



# 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 7.44 Agricultural Event Facilities

#### Summary

The Planning Commission heard two applications for rodeo-related event facilities in September 2021. After listening to the applicants and debating the merits of each application, the Planning Commission determined that there are enough differences between equestrian events and other events to justify a separate ordinance specifically for equestrian events. The applicants were instructed to provide comments to Staff by November 1. Only one applicant, Robert Wayne Hill, provided comments for the proposed language (see attached). Part of Mr. Hill's comments requested that the event language cover agricultural events. After review, Staff decided to change the language from equine events to agricultural events so as not to exclude other animals frequently seen at agricultural arenas. However, the intent of the language is to limit the use to those events that are primarily agriculturally related and not include events such as weddings and conferences. The proposed language borrows heavily from the existing event facility language, as both uses involve the same concerns and issues. However, the new language addresses the aspects that differentiate agricultural events from others, such as the inclusion of living quarters trailers.

#### Proposed Language

### Chapter 7.44 Agricultural Event Facilities

#### Section 7.44.1 Restrictions

Agricultural Event Facilities are any structures or land that are used for public or private agriculturally-related events, including competitions, exhibitions or displays of equestrian skills. An Agricultural Event Facility is composed of all arenas, paddocks, corrals, barns, show rings, box stalls, manure storage, parking and access roads used by participants or attendees. Agricultural Event Facilities are not auction houses, nor can they host weddings, receptions, concerts or other non-agriculturally related activities.

The Morgan County Planning Commission or the Morgan County Board of Commissioners may impose restrictions in addition to those contained in these regulations. Not all sites within each zoning classification may be appropriate for Agricultural Events. 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 7.44.3 Site Requirements

The minimum lot size for Agricultural Event Facilities shall be twenty (20) acres.

All agricultural event facility structures, whether permanent or temporary (e.g. Buildings, grandstands or tents), including outdoor arenas, paddocks, corrals and show rings, shall have a minimum setback of 100 feet from all adjacent properties.

Parking areas for passenger vehicles and animal trailers must be 50 feet from all property lines. Parking for living quarters trailers and recreational vehicles must be 200' from all property lines.

All event arenas, show rings, seating areas, observation areas and food service facilities, or any area with loudspeakers, piped audio, or event lighting, must be a minimum of 500 feet from the nearest residential structure, not occupied by the event facility owner.

### Section 7.44.4 General Requirements

All Agricultural Event Facilities shall have an annual safety inspection by the Building Official and valid Occupational Tax Certificate. Proof of liability insurance must be provided prior to issuance of an Occupational Tax Certificate.

A Certificate of Occupancy shall be issued for all permanent Agricultural Event Facility structures.

All temporary buildings, enclosed tents and grandstands shall be inspected by the Building Official 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 than 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 by 11:00 p.m.

Permanent toilet facilities, as required by the International Plumbing Code for sporting events, 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 Agricultural 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 additional information for site lighting, see Article 22 of the Morgan County Zoning Ordinance.

The Agricultural 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 available, or a telephone must be provided at the facility for public use.

#### Section 7.44.5 Living Quarters Trailers

Living quarters trailers are permitted to stay up to 3 nights per event. Electrical hook-ups may be provided but sewage pumping and storage is not allowed. Hookups shall require be a minimum of 30 amps, and shall require an electrical permit and inspection.

All overnight stays shall comply with hotel-motel excise tax regulations (Morgan County Code of Ordinances, Section 66-25, Excise Tax on Furnishings of Hotel-Motel Rooms).

#### Section 7.44.5 Outdoor Noise Levels

Noise levels generated from Agricultural Event Facilities shall not exceed 60 dbA. 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. Measurements shall be taken at the property line.

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 7.44.6 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 for all competition events.

The Agricultural Event Facility owner or manager is solely responsible for assessing security needs and providing adequate staff.

Fire 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 7.44.7 Food and Alcohol

The Agricultural 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 7.44.8 Signs

Permanent business signs must comply with Article 27 of the Morgan County Zoning Ordinance.

Section 7.44.9 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.

**Staff Comments**

The two conditional use applications associated with the proposed language were tabled until this month's agenda. Those applications are contingent on the approval of this language. Please see the staff reports for those applications, which are included under old business on this month's agenda.

Comments sent by Conditional Use Applicant Robert Wayne Hill requested that seminars and private speaking events be included as allowable uses. His facility is used as a training arena for specific activities, so Staff understands why he would be interested in such uses. Planning Commission should consider whether speaking events should be considered agricultural events and if any parameters should be added.

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