

AMENDMENTS

MORGAN COUNTY SUBDIVISION REGULATIONS

MORGAN COUNTY ZONING REGULATIONS

AMENDMENTS

MORGAN COUNTY SUBDIVISION REGULATIONS



**MORGAN COUNTY PLANNING COMMISSION
AMENDMENT SUMMARY**

December 2, 2022

December 12, 2022 (meeting date)

**AMENDMENTS
MORGAN COUNTY SUBDIVISION REGULATIONS**

Included with this staff report are redlines of the proposed changes as outlined below.

Subdivision Amendments

1. The proposed changes are intended to clarify referral language and provide consistency between subdivision applications. Under state law, the referral period for what the County categorizes as a major subdivision is a minimum of 21 days, that is the reason it is different than other subdivision processes.
2. The proposed changes are indented to fix language regarding plat monuments to reflect what is required under state law for Land Surveyors and to delete certain acts the County was not regulating or enforcing.
3. The proposed changes are intended to provide clarification as to when a lot combination process is available. This process was made available prior to the amended plat, replat, and boundary adjustment processes were adopted. With all of these processes available, there has been some confusion over what process would control.

Nicole Hay
Morgan County Planning Director

Subdivision Amendments

Purpose: To amend referral agency language

1. Amend language in Sec. 6-140(C) (Review of Preliminary Plan):

If the referral agencies elect to comment, they shall ~~comment~~ RESPOND within 21 calendar days of the date the referral packets were mailed or electronically distributed. ~~After the 21 calendar days, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and Board.~~ All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies TIMELY received ~~within the 21-day referral period~~ by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is encouraged to meet with referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies. Failure of a referral agency to respond shall be deemed an approval of the preliminary plan.

2. Amend language in Sec. 6-140(F) to clarify and make language consistent:

The Planning Commission shall evaluate the preliminary plan, staff report, referral AGENCY comments, applicant responses, public comment and testimony....

3. Amend language in Sec. 6-180(C)(Review of Final Plat) to be consistent with changes in Sec. 6-140(C) above.

If the referral agencies elect to comment, they shall ~~comment~~ RESPOND within 21 calendar days of the date the referral packets were mailed or electronically distributed. ~~After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant and the Board.~~ All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies TIMELY received ~~within the 21-day referral period~~ by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is encouraged to meet with referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies. Failure of a referral agency to respond shall be deemed an approval of the preliminary plan.

4. Amend language in Sec. 6-180(D) for consistency with preliminary plat review language:

THE FINAL PLAT SHALL BE CONSIDERED AT A PUBLIC HEARING BEFORE THE ~~Approval of the final plat shall be administrative by the Board of County Commissioners.~~ Staff will notify the applicant in writing of the meeting date and time and prepare a staff report for the Board. The subdivision improvements agreement shall be reviewed by staff and the County Attorney prior to the hearing on the final plat. THE BOARD SHALL EVALUATE THE FINAL PLAT, STAFF REPORT, REFERRAL AGENCY COMMENTS, APPLICANT RESPONSES, PUBLIC COMMENT AND TESTIMONY AND BASED UPON THE CRITERIA IN SEC. 6-190 OF

THESE SUBDIVISION REGULATION, SHALL ~~The Board~~ shall approve, approve with conditions, continue, table for further study, or deny the final plat.

5. Amend language in 8-190 (Minor Subdivision) for consistency:

~~Upon receipt of the application materials, the Staff shall review the materials-~~ APPLICATION AND DETERMINE IF THE APPLICATION IS COMPLETE AND WHETHER THE APPLICATION SHOULD BE REFERRED TO ANY OTHER AGENCY OR DEPARTMENT. IF THE APPLICATION IS REFERRED, THE DEPARTMENT OR REFERRAL AGENCY WILL HAVE FOURTEEN (14) DAYS TO RESPOND. LACK OF RESPONSE SHALL BE DEEMED AN APPROVAL. UPON DETERMINATION THAT AN APPLICATION IS COMPLETE, STAFF SHALL SEND A NOTICE OF THE APPLICATION TO LANDOWNERS WITHIN ¼ MILE OF THE PROPOSED MINOR SUBDIVISION AT LEAST FOURTEEN (14) DAYS PRIOR TO THE HEARING OR DATE OF DECISION BY PLANNING ADMINSTRATOR.

