



# 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 3 Definitions  
Article 4 Zoning Districts and Maps  
Article 7 Regulations for Specific Uses

#### Summary

The applicant for the first item on the February agenda had requested a text amendment to allow for creative art classes at her home. The Zoning Ordinance currently allows one-on-one tutorial (piano lessons, etc.) as a home occupation. The only language in the ordinance that addresses group classes is for commercial zoning districts only. Staff has been aware that others in the county are offering, or hope to offer, art related classes in residential settings. There have been two art "camps" for children operating in the county; both offer summer camps and one currently offers an after-school art academy. Therapy has been offered at several of our equestrian facilities. To address all the different offerings in the county, Staff decided to present the text amendment as a Staff-generated proposal.

The proposed language is a starting point and Staff realizes that modifications will be necessary. Staff is continually amazed by the proposals made by citizens for home occupations, and home classes will not be different. The proposed language limits the scope of classes to arts, crafts and health related topics, as they are the most frequently asked about subjects. These categories allow for a broad collection of educational topics while restricting others that may be totally inappropriate for residential settings (i.e. home shooting range). "Art" is a relative term, and Staff realizes there is the possibility that neighbors will not be pleased with classes nearby. However, Staff has received no complaints on the currently operating residential classes or art camps and does not want to apply additional restrictions, such as larger setbacks and screening requirements, unless necessary. Most of the home-based class groups are small and unobtrusive. The art camps are available to children during summer, weeks off from school, and after school, and provide parents with opportunities outside of traditional childcare. For these reasons, Staff is proposing the uses as Permitted in the zoning districts presented.

**Article 7 Chapter 7.39 Personal Instruction**

The following regulations apply to instructional or educational opportunities offered in a residential, agricultural or commercial setting, and that are not connected to a formally recognized school or academic institution. An Occupational Tax Certificate is required to offer personal instruction. Any class that professes to provide professional health services, such as therapy, must provide proof of licensing or certification. A life safety inspection will be required prior to the issuance of an Occupational Tax Certificate. The Morgan County Noise Ordinance will be enforced.

Personal Instruction, classroom setting

In residential or agricultural zoning districts, maximum number of participants at one time is limited to 12 people. Classes are limited to the following categories: arts, crafts, health, wellness, nutrition. Adequate off-street parking must be available. No outdoor classes within 50 ft. of a property line. Food preparation classes in a residential setting shall be limited to demonstrations only.

In commercial zoning districts, adequate parking must be available in the commercial lot and cannot reduce the number of parking places required for the primary business use if classes are held during regular business hours. Number of participants cannot exceed occupancy load. Food preparation classes must be held in an area separate from kitchens used to prepare food for the public (i.e. restaurant kitchens). All food preparation classes must be approved by the Environmental Health Department. It will be the business owner’s responsibility to confirm that instructors are properly licensed or experienced in the subject being taught. No classes may be held outdoors unless the business has a specific area for classroom activities. Outdoor classes shall not be held in the parking lot. No outdoor classes within 50 ft. of a property line abutting a residential use. Classes must be related to the principal business use.

Personal Instruction, workshops

Maximum number of participants at one time is limited to 25 people. Classes are limited to the following categories: arts, crafts, health, wellness, nutrition. Adequate off-street parking must be available. Drop-off and pick-up areas must not block traffic on a public road. Number of participants in indoor workshops are limited to the occupancy load of the structure. No outdoor classes within 50 ft. of a property line. Food preparation classes shall be limited to demonstrations only, unless approved by the Environmental Health Department.

### Article 3 Definitions

~~Personal Instruction (classroom setting): A commercial business where educational instruction is given in a space equipped with specific apparatus for such instruction. Personal instruction in a classroom setting may be an ancillary use, but may not be located in a residence.~~

Personal Instruction: An educational seminar or series of meetings emphasizing interaction and exchange of information among a usually small number of participants, which typically focuses on techniques and practical experience. Personal Instruction topics are limited to arts, crafts, health, wellness and nutrition.

### Article 4 Zoning Districts and Maps

See next page.

#### Staff Comments

Staff is aware that such classes are already being taught in Morgan County in residential, agricultural and commercial zoning districts. The proposed language will provide a framework for them to operate without being temporarily shut down to go through conditional use proceedings. Staff does not feel conditional use approval is necessary based on the lack of issues with the currently offered classes. The exception is for workshops, where Staff feels a larger property is needed to handle larger groups. An option for a conditional use application for smaller acreage is proposed. (Currently operating workshops are on properties 5 acres or larger.) Depending on future inquiries regarding educational opportunities, especially in areas with smaller acreage, changes may be necessary to the language at a later date to incorporate additional categories or to place additional regulations.

Article 4 Zoning Districts and Maps

USE DESCRIPTION	AG	AR	R1	R2	R3	C1	C2	C3	MXD1	TCO	MXD3	I1	I2	I3	LR1	LR2	LR3	LTCO	RC	See Sec.
Personal Instruction—classroom setting (n)	G	G				P	P	P												
Personal Instruction	P	P	P	P	P										P	P	P			7.39
Personal Instruction – Workshops (d)	P	P																		7.39

(d) Minimum five (5) acres required for Permitted Use, use is Conditional is under 5 acres.

(n) ~~Minimum 20 square feet per person in training area per person, maximum 50 people. Egress requirements will apply.~~