



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 7.36 Wellness Retreats

Summary

Morgan County Planning and Development is requesting a text amendment to remove Chapter 7.36 Wellness Retreats from the Morgan County Zoning ordinance. Wellness Retreat was added to the Zoning Ordinance in 2014 as part of an overhaul of personal care related uses. The use was originally conceived when Staff received several calls expressing interest in establishing weight loss retreats. Encouragement was provided by Bobby Robinson, who operated a home yoga studio and had been asked about hosting yoga retreats. Staff's intent in writing the language was that such retreats would be created and operated by professionals with experience in health-related fields. Mr. Robinson was approved for Morgan County's only Wellness Retreat in December 2014 at Seranata Farm on Clack Road. Despite the approval, Mr. Robinson never opened the Wellness Retreat and the approval expired. It should be noted that part of the reason Mr. Robinson was approved was that he already operated a successful Event Facility at Seranata Farm and the county had received no complaints. No other interest was encountered for Wellness Retreats until early 2021.

In the last 6 months, Staff has had 4 serious inquiries related to Wellness Retreats. Three have been proposed as "ministries" where people can come stay and relax. No mention is made about workshops, instruction or counseling. These proposals are simply a way around the short-term rental ordinance. The fourth inquiry was related to a treatment facility which would have required a minimum 6 month advertising process, per state law. That proposal was an attempt to avoid meeting the lengthy approval process. Unfortunately, people have discovered that the definition of Wellness Retreat can be broadly construed and abused. Staff discussed modifying the language and keeping the use in the Ordinance, but any modification could still be used as a loophole for lodging. Staff proposes that the use be removed entirely from the Ordinance and anyone who wants to operate a health-related retreat can seek a text amendment in the future to add language specific to their use.

Chapter 7.36 Wellness Retreats

Housing for participants may be in a single building, lodges or sleeping cabins, but kitchen and dining facilities shall be located in a single centrally located building. Lodges or sleeping cabins must be located on a minimum of 5 acres and may number no more than 8, with a minimum size of 400 square feet per unit. Any lodges or sleeping cabins must be constructed in a way that allows for removal of the structures if the facility ceases operations.

No more than two persons of the same sex or related by blood or marriage may share a single bedroom.

All kitchen and meal preparation areas must meet the minimum standards of the Morgan County Health Department.

Any program designed for those with health challenges must be approved by a physician.

Instructors, technicians and counselors must be licensed or certified in their field of expertise prior to offering classes or services. Copies of all such licenses and certifications must be on file at the facility and available for review.

All Wellness Retreats must obtain an Occupational Tax Certificate.

Building(s) shall be set back from the road right-of-way and from all property lines as required by the zoning district within which the facility is located except: where adjacent to properties zoned AR, R1, R2, R3 or R4, the minimum setback shall be fifty (50) feet. A twenty foot natural or planted buffer must be included in the setbacks between the facility and adjacent residential property.

All structures used for a Wellness Retreat must pass an annual Health and Safety Inspection and must meet all Federal, State and local building codes.

Staff Comments

If approved, this text amendment should also include the removal of the definition of Wellness Retreat from Article 3 of the Morgan County Zoning Ordinance.