~~and forward copies of the materials to appropriate referral agencies as determined by Staff for comment. One copy of all legal documents, plat, title commitments, executed declaration originals, etc., shall be forwarded no later than seven (7) days prior to the Planning Commission meeting to the County Attorney for review and certification of completeness and correctness. Said certification shall be in the form of a letter or form containing any comments from the County Attorney to the Planning Commission to be received prior to the meeting date on which the Planning Commission will formally review the application.~~

6. Amend language in Sec. 9-155 (Exemptions) for consistency with major subdivision language:

Staff shall determine if the application is COMPLETE in compliance with the criteria and whether the application should be referred to any other agency or department. If an application is referred, the DEPARTMENT OR referral agency will have fourteen (14) days to respond. Lack of response shall be deemed an approval. Upon determination that an application is complete, staff shall send a notice of the application to landowners within ¼ mile of the proposed exemption AT LEAST FOURTEEN (14) DAYS PRIOR TO THE HEARING OR DATE OF DECISION BY PLANNING ADMINSTRATOR.

Purpose: to fix language regarding plat monuments:

1. Amend language in Sec. 4-150(B), regarding plat monuments:

Permanent plat boundary monuments shall be surveyed as per requirements of C.R.S. §§~~Sections~~ 38-51-100 through 108, as amended, and set at locations approved by the County. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. ~~In addition, road centerlines shall be monumented at all intersections and dead-ends with suitable markers set in concrete and encased in a lidded metal box at least 0.3 feet below the finished road surface. Road monuments are subject to approval by the County. A minimum of three monument ties are to be on file with the County prior to acceptance of the roads. Affixed securely to the top of each monument shall be the Colorado~~

~~Registration number of the responsible land surveyor. State plane coordinates are encouraged to be furnished to the County for all subdivision boundary monuments that are within a reasonable distance of a first or second order monument for which such coordinates are available or can readily be determined by computation. All lot corners shall be marked by a one-half inch (1/2") or larger steel pin or where sidewalks are present, a cross on the sidewalk marking the lot corner. ALL LOT CORNERS SHALL BE MARKED BY REASONABLY PERMANENT MONUMENTS SOLIDLY EMBEDDED IN THE GROUND WITH A DURABLE CAP AFFIXED SECURELY TO THE TOP OF EACH MONUMENT WITH THE COLORADO REGISTRATION NUMBER OF THE RESPONSIBLE LAND SURVEYOR. FOR ANY POINTS THAT FALL ON SOLID BEDROCK, CONCRETE, STONE CURBS, GUTTERS, OR WALKS, A DURABLE METAL DISK OR CAP SHALL BE SECURELY ANCHORED BEARING THE COLORADO REGISTRATION NUMBER OF THE RESPONSIBLE LAND SURVEYOR.~~

2. Amend language in Sec. 6-170(K), regarding plat monuments on final plat:

~~All required boundary monuments shall be placed in the field AS PER REQUIREMENTS OF C.R.S. §§ 38-51-100 through 108, as amended, before the Final Plat is recorded. Recording of the plat shall be delayed until monumentation is completed and certification of same, monument descriptions, and ties are received from the surveyor.~~

