dbA for projects adjacent to an agricultural or residential zoning district; 65 dbA for projects adjacent to a commercial zoning district; and 75 dbA for projects adjacent to an industrial zoning district.

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.

Section 7.32.6 Safety and Security

~~The Planning and Development Office and Morgan County Sheriff's Office must be notified of pending events a minimum of 14 days prior to the event, and must be provided with the date, length of time and expected number of people. Information will be shared with other emergency services. The manager or owner of the Event Facility may be contacted if the Planning and Development Office, Sheriff's Office or other EMS office has questions regarding the event.~~

Road closures must be coordinated with the Morgan County Sheriff's Office and approved by the Morgan County Board of Commissioners 45 days prior to the event.

Traffic lanes and other adequate access to event structures shall be designated and kept open for access and travel for ambulances, fire trucks, and other emergency vehicles.

Emergency medical staff must be provided if over 500 people are expected to attend.

The Event Facility owner or manager is solely responsible for assessing security needs and providing adequate staff.

Extinguishing devices must be provided, sufficient to meet all State and local standards and sufficient (knowledgeable) personnel must be present to operate such devices.

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

All vending areas and tents are subject to inspection by the Morgan County Building Inspectors.

Section 7.32.7 Food and Alcohol

The Event Facility owner or manager is solely responsible for ensuring that all food concessionaries are properly licensed.

Events selling alcoholic beverages shall have an Alcoholic Beverage Catering License issued by Morgan County and comply with Chapter 6, Alcoholic Beverage Ordinance of the Morgan County Code of Ordinances.

Section 7.32.8 Signs

Permanent business signs must comply with Article 27 of the Morgan County Zoning Ordinance.

Section 7.32.9 County Not Liable

The Event Facility must sign an agreement to save and keep Morgan County free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of any event.

Prior to the issuance of an Occupational Tax Certificate each year, an affidavit must be signed by the owner or manager of the Event Facility acknowledging responsibility for all security needs, and adherence to all Federal, State and local safety codes via self-inspections.