



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 7.1 Accessory Buildings

Summary

Planning staff discussed possible ordinance changes with the Board of Commissioners at a planning retreat in October 2021. The proposed language is the result of those discussions.

Proposed Language

Chapter 7.1 Accessory Buildings

All accessory buildings must meet the following requirements:

- A detached accessory building shall be no larger than the dwelling or commercial structure.
- A detached accessory building shall not be more than two (2) stories high.
- A detached accessory building may have a restroom, consisting of one (1) toilet and one (1) sink.
- A detached accessory building shall adhere to the setback requirements for the district in which it is built.
- A detached accessory building meeting the definition of an agricultural structure, used for agricultural purposes, may be built prior to and larger than the dwelling in the Agricultural (AG) and Agricultural Residential (AR) districts containing more than five (5) acres. Detached accessory buildings in zoning districts other than AG or AR cannot be built prior to the principal dwelling or commercial building.
- ~~An accessory building shall be constructed after the principal building is constructed except for structures used for agricultural purposes within the (AG) and (AR) Zoning Districts with five (5) acres or more.~~

- ~~• Where an accessory building is attached to the principal 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 or principal building in a substantial manner by a roof., and therefore meet requirements applicable to the principal use.~~
- ~~• A detached accessory building shall not be closer than ten (10) feet to any building or use. The distance between buildings will be treated as a minimum required yard with all applicable regulations.~~
- 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.
- ~~• Living quarters within an accessory building that meets or exceeds 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. 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 **shall** be drawn to scale with a CAD program or by a drafting professional. Accessory buildings over 5000+ square feet must be professionally drawn and stamped by an architect or engineer. **The plans must include at a minimum the following: foundation plan, floor plan and exterior elevations of all four sides. All I-beam and tubular steel buildings must include stamped engineered plans.**

Staff Comments

The Planning office has encountered issues with accessory building permits that include full bathrooms and laundry rooms. These structures almost always become illegal accessory dwellings. This language provides a limit to the number of plumbing fixtures allowed in accessory buildings. It also limits the size of residential accessory buildings. Agricultural buildings can be larger than the house and can be built before the house, but not residential accessory buildings. The language also clarifies which plans are required and how they should be submitted.