3. Amend language in Sec. 8-160(A), regarding survey for improvements in a minor subdivision:

~~Permanent survey monuments shall be set as required by Colorado Revised Statutes. In addition, one-half inch (1/2") steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of and land surveyor responsible for the establishment of said monument. PERMANENT PLAT BOUNDARY MONUMENTS SHALL BE SURVEYED AS PER REQUIREMENTS OF C.R.S. SECTIONS 38-51-100 THROUGH 108, AS AMENDED. GENERALLY, SUCH MONUMENTS SHALL BE SET AT THE SURFACE OF THE GROUND NOT MORE THAN FOURTEEN HUNDRED (1400) FEET APART ALONG ANY STRAIGHT BOUNDARY LINE, AT ALL ANGLE POINTS, AT THE BEGINNING, END, AND POINTS OF CHANGE IN DIRECTION OR CHANGE OF RADIUS OF ANY CURVED BOUNDARY, AND AT PUBLIC LAND CORNERS. ALL LOT CORNERS SHALL BE MARKED BY REASONABLY PERMANENT MONUMENTS SOLIDLY EMBEDDED IN THE GROUND WITH A DURABLE CAP AFFIXED SECURELY TO THE TOP OF EACH MONUMENT WITH THE COLORADO REGISTRATION NUMBER OF THE RESPONSIBLE LAND SURVEYOR. FOR ANY POINTS THAT FALL ON SOLID BEDROCK, CONCRETE, STONE CURBS, GUTTERS, OR WALKS, A DURABLE METAL DISK OR CAP SHALL BE SECURELY ANCHORED BEARING THE COLORADO REGISTRATION NUMBER OF THE RESPONSIBLE LAND SURVEYOR.~~

Purpose: Clarify the applicability of lot combinations

1. Amend Sec. 9-185(A), (B) and (F) as follows:

(A) Purpose. The purpose of this Section is to establish standards whereby lots or parcels may be combined to create a single lot or parcel to provide for building permit issuance for new

construction or habitable additions, ~~without necessitating a replat or variance~~, SUBJECT TO THE RESTRICTIONS IN THIS SECTION.

(B) Applicability.

The combination ~~by contiguity~~ OF ~~may be applied to~~ any contiguous lots or parcels of land THAT ARE NOT SUBJECT TO BOUNDARY LINE ADJUSTMENT, AMENDED PLAT, OR REPLAT PROCESSES IN CHAPTER 10 OF THESE REGULATIONS OR TO PROPERTY WITHIN AN APPROVED SUBDIVISION EXEMPTION. FOR LEGAL LOTS CREATED PRIOR TO MAY 5, 1972 AND LESS THAN 35 ACRES, THIS PROCESS MAY BE USED AS AN ALTERNATIVE TO THE BOUNDARY LINE ADJUSTMENT OR AMENDED PLAT PROCESSES; HOWEVER, THE COMBINATION OF LEGAL LOTS AND ELIMINATION OF LOT LINES FOR THESE TYPES OF LOTS MAY ONLY BE ACCOMPLISHED THROUGH ONE OF THE PROCESSES PROVIDED FOR IN THESE REGULATIONS. ~~where:~~

- ~~(1) The number of buildings located on the lots or parcels to be combined is no more than the maximum number of buildings permitted with the zoning district;~~
- ~~(2) The lots or parcels to be combined are located within the same zoning district; and~~
- ~~(3) The lots or parcels are owned in common ownership by the same person, persons or entity.~~

(F) Criteria for Approval (Add the following subsections, moved from subsection (B)):

- (4) THE NUMBER OF BUILDINGS LOCATED ON THE LOTS OR PARCELS TO BE COMBINED IS NO MORE THAN THE MAXIMUM NUMBER OF BUILDINGS PERMITTED WITH THE ZONING DISTRICT;
- (5) THE LOTS OR PARCELS TO BE COMBINED ARE LOCATED WITHIN THE SAME ZONING DISTRICT; AND
- (6) THE LOTS OR PARCELS ARE OWNED IN COMMON OWNERSHIP BY THE SAME PERSON, PERSONS OR ENTITY.

AMENDMENTS

MORGAN COUNTY ZONING REGULATIONS



**MORGAN COUNTY PLANNING COMMISSION
AMENDMENT SUMMARY
December 2, 2022
December 12, 2022 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

Included with this staff report are redlines of the proposed changes as outlined below.

