



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent: N/A
Zoning Ordinance: Article 7 Regulations for Specific Uses

Summary

The language for Accessory Buildings was changed in April of this year, as well as the language for Accessory Dwellings. One of the issues addressed in both ordinances was requests to use accessory buildings as accessory dwellings. Since that language change, Planning & Development has had an increase in requests to use accessory buildings as primary dwellings. When told that that an accessory dwelling cannot be constructed first, the potential applicants are asking to increase the square footage to make the dwelling the primary residence. For example, we just had a request for a 1,000 square foot home in a 3,000 square foot metal building (leaving 2,000 square feet of storage space). The current language does not permit the primary dwelling to be in an accessory building.

Planning has also seen an increase in people wanting to use alternative structures as storage buildings or for other uses, including offices and she-sheds. The most frequently asked about type of structure is a shipping container. Planning has allowed shipping containers to be used on two properties in the county and have received numerous negative comments on the one that is visible from the road. Requests have been received to use old buses or recreational vehicles for storage and more recently, to use an old construction trailer as a she-shed.

Current and Proposed Language

See attached for proposed language changes to Chapter 7.1.

Staff Comments

Regarding dwellings, the proposed text closes loopholes that Staff knew were inevitable when the text was changed earlier this year. Regarding the use of alternative structures for accessory buildings, the proposed text is an effort to control unsightly and sometimes unsafe structures.

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, **construction trailers, recreational vehicles, buses, shipping containers, portable storage containers**, or storage trailers may not be used as accessory buildings in a zoning district.
- Accessory buildings shall be constructed After-the principal building is constructed except for structures used for agricultural purposes within the AG and AR Zoning Districts with 5 acres or more.
- **Living quarters within an accessory building that meet or exceed the minimum heated square footage per the zoning district shall be considered the primary dwelling.** Living quarters located within accessory buildings, **constructed after the primary dwelling**, 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 buildings shall be constructed after the principal dwelling has received a Certificate of Occupancy.~~ **No living quarters shall be constructed in an accessory building before the primary dwelling 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 drawn to scale with a CAD program or by a drafting professional. Accessory buildings over 5001 square feet must be professionally drawn and stamped by an architect or engineer.