



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development  
Applicant's Agent:  
Zoning Ordinance: Morgan County Zoning Ordinance  
Article 7 Regulations for Specific Uses  
Chapter 7.32 Event Facilities

#### Summary

This text amendment was requested by the Morgan County Board of Commissioners in response to complaints regarding the Event Facilities ordinance language. In June of this year, two residents requested that the language in Section 7.32.2 allowing groups of 50 or less to operate without a conditional use permit be removed.

The Commissioners asked Staff to prepare a draft for presentation at the September BOC meeting to determine whether the changes addressed the complaints and if it was ready to forward to Planning Commission for review. Staff took the opportunity to modify and clarify some of the language and to add regulations related to noise. In October, the Commissioners requested additional changes to the acreage and setbacks.

#### Current and Proposed Language

This language has had several modifications related to Commissioner comments. The last version (Exhibit D), along with the accompanying memo to the BOC, is attached.

#### Staff Comments

The original language for event facilities only used zoning designation to regulate where an event could be held. The regulations focused on what events could be held. The exemptions focused on who could hold events without a permit. The exemption language was included for non-profits and small groups. Morgan County has close to 100 churches, all of which hold homecomings, vacation bible schools, holiday celebrations, revivals, etc. We have several non-profits (bonified 501(c)3 organizations) that hold various fund-raising events and regular presentations and exhibits. Smaller groups present an issue for enforcement. The general perception is that 50 people is a large group, but the reality is that many family patriarchs host that number every Sunday for family dinners. That number could entail a birthday party or a Super Bowl gathering. The number of cars associated with a 50 person gathering would

typically be about 20, but could be much lower. It would be impossible to police every house in Morgan County to determine if every group of 50 or less was, or was not, not a paying event.

When it was requested that the 50 or less language be removed, Staff had to consider how to address groups operating without a permit. It isn't plausible to require every gathering in the county to have a permit. Therefore, the most logical solution was to focus on locations already available for assemblies. These locations have been inspected for public use and have ADA accessibility, adequate restroom facilities and have met life safety requirements. The focus on exemptions moved from who to where. An exemption for residential gatherings had to remain, as well as an exemption for family gatherings at locations other than a residence, although Staff admits that these events can still be hard to police.

The BOC vacillated regarding minimum acreage and setbacks. At one point, the language was changed to a minimum of 25 acres with 500' setbacks. The unfeasibility of these numbers was realized, leading to the presented minimum of 10 acres and minimum 200' setbacks. How much land is required for 200' setbacks is presented below.

Setback	Lot Width	Lot Depth	Building Pad	Total Acres Required
200'	400'	400'	0' x 0'	3.67
200'	500'	500'	100' x 100'	5.74
200'	600'	600'	200' x 200'	8.26
200'	700'	700'	300' x 300'	11.25

The size of the roads on which event facilities could be located has also been debated. The question is whether event traffic should be kept off smaller roads. The presented language includes a stipulation that events may only be located on arterial, major collector or minor collector roads. A list of roads in Morgan County that fall under those categories is attached. The BOC also wanted a minimum lot width for properties to be considered for an event facility.

Language was included for appropriate sound levels. Enforcement of this language will require a Staff member to go to the property line of an event facility with a sound meter during an event. Additional minor word changes were included.

The language changes are shown in bold, underlined and italicized text. (The BOC printer does not show color). "Exhibit A" is the current Event Facilities language.

One Commissioner commented that these facilities were agri-tourism and that we needed to support agri-tourism businesses in the county. Staff questions whether the newly restrictive language can be construed as supportive to agri-tourism, or whether the language is intended to create a prohibitive atmosphere for event facilities. With the exception of the event facility application in June that angered two neighbors, the current language has been fairly successful. Staff suggests that the presented language be reviewed thoroughly to determine whether these changes are the appropriate response to the complaints received.

## **Chapter 7.32 Event Facilities**

### Section 7.32.1 Restrictions

Event Facilities shall not be used for motorized vehicle events, other than car shows. No Event Facility shall be used for racing events or timed sport competitions, other than those events regularly hosted at rodeos (such as barrel racing). Event Facilities shall not be used as permanent worship facilities or as athletic fields.

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 residential areas. Potential adverse impacts on adjacent or nearby residential areas will be considered.

### Section 7.32.2 Exceptions

Church events or events hosted by non-profit organizations held in exchange for a donation are not included.

Permanent facilities serving only 50 people or less may be excluded from these regulations, except use restrictions, provided adequate parking is provided and conforms to all Federal, State and Local ordinances.

### Section 7.32.3 Site Requirements

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

All structures, whether permanent or temporary (e.g. grandstands or tents) must meet the setbacks required by the zoning classification where the facility is located. When located adjacent to a residentially zoned district classification, the minimum setback shall be the required setback or twenty-five (25) feet, whichever is great.

Certificates of Occupancy must be issued for all permanent structures. All other structures erected as part of an event must be removed within 48 hours after the end of an event. Set-up for any event shall not begin more than 48 hours prior to an event without approval from the Director of Planning and Development. Set-up and tear-down activities must occur between the hours of 7am and 9pm.

### Section 7.32.4 General Requirements

All Event Facilities must have a valid Occupational Tax Certificate.

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

Adequate toilet facilities must be provided. Toilet facilities may include flush-type toilet facilities or non-sewered toilet facilities. 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 cans must be provided.