Zoning Amendments

1. Adds definition and regulations to digesters. The County's current regulations do not address Digesters and propose changes to add digesters as a special use in the Agricultural and Agri-Business Zones and to clarify type of use permit.
2. The proposed changes would allow for solar collector facilities as a use by right as an accessory use in Agricultural and Agri-Business Zones up to a certain kilowatt capacity. For solar collector facilities with more capacity, a conditional use for accessory use would be required.
3. The proposed changes are intended to address the interior property lines for solar collector facilities and to clarify section line restrictions. If the changes are not made regarding interior property lines, solar collector facility applicants will need to go through some type of subdivision process or lot combination.
4. The proposed changes would provide a process for a temporary use permit and to expand the scope of temporary uses. Currently, there is no specific permit process or review criteria for temporary uses and the uses are very restrictive. The intent is to allow for temporary retail activities, for example fireworks stands and Christmas tree stands.
5. Move Special Provisions regarding Single-Family Dwellings to Section 3-143, it is currently in Section 3-153, which is not correct.
6. Clarify which resolution controls over another resolution passed in 2021. These resolutions came through around the same time and the second one did not reflect

changes made by the first one. Particularly rear setbacks for accessory structures in Appendix B.

7. The proposed change is to change the bond timeline for BESS to match WEF and Solar Collector Bonds.

Nicole Hay
Morgan County Planning Director

Zoning Amendments

Purpose: To add digesters as a special use in the Ag/AB zones and clarify the type of use permit.

1. Add to Definitions, new section 1-382:

DIGESTER: A CONTAINER IN WHICH PLANT OR ANIMAL MATTERS ARE TREATED WITH HEAT, ENZYMES, OR A SOLVENT IN ORDER TO PROMOTE DECOMPOSITION OR EXTRACT ESSENTIAL COMPONENTS IN ANAEROBIC DIGESTION.

2. Add to Agriculture Zone Special Review Uses, Sec. 3-180, new subsection (Y):

DIGESTERS WHICH PROCESS PLANT OR ANIMAL MATTERS ORIGINATING FROM ACTIVITY NOT INCLUDED IN THE PERMITTED AREA WHERE THE DIGESTER IS LOCATED.

3. Add to Agriculture/Agri-Business Zone Special Review Uses, Sec. 3-200, new subsection (M):

DIGESTERS WHICH PROCESS PLANT OR ANIMAL MATTERS ORIGINATING FROM ACTIVITY NOT INCLUDED IN THE PERMITTED AREA WHERE THE DIGESTER IS LOCATED.

4. Add language regarding digesters as part of a livestock confinement operation, new section 4-207:

4-207 DIGESTERS

DIGESTERS WHICH ONLY PROCESS PLANT OR ANIMAL MATTERS ORIGINATING FROM THE LIVESTOCK CONFINEMENT OPERATION WITHIN THE PERMITTED AREA WHERE THE DIGESTER IS LOCATED ARE ALLOWED AS PART OF THE PERMITTED LIVESTOCK CONFINEMENT OPERATION. IF THE DIGESTER IS USED TO PROCESS PLANT OR ANIMAL MATTERS ORIGINATING FROM OUTSIDE THE PERMITTED AREA OF THE LIVESTOCK CONFINEMENT OPERATION, THE DIGESTER SHALL REQUIRE A SEPARATE PERMIT AS DESIGNATED IN THESE ZONING REGULATIONS.

Purpose: to allow for solar collector facilities as a use by right as an accessory use in Ag and Ag/AB up to a certain capacity and clarify solar collector facilities with more capacity as conditional uses for accessory use:

1. Add to Agriculture Zone Uses by Right, Accessory Uses, Parcels Larger Than 20 Acres, Section 3-170(F)(7):

SOLAR COLLECTOR FACILITIES, 20 KILOWATT CAPACITY OR LESS.

2. Add to Agriculture Zone Uses by Right, Accessory Uses, Parcels 20 Acres or Smaller, Section 3-170(D)(3):

SOLAR COLLECTOR FACILITIES, 20 KILOWATT CAPACITY OR LESS.

