



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development  
Applicant's Agent:  
Zoning Ordinance: Article 4 Districts & Maps  
Article 7 Regulations for Specific Uses

#### Summary

This text amendment application is being submitted by Staff in conjunction with a text amendment application for Accessory Dwellings to curtail issues that are being observed in the Planning and Development office. First, there has been an increase in the number of applications for accessory structures, including accessory dwellings, prior to the construction of a principal dwelling. Second, Planning has been receiving hand drawn plans (not to scale, or even accurate) for accessory buildings, including very large structures.

Staff understands that agricultural structures may need to be constructed prior to a principal dwelling; sometimes there is no dwelling intended for the property at all. However, applications are increasing for accessory buildings with accessory dwellings, or accessory buildings on smaller lots, with no intention to construct a primary dwelling in the foreseeable future. Many of the counties around us require a principal dwelling be constructed first, even before agricultural structures are built. Staff is suggesting that accessory structures be allowed in AG, and in AR with 5 acres or more, prior to the construction of a principal dwelling.

Planning has also seen an increase in very large barn structures. Five permits were issued in 2018 for barns over 5,000 square feet, including two barns over 16,000 square feet. These very large barns are typically steel framed and the steel companies have engineered plans for the structures. Therefore, Professional stamped plans, the suggested requirement, for accessory buildings over 5,001 square feet are easy to obtain, although not always cheap. The complaint we have heard is that the complete set of plans are too expensive to turn in with the building permit. Staff believes that if someone can afford to build a 16,000 square foot barn, then they can also afford the plans. Staff is amenable to accepting hand drawn plans for accessory structures under 2,500 square feet, which constitutes the majority of the accessory applications. However, Staff suggests that accessory buildings between 2,501 and 5,000 square feet should be professionally drawn (but not stamped) to ensure accurate scale and dimensions.

## Current and Proposed Language

---

See attached for proposed language changes to Chapter 7.1.

No changes are proposed to Article 4, Districts and Maps, except a note on the use chart requiring AR to have 5 acres or more to construct accessory buildings prior to the construction of the primary dwelling.

## Staff Comments

---

See Staff Report for the text amendment for Accessory Dwellings for more information.

## Chapter 7.1 Accessory Buildings

All accessory buildings must meet the following requirements:

- Where an accessory building is attached to the principle building, a substantial part of one wall of the accessory building shall be an integral part of the principal building or such accessory building shall be attached to the principal building in a substantial manner by a roof, and therefore meet requirements applicable to the principle use.
- A detached accessory building shall not be closer than twenty (20) feet to the principal building or use.
- A detached accessory building shall adhere to the setback requirements for the district in which it is built.
- A detached accessory building shall not be more than two (2) stories high.
- Manufactured homes, mobile homes or storage trailers may not be used as accessory buildings in a zoning district.
- Accessory buildings must be constructed ~~in conjunction with or after a building permit for the principal building is~~ **constructed** lawfully approved, except within **the AG and AR Zoning Districts, or the AR Zoning District with 5 acres or more.**
- Living quarters located within accessory buildings must meet the definition of an accessory dwelling found in Article 3 of the Morgan County Zoning Ordinance and shall not exceed 800 square feet. **Living quarters in accessory dwellings must be constructed after the principal building has received a Certificate of Occupancy.**
- **Plans required for accessory buildings may be hand drawn to scale if under 2500 square feet. Accessory buildings between 2501 square feet and 5000 square feet must be professionally drawn. Accessory buildings over 5001 square feet must be professionally drawn and stamped by an architect or engineer.**