All lighting shall be directed away and shielded from adjacent residential areas. Any event that takes place after dark or plans to allow persons who attend the event to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. 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 must be available or a telephone must be provided at the facility for public use.

The Excessive Noise Ordinance (Chapter 46, Article II of the Morgan County Code of Ordinances) will be enforced.

#### Section 7.32.5 Safety and Security

The 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 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 left 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 accessing 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 7.32.6 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 must comply with Chapter 6 of the Morgan County Code of Ordinances.

#### Sections 7.32.7 Signs

Permanent business signs must comply with this Ordinance. Temporary signs must comply with the following regulations for the purpose of advertising a pending event:

- Two signs of not more than four square feet each may be displayed on the property where the event facility is located (no sign permit required);
- Two signs of not more than two square feet each for the purpose of giving direction to the location of the event (no sign permit required);
- Banner signs may be displayed up to 14 days prior to an event with a sign permit;
- Placement of temporary signs: The signs advertising the event as authorized by this Chapter shall:
  - Not be erected on public property or on public facilities;
  - Have permission to erect such signs from the owners of the property upon which such signs are to be placed;
- Erection of temporary signs: No sign or other form of advertisement shall be exhibited for more than three days prior to the date of an event, unless a sign permit is obtained or is approved by the Director of Planning and Development;
- Removal of temporary signs: Signs advertising or giving directions to an event must be removed within 24 hours of the end of the event.

Section 7.32.8 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.

**Chapter 7.32 EVENT FACILITIES**

Section 7.32.1 Restrictions

No Event Facility shall be used for motorized vehicle events, other than for display of vehicles.

No Event Facility shall be used for motorized racing events or timed competitions.

No Event Facility shall be used for any gambling or illicit use.

No Event Facility shall 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 Exceptions

Events at Church locations.

Events at government owned facilities.

Non-profit organization events at a facility owned by the organization.

Family gatherings, not for profit.

Restaurants and Hotels with banquet rooms.

Residential gatherings of less than 50 people, not for profit.

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

Section 7.32.3 Site Requirements

The minimum lot size for Event Facilities shall be ten (10) acres.

The site must have frontage of at least 200 feet on an arterial, major collector or minor collector street, from which all access to the property shall be derived.

All event facility structures, whether permanent or temporary (e.g. Buildings, grandstands or tents) shall have a minimum setback of 200 feet from all adjacent properties.

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 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 that 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 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 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.



## MORGAN COUNTY PLANNING AND DEVELOPMENT

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### Memorandum

Date: October 13, 2017  
To: Morgan County Board of Commissioners  
From: Chuck Jarrell, Director

Re: Proposed changes to 7.32 Event Facilities

The Planning and Development Office received comments from Commissioner Riden, von Hanstein and Ainslie.

A synopsis of the changes in Exhibit "D" are

- 1) A minimum lot size of ten (10) acres.
- 2) A 200 foot setback from all property lines.
- 3) Event facilities would only be allowed as a Conditional Use in the Agricultural (AG), Agricultural Residential (AR), Neighborhood Commercial (C1), General Commercial (C2) and Recreation Conservation (RC) districts.
- 4) Event facilities would be allowed only on Arterial, Major and Minor Collector roads in the County.

I have attached a revised copy (Exhibit "D") for your review and comment.

This will be the language that will be sent to the Planning Commission at their November meeting for a recommendation to the Board of Commissioners.

**Existing Event Facilities Acreage and Distances to Property Lines**

Note: All event facilities, with the exception of Oak Leaf and Beautiful Beginnings, offer multiple locations on their properties for events.

Distances given are from structures identified as pavilions or from areas known for event use. These numbers may vary per event.

Facility Name	Facility location	Acres	Distances from property lines:			
			Front	Right	Left	Rear
Cottages at Mergendollar	Mergendollar Road	18.8	655'	429'	361'	203'
Seranata Farm	Clack Road	50.8	236'	620'	783'	1310'
Sunflower Farm	Durden Road	9	240'	155'	550'	740'
Burnt Pine Plantation	Blackwell Road	10	821'	246'	69'	58'
Beautiful Beginnings	Reese Road	20	850'	123'	277'	790'
Barn at Oak Leaf	Sandy Creek Road	5.25	429'	199'	162'	68'
Farmhouse Inn at 100 acre Farm	Greensboro Road	9	374'	444'	373'	609'
Idlewild	Reids Ferry Road	26.4	332'	530'	44'	892'

## **Road Classifications**

### Major Arterial

Highway 441  
Lions Club Road

### Minor Arterial

Highway 278

### Major Collector

Highway 83  
Price Mill Road  
Apalachee Road  
Fairplay Road  
Sandy Creek Road  
Prospect Road  
Newborn Road  
Dixie Highway  
Clack Road  
Seven Islands Road  
Broughton Road

### Minor Collector

High Shoals Road  
Lower Apalachee Road  
Apalachee River Road  
Parks Mill Road  
Blue Springs Road  
Reids Ferry Road  
Bethany Road  
Bethany Church Road  
Pierce Dairy Road  
Godfrey Road  
Little River Road  
Farrar Road  
Brownwood Road  
Thankful Road  
Spears Road  
Davis Academy Road  
Baldwin Dairy Road