3. Add to Agriculture/Agri-Business Zone Uses by Right, Accessory Uses, Section 3-190(F)(11):

SOLAR COLLECTOR FACILITIES, 20 KILOWATT CAPACITY OR LESS.
4. Add to Agriculture Zone Conditional Uses, Parcels Larger than 20 Acres, Section 3-175(EE):

SOLAR COLLECTOR FACILITIES, MORE THAN 20 KILOWATT CAPACITY, AS ACCESSORY USE ONLY.
5. Amend Section 3-175 (CC), Agriculture Zone Conditional Uses, Parcels 20 Acres or Smaller and adding new subsection DD:

CC. SOLAR COLLECTOR FACILITIES, MORE THAN 20 KILOWATT CAPACITY, AS ACCESSORY USE ONLY. ~~Solar collector facilities (20 acres or less) as primary or accessory use.~~

DD. SOLAR COLLECTOR FACILITIES, 20 ACRES OR LESS, AS PRIMARY USE.
6. Amend Section 3-195(V), Ag Business Conditional Uses and add a new subsection W:

V. SOLAR COLLECTOR FACILITIES, MORE THAN 20 KILOWATT CAPACITY, AS ACCESSORY USE ONLY. ~~Solar collector facilities (20 acres or less) as primary or accessory use.~~

W. SOLAR COLLECTOR FACILITIES, 20 ACRES OR LESS, AS PRIMARY USE.

Purpose: to address interior property lines for solar collector facilities and to clarify section line restrictions:

1. Amend Section 4-825(D)(2), Solar Collector Facility Standards:

Setback from the section lines. The County has established right-of-ways (ROWS) that are located 30 feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing county roads and construction of new county roads. Placement of solar panels within this ROW will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road plans and future road plans. In the event of a potential conflict, solar panels may need to be relocated outside of this established ROW to allow for future construction of county roads AND ANY WAIVER GRANTED IS SUBJECT TO THE COUNTY'S RIGHTS TO THE ROW WHICH ARE NOT EXTINGUISHED BY THE WAIVER. In the event that there is no conflict, the County may issue a waiver that will allow for placement of the solar panel within the existing county ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of solar panels and the distance from section lines. In the event a survey is required, the applicant will be responsible for obtaining and paying for the costs of the survey.

2. Amend Section 4-825, Solar Collector Facility Standards to provide a waiver of interior property lines and setbacks, insert as subsection (D)(4) and renumber subsections from current subsection 4 on:

(4) THE SETBACK REQUIREMENT FROM PROPERTY LINES, WHICH ARE NOT SECTION LINES, MAY BE WAIVED FOR PROPERTY LINES THAT ARE LOCATED WITHIN THE PROJECT BOUNDARY, AS SHOWN ON THE SITE PLAN/MAP REQUIRED IN SEC. 4-820(A). UNDER NO CIRCUMSTANCES MAY A WAIVER UNDER THIS SUBSECTION BE GRANTED FOR SETBACK REQUIREMENTS FROM PROPERTY LINES THAT ARE LOCATED OUTSIDE THE PROJECT BOUNDARY. IN SEEKING A WAIVER, THE APPLICATION SHALL SHOW THE INTERIOR PROPERTY LINES ON THE SITE PLAN/MAP AND IDENTIFY THOSE PROPERTY LINES FOR WHICH A WAIVER IS SOUGHT.

Purpose: to address section lines for wind collector facilities:

Setback from the section lines. The County has established right-of-ways (ROWS) that are located 30 feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing county roads and construction of new county roads. Placement of wind turbines, including their foundations, within this ROW will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road plans and future road plans. In the event of a potential conflict, wind turbines may need to be relocated outside of this established ROW to allow for future construction of county roads AND ANY WAIVER GRANTED IS SUBJECT TO THE COUNTY'S RIGHTS TO THE ROW WHICH ARE NOT EXTINGUISHED BY THE WAIVER. In the event that there is no conflict, the County may issue a waiver that will allow for placement of the wind turbine within the existing county ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of wind turbines and the foundations, and the distance from section lines. In the event a survey is required, the applicant will be responsible for obtaining and paying the costs of survey.

Purpose: to provide for more temporary uses:

3-145 Temporary Uses

The intent of this section is to provide for the regulation of temporary structures and uses. ~~These Regulations shall apply to temporary residences, temporary construction offices and temporary signs.~~ For the purposes of this section the term "temporary" shall mean a period of up to six (6) months; HOWEVER, THE PLANNING ADMINISTRATOR MAY LIMIT THE AMOUNT OF TIME A TEMPORARY USE IS PERMITTED.

3-150 General Requirements and Procedures

Prior to the establishment OF A TEMPORARY USE ~~and use of a temporary structure~~, the applicant shall be required to provide the following:

(A) SUBMISSION REQUIREMENTS:

- (1) ~~submit a~~ A plot plan or map, 8 ½ BY X 11, not to scale, showing ~~location~~ THE FOLLOWING, AS DETERMINED BY THE PLANNING ADMINISTRATOR:

- (a) PROPERTY BOUNDARIES.

- (b) BOUNDARIES OF PROPOSED USE.
- (c) LOCATION OF PROPOSED STRUCTURE(S) AND DISTANCES FROM ALL PROPERTY LINES.
- (d) LOCATION OF ANY EXISTING STRUCTURES ON THE PROPERTY.
- (e) LOCATION OF PROPERTY ACCESS (DRIVEWAY) AND EXISTING ROADS OR HIGHWAYS ABUTTING THE PROPERTY.
- (f) ALL EASEMENTS OR RIGHTS-OF-WAY LOCATED ON THE SUBJECT PROPERTY.
- (g) PARKING AREAS ASSOCIATED WITH THE USE.
- (h) RESTROOM FACILITIES AND SEWAGE DISPOSAL FACILITIES.
- (i) TRASH FACILITIES.
- (j) ADDRESS AND NORTH ARROW.

~~of the use, setbacks and any other pertinent information to the Planning Administrator for review. The plan must conform with TO all applicable zoning requirements of the district in which the use is to be located.~~

- (2) A COPY OF A DEED OR LEGAL INSTRUMENT IDENTIFYING THE APPLICANT'S INTEREST IN THE PROPERTY.
 - (3) A COPY OF A DOCUMENT SHOWING EVIDENCE OF ADEQUATE WATER SUPPLY (E.G., WELL PERMIT OR LETTER FROM WATER DISTRICT).
 - (4) A COPY OF A DOCUMENT SHOWING EVIDENCE OF ADEQUATE METHODS OF SEWAGE DISPOSAL (E.G., SEPTIC PERMIT).
 - (5) A NARRATIVE PLAN FOR CLEAN UP OF SITE FOR TEMPORARY USE AFTER TERMINATION OF USE.
 - (6) FOR TEMPORARY FIREWORKS STANDS ONLY: COPY OF STATE OF COLORADO DEPARTMENT OF PUBLIC SAFETY PERMIT.
- (B) IF THE APPLICATION MEETS THE CRITERIA HEREIN, THE ~~Upon favorable review by the~~ Planning Administrator MAY ISSUE, ~~the applicant may obtain a~~ TEMPORARY USE PERMIT ~~building or zoning permit for the requested use.~~
- (C) The permit granted by the Planning Administrator shall expire six (6) months from the date of issuance. ~~A maximum of three (3) permits shall be granted per use.~~ All temporary uses shall be removed at the expiration date of the ~~third~~ permit.
- ~~(D) All written requests for renewal shall be submitted to the Planning Administrator a minimum of ten (10) working days prior to expiration date.~~

(E) (D) IN APPROVING A PERMIT UNDER THESE REGULATIONS, THE PLANNING ADMINISTRATOR MAY IMPOSE ANY CONDITIONS NECESSARY TO ADDRESS THE IMPACTS OF THE USE. ~~The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Planning Administrator.~~

(E) REVIEW CRITERIA

- (1) THE APPLICANT HAS PROPERLY ADDRESSED ANY IMPACTS OF THE TEMPORARY USE TO NEIGHBORING PROPERTIES.
- (2) THE APPLICANT HAS WRITTEN PERMISSION TO USE OR OWNERSHIP OF THE PROPERTY WHERE THE USE WILL BE LOCATED.
- (3) AS APPLICABLE, THE APPLICANT HAS DEMONSTRATED ADEQUATE WATER SUPPLY AND SEWAGE DISPOSAL.

3-153 Special Provisions Regarding Single-Family Dwellings (Move to Sec. 3-143 – Not in the right place)

- (A) If a single-family dwelling, which is subject to a previously approved conditional or special use permit, is damaged or destroyed, by unavoidable means or cause, it may be restored or replaced without the issuance of a new conditional or special use permit. The right to rebuild under this section is limited to the property owner at the time of destruction.
- (B) No repairs, replacement or restoration may commence unless a building permit and floodplain permit, as applicable, are obtained. The building permit and floodplain permit, as applicable, must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of date of damage or destruction. If the applicable permits are not issued and work is not commenced within twenty-four (24) months from the date of damage or destruction, no work may be performed on the structure unless a new conditional or special use permit is issued, as applicable. All work and structures restored or replaced under this Section, shall comply with these Zoning Regulations and any terms or conditions of the previously approved permit. Any single-family dwelling must comply with the County's Floodplain Regulations in order to be rebuilt.
- (C) For purposes of this subsection, single-family dwellings shall not include mobile homes or dwellings which are not on a permanent and engineered foundation.

3-155 Permitted Temporary Structures-USES

THE FOLLOWING TEMPORARY USES ARE PERMITTED, SUBJECT TO THE ISSUANCE OF A TEMPORARY USE PERMIT:

(A) Temporary Residence

Upon obtaining a building permit for a permanent residence, a permit for utilizing a temporary living quarters by the property owner may be obtained in the A, A/B, RR, ER, RCR, and MH districts.

(B) Temporary Construction Structures

A temporary structure for construction activities may be utilized in all districts, which may be a construction office to be used for managing a construction job, a structure for the storage of construction materials, or a structure for the temporary manufacture of construction materials including but not limited to a concrete, asphalt, or mortar batching plant, subject to the following restrictions:

- (1) The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, and others working on the job.
- (2) The structure must be located within the area of a recorded final plan or an approved site plan.
- (3) No structure may be used as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.
- (4) All on-site or off-site impacts, including but not limited to dust, noise, discharges into the air or water, other forms of nuisance, and protection of the character of the vicinity where the temporary structure is located, shall be mitigated.
- (5) No permanent changes to the site where the temporary structure is located shall be permitted without express prior approval.

(C) Residential Sales Offices

Temporary residential sales offices for the sale of units in an area shall be permitted in the RR, ER, RCR, MDR, HDR, MH and PD districts with the following restrictions:

- (1) Sales shall be limited only to those units within the platted subdivision in which the office is located.
- (2) The temporary structure shall be located within the area of a recorded final plat.
- ~~(3) The use of a temporary residential sales office shall require obtaining a temporary permit with the Planning Administrator.~~

(D) Commercial, Business and Industrial Offices

Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the A/B, C, LI, HI and nonresidential PD zone districts with the following restrictions:

- (1) Upon obtaining a building permit for permanent nonresidential structure, a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.
- (2) The temporary office shall be located within the area of a recorded final plat and an approved site plan.

~~(E)~~ Temporary Signs

~~All temporary signs shall be in conformance with Morgan County Sign Regulations.~~

(F)(E) Other Temporary Structures USES

- (1) Tents or other temporary structures used for bazaars, religious functions, festivals or other group activities are ~~allowed~~ PERMITTED in all zone districts except the RR, ER, MDR,

HDR and MH zone districts. All permits are to be obtained from the Planning Administrator and must expire in a maximum of three (3) months within any calendar year.

- (2) FIREWORKS STANDS, CHRISTMAS TREE STANDS, OR OTHER SHORT TERM RETAIL ACTIVITIES ARE PERMITTED IN ALL ZONE DISTRICTS EXCEPT THE RR, ER, MDR, HDR AND MH ZONE DISTRICTS.

Purpose: To clarify changes made back to back in 2021

To the extent 2021 BCC 11 and 2021 BCC 27 conflict for changes to Appendix B, 2021 BCC 11 shall control

Purpose: To change bond timeline for BESS:

Amend Sec. 4-870(C) as follows:

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost, minus the salvage value of the system, foundation and associated equipment and facilities, shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the ~~fifth~~ TWELFTH anniversary of the commencement of construction of the system.